

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR  
AMGYLCHEDD**

**REPORT OF THE  
HEAD OF PLANNING,  
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY  
COUNCIL'S PLANNING COMMITTEE**

**AR 19 EBRILL 2017  
ON 19 APRIL 2017**

**I'W BENDERFYNU/  
FOR DECISION**

*Ardal De/  
Area South*



**Cyngor Sir Gâr  
Carmarthenshire**  
County Council



**Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yna rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.**

**In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 APRIL 2017</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>S/34180</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	NEW CUBICLE HOUSING FOR YOUNG STOCK (RETROSPECTIVE) AT CWMBEREM FARM, PONTYBEREM, LLANELLI, SA15 5BP

<b>Applicant(s)</b>	NOEL RICHARDS, COEDMOELON FARM, PONTYBEREM, LLANELLI, SA15 5AN
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Pontyberem
<b>Date of validation</b>	26/07/2016

## CONSULTATION

**Head of Public Protection** – Noise complaints have been received under other legislation, however the applicant has been working with public protection to ensure that the issues are resolved. There are no adverse comments on the proposal as there is no increase in stocking numbers proposed.

**Pontyberem Community Council** – Raises the following matters:-

- The application is retrospective.
- The proposal does not comply with the approved plans.
- The proposal is not in keeping with the village.
- Impact on neighbours due to size.
- Impact on environment due to increase in animals.
- Precedent for unauthorised works.
- Access is unsuitable for heavy vehicles.

**Local Member** – County Councillor J S Williams is a member of Planning Committee and has not commented to date.

**Dwr Cymru/Welsh Water** – Has no adverse comments.

**Neighbours/Public** – The application has been advertised by the posting of one site notice with 8No responses received to date raising the following matters.

- Application is retrospective
- Proximity to third party property

- Scale of development is over powering
- Highway safety
  - Increase in vehicles
  - Mud on road
  - Damage to verges
  - Speed / weight of vehicles
- Loss of amenity
  - Statutory nuisance
  - Odour/air quality
  - Light pollution
  - Insect infestation / flies
  - Slurry storage
  - Starlings
  - Noise/hours of operation

## **RELEVANT PLANNING HISTORY**

The following previous planning applications have been received on the application site:-

S/32710	Proposed cubicle housing Full planning permission	3 December 2015
S/31889	Retrospective application for extension to existing cubicle/feed building Full planning permission	23 June 2015
S/31827	Discharge of Condition 4 of planning permission S/30670 (provide Method Statement). Discharge of Condition granted	27 April 2015
S/30670	Replacement of existing dwelling Full planning permission	26 September 2014
S/08474	Construction of loose housing cattle building Approved	14 February 2005
S/00922	New kitchen/dining/bedroom extension Approved	27 November 1997
S/00548	Hay and cattle shed Permitted Development	

## **APPRAISAL**

**This application has been submitted following an investigation/action undertaken by the Authority's planning enforcement officers.**

## **THE SITE**

The application site is a well-established farm holding in open countryside to the North of Pontyberem. The site has existing buildings approved in 2005 and extended in 2014 and an existing slurry pit. The site of the building was formerly unused land immediately adjacent to the existing shed forming part of the farm complex.

The site also has one residential dwelling which has full planning permission for a replacement dwelling which is currently under construction.

There is a third party dwelling which has recently been extended approximately 56m to the north east of the nearest part of the shed. The dwelling forms part of a small holding which itself has stables and an agricultural building, however it is noted that the residential garden lies between the dwelling and the proposal.

The farm complex is crossed by a public right of way, however this is not affected by the proposal.

Planning permission was granted in December 2015 for a similar proposal however it has not been built in accordance with the approved plans so the current proposal is retrospective and seeks retention of the building.

## **THE PROPOSAL**

The application seeks full retrospective planning permission for the erection of a 50m by 29.15m cubicle shed on the holding. Given the sloping nature of the site, the shed is 4.285m to eaves and 8.8m to the ridge when viewed from the nearest neighbouring property to the North and 5.685m to eaves and 10.2m to ridge when viewed from the South. The original scheme measured 4.852 to eaves and 8.151m to ridge assuming a flat site and measured from the same finished floor level as the original shed adjacent.

The eave height is proposed to be 0.833m higher and ridge height is proposed to be 2.049m higher than the approved scheme when viewed from the South. It is noted however that the original heights are annotated from the same level as the adjacent building, which is 0.56m lower than the floor level shown for the new building, therefore the difference is 0.56m greater than indicated. The land is higher from the north so the difference is not as significant, being some 0.649m higher to ridge, but as adjusted for ground levels, would be 1.209m higher when viewed from the neighbouring property.

The building is narrower than approved by 0.45m, however the original had a feeding passage to serve the new and existing shed and as built it incorporates a separate feeding passage for the new shed only and there is a 4.1m gap between the buildings to allow a feeding passage for the original building to run in parallel. The new building is sited 1.1m further forward than the original building and was originally approved set back 4.5m. The result of the re-siting of the building forward and sideways with the formation of a double feeding passage is that the nearest corner of the building is some 10m closer to the nearest property than approved.

The applicant states that the holding has been re-organised since the new building has become operational in that the cubicles have replaced the older cubicle building which is now used partly for loose housing of young stock and to the greater extent for storage.

The proposal has not therefore increased the stocking level on the holding, and has merely improved conditions for the stocking level which was there previously.

## **PLANNING POLICY**

In the context of the current development control policy framework the site is outside the settlement development limits of Pontyberem as defined in the Carmarthenshire Local Development Plan (LDP) Adopted December 2014.

Policy GP1 of the LDP (Sustainability and High Quality Design) states:-

Development proposals will be permitted where they accord with the following:

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste;
- l) It has regard for the safe, effective and efficient use of the transportation network;



- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 9 and TAN12: Design (2016)).

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 9 – November 2016 provides the following guidance:-

Paragraph 4.11.1 states: “Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings.”

Paragraph 4.11.2 states “Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals. These objectives can be categorised into five key aspects of good design:”

Paragraph 4.11.3 states “The design principles and concepts that have been applied to these aspects should be reflected in the content of any design and access statement required to accompany certain applications for planning permission and listed building consent which are material considerations.”

Paragraph 4.11.4 states “Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and provides buildings and environments that are convenient and enjoyable to use for everyone (see Section 3.4).”

Paragraph 4.11.8 states “Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.”

Paragraph 4.11.9 states “The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.”

Paragraph 2.2 of Technical Advice Note 12 Design (March 2016) states:-

2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities.

Paragraphs 2.6 & 2.7 of Technical Advice Note 12 Design (March 2016) state:-

2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme can be presented in a design and access statement where one is required.

### **THIRD PARTY REPRESENTATIONS**

The retrospective nature of the application should be noted in that the shed as submitted has already been constructed. Members will recall an application for a smaller scheme being reported to Committee in December 2015 which was approved. The applicant however has not built in accordance with the approved plans as a feeding corridor was required between the old and new buildings, so the overall scale was increased. As noted above, the width and height have increased, and the siting of the shed has been amended so the Committee is being asked to make a decision on the shed as built and whether the amendments would have an unacceptable impact compared with the approved shed.

There is concern over the proximity of the proposal to third party properties. It is acknowledged that there is a residential dwelling approximately 66m from the original siting of the shed, however this gap has reduced by approximately 10m due to the amended siting. It is noted that the roof of the shed can be seen from the neighbouring property, however the reduced distance and increased height do not unacceptably affect the residential amenity of the dwelling or the garden area. It is further noted that intervening vegetation obscures the view and lessens the impact.

As previously reported, the site is in a rural area and the shed as built is immediately adjacent to existing buildings and the nearest property is itself a small holding with an agricultural building present. The amended siting and proximity of the proposal to a residential dwelling needs careful consideration, however it is not considered to be unacceptable within the wider context of the agricultural farm complex.

The scale and height of the proposal is said to be over powering, however in the context of the approved scheme, the additional height is not considered likely to have an unacceptable additional impact. In the context of an existing farm complex, the additional footprint is also considered unlikely to have an over bearing impact on the character and

amenity of the countryside. Given the retrospective nature of the application, the precise impact has been assessed.

There is concern over highway safety, however it should be noted that the proposal is on an existing farm complex and is for animal welfare purposes with no increase in stock proposed. The additional width is for feeding purposes and height is due to ground levels, therefore the amendments to the proposal are not likely to lead to an increase in traffic generation.

The presence of mud on the road and damage to verges are not a material planning consideration and isn't affected by the amendments being considered retrospectively. It is however noted that the Head of Transport has no observations as the herd size is not increased and there are no complaints from a highway maintenance perspective.

There is no increase in stock, so the number of vehicles need not increase, and the speed of the vehicles using the road is outside the control of the local planning authority. Any road traffic violations are a police matter, however it should be noted that the road has a 60mph speed limit so it is unlikely that agricultural vehicles are exceeding this. The weight of agricultural vehicles is reflective of modern agricultural practices and therefore is appropriate for an agricultural business.

There is concern over the shed causing a statutory nuisance. It should however be noted that statutory nuisance is covered by other legislation and that any grant of planning permission does not prejudice other statutory functions of the Council so if a statutory nuisance occurs, action can be taken outside the planning process. It should be noted that the Council has received a noise complaint which relates to the operational practices of the holding and this is currently under investigation. The Public Protection service has been consulted and has no objection to the shed as amended.

It should be noted that as a result of complaints, the applicant has taken measures to reduce the noise and impact of the operational routine on third parties. This includes the use of a different type of machine to push the feed closer to the cattle feeding bar to ensure the animals can reach it. This operation by necessity takes place at 05.30 to ensure animal welfare, and the previous metal scraper has been replaced by an alternative method. The use of alternative reversing beepers has also been employed to ensure noise is minimised.

There is concern regarding slurry storage and it is noted that there have been issues outside planning regarding the slurry arising from the unit which have now been resolved. There is an existing slurry store to the South of the building which is considered acceptable to cater for the needs of the cubicles. It is further noted that the loose housing has dry straw bedding which is collected and does not add to the wet slurry. As no additional waste is arising, there is no requirement to increase capacity.

The impact on the character of the village raised by the community council is not considered relevant as the shed is an agricultural building on an agricultural holding away from the village.

## **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of the representations received to date, it is considered that the cubicle shed has been built on an existing established farm complex immediately adjacent to existing buildings. The height, width and siting has been assessed in the context of the original scheme approved and whether or not the amendments have an unacceptable impact compared with the approved. Whilst there is concern locally, issues have been carefully examined and the amendments are not considered to materially alter the impact of the building and is not therefore considered unacceptable.

Given the fact that the proposal is for animal welfare purposes rather than an increase in numbers, the use and scale of the site has remained as previously operated, so levels and nature of traffic etc. are not considered unacceptable.

The building is visible from a residential dwelling to the North East which is itself a small holding, however the impact of the amendments is not considered to be unacceptable. The proposal is therefore considered to be in accordance with the above policies.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 26th July 2016.
- 2 The development hereby permitted shall be retained strictly in accordance with the following schedule of plans:-
  - 1:1250 and 1:500 scale Block Plan and Location Plan Drawing No. P/03 dated 21 June 2016;
  - 1:100 scale Proposed Cubicle Housing. Drawing No. P/02 Rev A dated 31 March 2017;
  - 1:100 scale Elevations and Existing Ground Levels. Drawing No. P/01 Rev A dated 31 March 2017.
- 3 The entire building hereby approved shall be used for agricultural purposes as defined under Section 336 of the Town and Country Planning Act 1990 and not for any other purposes.

### **REASONS**

- 1 To comply with Section 73A of the Town and Country Planning Act (as amended).
- 2 In the interest of visual amenities.
- 3 The proposal is for agricultural purposes only.

## NOTES

- 1 Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions which the Council has imposed on this permission will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- 2 Planning permission does not give permission to stop up or divert any public rights of way on the site. If necessary, the footpath would need to be diverted through other legislation.
- 3 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>S/34640</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	ERECTION OF 1NO. 250KW WIND TURBINE (45M TIP HEIGHT, 30M HUB HEIGHT) AND ASSOCIATED INFRASTRUCTURE AT LAND AT RHOS FARM, TRIMSARAN ROAD, LLANELLI, SA15 4RF

<b>Applicant(s)</b>	THE FUTURE ENERGY PARTNERSHIP - KIERAN TARPEY, 56A WHEELGATE, MALTON, YO17 7HP
<b>Agent</b>	ENTRUST - KIERAN TARPEY, DARESBUY INNOVATION CENTRE, KECKWICK LANE, DARESBUY, WARRINGTON, WA4 4FS
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Trimsaran
<b>Date of validation</b>	03/11/2016

## CONSULTATION

**Head of Transport** – Has no objection subject to the imposition of an appropriate condition.

**Head of Public Protection** – Sought and received further information on cumulative noise levels given the two smaller machines at Pant Farm.

**Trimsaran Community Council** – No observations received to date.

**Local Member** - County Councillor M Gravell has not commented to date.

**Natural Resources Wales** – Has no objection to the proposed development subject to the curtailment proposed to protect bats.

**Dyfed Archaeological Trust** – Has no objection and no further action is required.

**CADW** – Agrees with the applicant's conclusion that there is a slight impact on Stradey Castle Historic Park, however has no objection to the proposal.

**Coal Authority** – Has no objection subject to the standard informative note being included on the decision.

**Ministry of Defence** – Has no objection.

**Civil Aviation Authority** – Has no observations however recommends that the MoD be consulted.

**Joint Radio Company (on behalf of Western Power)** – Has no objection.

**National Air Traffic Control** – Has no objection.

**Spectrum Licencing (On behalf of Ofcom)** – Has no objection.

**Neighbours/Public** - The application has been publicised by the posting of six site notices with 3No responses received to date; one support and two objections raising the following issues.

- Location;
- Visual Impact;
- Loss of Amenity;
  - Noise
  - Shadow flicker affecting cattle.

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history on the application site.

## **APPRAISAL**

### **THE SITE**

The turbine is proposed to be sited on agricultural land approximately 475m North-North East of the Rhos Farm complex. The site is approximately 2.6km to the North West of Llanelli, 2.5km North of Pwll and 1.2km to the East of Penymynydd. The site is improved grassland and does not therefore have any significant biodiversity value.

The site forms part of Cwm-Mawr valley which extends down from the coastal plateau to the town of Llanelli. A significant part of the valley forms the Stradey Estate with its Listed Mansion and historic parkland.

The site would be visible from the B4308 (Llanelli to Penymynydd road) albeit at a distance of 820m at its closest.

The site has a scattering of individual properties surrounding it, the closest dwellings are Rhos Farm (546m to the South West and financially linked to the proposal), Bryn Du Farm (540m to the North West) Parc Wilws Farm (580m) to the West, Cencoed Uchaf lies 560m to the South East. There are also dwellings along the B4308 which are over 800m to the South West.

The site is directly overlooked by an isolated detached property known as Bryn-Du. This is the closest property without a financial interest. It is noted that the house fronts onto the site of the proposed turbine so it would be conspicuous in the line of sight from the main habitable rooms at a distance of approximately 540m. Other surrounding properties are further away and are not orientated towards the site so would not be as conspicuous.

## **THE PROPOSAL**

The turbine is proposed to be 30m to hub and 45m to tip with a rotor diameter of 30m. The switch gear is proposed to be accommodated within the mast with a further building proposed for the transformer.

The turbine is proposed as part of a diversification programme for the farm so is being proposed as a partnership arrangement with the land owner.

The application has been accompanied by the following information.

Planning Statement, this summarises the statutory prescribed topic areas such as access, movement, community safety and character in the local context and summarising the background information. The application also includes the following.

Landscape and Visual Impact Assessment – this has been carried out in accordance with current good practice and guidance using the LANDMAP methodology. The report concludes the following:-

“There will be no significant losses of landscape features arising from the construction of the wind turbine. Some changes in the character of the host landscape will occur due to the presence of the medium scale wind turbine as a new landscape element but these are considered to be restricted to the immediate vicinity. Although there would be a noticeable alteration it should be noted that the Proposed Development would not be seen as a lone man-made structure over a long distance and its impact would thus be considerably diluted.

It is acknowledged that the introduction of the Proposed Development to the landscape will represent a degree of change to both the landscape character and visual aspects of the study area. However, the degree of change is considered to be able to be accommodated without a significant adverse impact to either the landscape character or visual amenity.”

Ecological Assessment – The application has been accompanied by an ecological assessment including two surveys and bat reports. The report concludes that the proposal does not present a significant ecological risk to habitats or species in the area as it is improved grassland in excess of 50m from any hedgerow. It is recommended that the turbine includes curtailment which would ensure no detriment to bats.

Noise Assessment – The application included noise information and further clarification was sought and received including cumulative noise analysis. Subject to appropriate conditions the proposal is not considered likely to have an adverse impact on third parties.

Shadow Flicker Assessment - States that this is not likely to be an issue given the relative positioning and distance of the turbine in relation to surrounding dwellings. There are no dwellings within 10x rotor diameter 130degrees either side of North, therefore shadow flicker is not considered likely to be an issue.



Archaeology and Cultural Heritage – The historic environment has been assessed and it is noted that the site is 2.5km from the Listed Stradey Castle so scores high on the Landmap classification for historic and cultural landscapes. However given the topography and intervening vegetation, the proposal is not likely to have an adverse impact on the historic environment.

Public Rights of Way – The site is passed by a bridleway at a distance of approximately 98m. The applicant has carried out pre-application consultation with the Countryside Access section and they have confirmed that the separation distance being more than tip height plus 10% is therefore satisfactory.

An aviation assessment has been submitted which shows that the site is 7km east of Pembrey Airfield and 15km northwest of Swansea Airport and there are no apparent aviation issues.

Telecommunications – The potential for interference has been assessed and pre application consultation carried out by the applicant with no impacts anticipated.

## **PLANNING POLICY**

In the context of the current development control policy framework the site is located outside the defined development limits Llanelli as contained in the adopted Carmarthenshire Local Development Plan (LDP adopted December 2014).

Policy GP1 of the LDP (Sustainability and High Quality Design) states:

Development proposals will be permitted where they accord with the following:

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);

- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste;
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 9 and TAN12: Design (2016)).

Policy SP11 Renewable Energy & Energy Efficiency states:

Development proposals which incorporate energy efficiency measures and renewable energy production technologies will be supported in areas where the environmental and cumulative impacts can be addressed satisfactorily. Such developments will not cause demonstrable harm to residential amenity and will be acceptable within the landscape. Each proposal will be assessed on a case by case basis.

Large scale wind farms will only be permitted within Strategic Search Areas.

Policy RE2 Local, Community and Small Wind Farms states:

Local, Community and Small wind farms or individual turbines will be permitted provided the following criteria can be met in full:

- a) The development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size, design and siting of turbines and associated infrastructure;
- b) The development will not have an unacceptable cumulative impact in relation to existing wind turbines and other renewable energy installations and those which have permission;
- c) The siting, design, layout and materials used should be sympathetic to the characteristics of the land-form, contours and existing features of the landscape;
- d) The development would not cause demonstrable harm to statutorily protected species, and habitats and species identified in the Local Biodiversity Action Plan;

- e) Turbines and their associated structures will not be sited in, or impact upon archaeological resources, the setting and integrity of Conservation Areas, Listed Buildings or other areas of historical value;
- f) Proposals will not cause an unreasonable risk or nuisance to, and impact upon the amenities of, nearby residents or other members of the public;
- g) No loss of public accessibility to the area, and existing bridleways and footpaths will be safeguarded from development with no permanent loss to their length and quality;
- h) Turbines and associated infrastructure will, at the end of the operational life of the facility, be removed and an appropriate land restoration and aftercare scheme agreed;
- i) The development will not result in significant harm to the safety or amenity of sensitive receptors and will not have an unacceptable impact on roads, rail or aviation safety;
- j) The development will not result in unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems.

Policy EMP4 Farm Diversification states:

Proposals for farm diversification projects will be permitted where:

- A. It is subordinate to, compatible with and supports the continued operation of the agricultural activity of the existing working farm;
- B. It is of a scale and nature appropriate to the existing farm operation;
- C. The scale and nature of the activity is compatible with its accessibility to public transport and the need for local highway improvements;
- D. The scale and scope of any retail use (where planning permission is required) would not have an adverse impact on the vitality and viability of retail facilities in nearby settlements, or would undermine the retail hierarchy;
- E. It would not have an adverse impact on the character, setting and appearance of the area and the surrounding landscape and where appropriate, townscape.

Proposals should give priority to the conversion of suitable existing buildings on the working farm. Where justified new building should be integrated with the existing working farm complex and not detrimental to the respective character and appearance of the area and surrounding landscape.

National Policy is provided by Planning Policy Wales Edition 9 November 2016 as follows:

## 12.8 Renewable and Low Carbon Energy

- 12.8.1 The UK is subject to the requirements of the EU Renewable Energy Directive. These include a UK target of 15% of energy from renewables by 2020. The UK Renewable Energy Roadmap sets the path for the delivery of these targets, promoting renewable energy to reduce global warming and to secure future energy supplies. The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change (see 4.5) whilst enhancing the economic, social and environmental wellbeing of the people and communities of Wales in order to achieve a better quality of life for our own and future generations. This is outlined in the Welsh Government's Energy Policy Statement Energy Wales: A Low Carbon Transition (2012).
- 12.8.2 Planning policy at all levels should facilitate delivery of both the ambition set out in Energy Wales: A Low Carbon Transition and UK and European targets on renewable energy. The Renewable Energy Directive<sup>13</sup> contains specific obligations to provide guidance to facilitate effective consideration of renewable energy sources, high-efficiency technologies and district heating and cooling in the context of development of industrial or residential areas, and (from 1 January 2012) to ensure that new public buildings, and existing public buildings that are subject to major renovation fulfil an exemplary role in the context of the Directive. The issues at the heart of these duties are an established focus of planning policy in Wales, and in this context both local planning authorities and developers should have regard in particular to the guidance contained in Technical Advice Note 8: Planning for Renewable Energy and Planning for Renewable Energy – A Toolkit for Planners. The Welsh Government will however consider the preparation of further targeted guidance where appropriate.
- 12.8.6 The Welsh Government's aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.
- 12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy (see 4.4.3) to help to tackle the causes of climate change (see 4.7.3). Specifically, they should make positive provision by:
- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
  - ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;

- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability (see Chapter 4); and
- ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.

12.8.10 At the same time, local planning authorities should:

- ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed;
- ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration; and
- encourage the optimisation of renewable and low carbon energy in new development to facilitate the move towards zero carbon buildings (see 4.11 and 4.12).
- 12.10.1 In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:
  - the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
  - the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
  - the impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);
  - the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
  - ways to avoid, mitigate or compensate identified adverse impacts;
  - the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts (see 4.5);
  - grid connection issues where renewable (electricity) energy developments are proposed; and
  - the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

Consideration is also given to Planning Policy Wales - Technical Advice Note (TAN) 8 - Planning for Renewable Energy. Para 2.12 states –

The Assembly Government expects local planning authorities to encourage, via their development plan policies and when considering individual planning applications, smaller community based wind farm schemes (generally less than 5MW). This could be done through a set of local criteria that would determine the acceptability of such schemes and define in more detail what is meant by "smaller" and "community based". Local planning authorities should give careful consideration to these issues and provide criteria that are appropriate to local circumstances.

Technical Advice Note (TAN) 6 Planning for Sustainable Rural Communities is also pertinent to the consideration of this proposal as on-farm renewable energy production is seen as a form of farm diversification that is positively encouraged in the right location. Not only does it potentially provide an alternative income source to sustain a rural enterprise, but also affords that enterprise energy security against rising energy costs.

### **THIRD PARTY REPRESENTATIONS**

The location of the proposal is a material planning consideration and there is concern that it is close to the common boundary with the property known as Bryn-du. It is noted that the nearest property is Rhos Farm at 520m which has a financial interest in the proposal. Bryn-du is the only property which directly overlooks the proposal and is at a higher level, so the turbine blades would be directly in the line of sight. There is however a gap of some 540m between the turbine and the dwelling, so the turbine would be seen from a reasonable distance. Guidance in TAN 8 recommends that in site selection within strategic search areas a distance of 500m to dwellings, however flexibility is recommended. In these areas wind farms would generally have multiple turbines of a larger scale than that proposed. There is no guidance for smaller schemes such as this, so proposals are assessed on a case by case basis. It is noted that there are other individual properties surrounding the site between 500m and 1km but they don't have a direct aspect over the site.

There is concern that the proposal would result in a loss of visual and residential amenity to the surrounding residential properties closest to the turbine. The views of the Council's landscape officer are particularly relevant when assessing this and as stated above there is not likely to be an unacceptable detrimental impact on the amenity of third parties.

In respect to impacts on visual amenity, the County Landscape Officer states:

"No properties were identified within 10x the blade tip height of the proposed turbine, the nearest property is approximately 520m Rhos Farm [with assumed financial interests in the proposed scheme] with Bryn Du at 560m.

The proposed turbine is clearly within view of one of the main fenestrated elevations of Bryn Du.

The structure would result in adverse impacts to residential amenity however it is considered that the scale of the turbine and relative separation from the property would not result in impacts which would constitute a distinct justifiable reason for refusal of the planning application."

The site is visible from public footpaths however the Landscape advice is as follows:

“It is advised that the proposed scheme will form new, manmade moving elements within some views from publicly accessible areas, however, the location and scale of the turbine model and its relation to the topography; other OCP2 development and proximity to roads and footpaths, and other areas accessible to the public, is such that the proposed development delivers relevant policy objectives to an extent to represent an acceptable development proposal in relation to the landscape consultation remit.”

Noise has been carefully considered both alone and in combination with the two nearby turbines at Pant Farm. The nearest turbine at Pant Farm is some 1.3km away. The conclusion of the analysis is that noise is not likely to be unacceptable at the surrounding properties subject to the imposition of appropriate conditions.

A flicker assessment has been carried out by the applicants showing there are not likely to be properties affected. There is concern that there is livestock on surrounding properties that would be affected given the fact that surrounding holdings are on higher ground and would overlook the turbine site. The assessment methodology in respect of flicker does not extend to impacts on livestock. It is however noted that in many cases, including this one, turbines have been built as farm diversification and sit within holdings which have livestock.

## **CONCLUSION**

In accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the application has been screened to establish whether an Environmental Impact is required. Given the scale and nature of the proposal, the development is not considered to give rise to any significant adverse environmental impacts upon the surrounding area. On this basis, the requirements of an Environmental Impact Assessment are not considered to be applicable to the application. In arriving at this decision the authority have taken into account the selection criteria as set out in Schedule 3 of the above Regs.

After careful consideration of the site and surrounding environs in light of the application and supporting information, it is considered that the proposal is for a 30m (hub) 45m (tip) 250kW turbine which whilst modest compared to the commercial wind farms seen within the strategic areas, would be a significant man made feature within the context of the site. The scale height and impact of each turbine has a different potential impact depending on the specific location and therefore each case has to be considered on its merits.

To set the context of renewable energy, a recent audit of the County has revealed that the County has a potential to produce the following renewable energy if all the permitted schemes are developed.

### **i] Wind Energy**

Total rated capacity of operational and approved onshore wind energy schemes within Carmarthenshire: 177,284kW. This equates to a potential annual electrical energy production, based upon a 25.74% load factor of: -

Output [kWh/annum] = 177,284kW x 8760 x 25.74% = 399,744,218 kWh/annum

This estimation represents sufficient electrical energy from wind turbine generation to provide the annual electricity requirements for 99,811 households.

#### ii] Solar PV Energy

Total rated capacity of operational and approved photovoltaic schemes of greater than 50kW capacity within Carmarthenshire: 88,196 kW. This equates to a potential annual electrical energy production, based upon a 9.02% load factor of: -

Output [kWh/annum] = 88,196kW x 8760 x 9.02% = 69,688,245 kWh/annum

This represents sufficient electrical energy from photovoltaic installations [>50kW capacity] to provide the annual electricity requirements for 17,400 households.

The potential quantity of electricity generated within Carmarthenshire from onshore wind; and solar sources [>50kW] is therefore sufficient to deliver the energy requirements from renewable sources for 117,211 households. The 2013 estimate of the number of households within Carmarthenshire is 79,561.

The application states that there is an average wind speed of 7.4m/s which would result in a maximum annual production of approximately 750MW/h. The above figures show that the proposal would not produce a significant amount of electricity in the wider context of the County total, therefore the overall need for renewable energy is not considered to be the decisive factor and the application should be considered on its own local merits.

In terms of direct impact, the proposal is only likely to have an impact on the property known as Bryn-Du, given the property's orientation directly towards the site. The turbine would introduce a man-made feature which would be conspicuous within the resident's view, however it is noted that there is no right to a view in planning terms so the test is whether the presence of the turbine would unacceptably impact the residential amenity and living conditions of the property so as to make it uninhabitable (known as the Lavender principle). After careful consideration, whilst conspicuous in the view from Bryn-Du, the site is 540m away from the dwelling and at a lower ground level so is not considered likely to have an over bearing impact or affect residential amenity to an extent that the property would be uninhabitable.

Other properties surrounding the site are orientated away from the site and are at a greater distance. On balance therefore the proposal is not considered likely to be detrimental in terms of noise, health and residential amenity given the scale and the distance from residential properties.

The proposal needs to be assessed within the context of the open countryside and the landscape within which it is proposed. The site at Rhos Farm is in an elevated position on the coastal plateau however is seen in the context of the Cwm-Mawr Valley that cuts down from the plateau towards Llanelli. There is rising land to the South / South East which is a prominent topographical feature when viewed from the coast would obscure the turbine to a certain degree from the coast, and the curved alignment and wooded nature of the Cwm-Mawr valley would obscure general views however it is likely to be visible from Llanelli at certain angles looking up along the Cwm-Mawr. Given the scale of the host landscape and the prominent feature of the coastal escarpment, any fleeting view of the blades would



not cause a significant or unacceptable impact on the landscape when viewed from Llanelli. In terms of the view from the coastal plateau, the site is within the Cwm-Mawr valley which would lessen the impact and intervening vegetation would obscure the views from the public highway. It would be visible however from the public footpath network.

Views of the site are therefore obscured locally and longer distance views would be seen in this context. On balance whilst visible locally, the proposal would not dominate the landscape visually. It is considered that the proposal would not have a significant direct impact on the site or the surrounding landscape in terms of physical harm even though it is visible within the immediate context. The landscape officer has assessed the proposal and has no objection.

In terms of cumulative impact, as stated above, the proposal would be seen in the context of Pant Farm (2 x 36m tip 50kW turbines) the nearest of which is 1.3km South South West, however given the scale and relative positioning it is considered that there would not be an unacceptable impact overall in conjunction with the other turbines.

It is therefore concluded that whilst there would be a localised impact on the immediate surroundings, and it would be highly conspicuous from one property. However it is considered that given the separation distance, the proposal is not likely to have an unacceptable adverse impact on residential amenity or the character and appearance of the open countryside overall, therefore the proposal is in accordance with the above policies.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
  - 1:5000 scale Location Plan dated 15 October 2016;
  - 1:500 scale Block Plan dated 15 October 2016;
  - 1:250 scale Tubular Tower Elevation. Drawing No. 250-00-30-300 dated 15 October 2016;
  - 1:50 scale Foundation Plan. Drawing No. 329-50-000 dated 6 April 2017;
  - 1:50 scale Transformer Building – Plan View, Front and Side Elevation dated 6 April 2017.
- 3 During the construction phases, no works or construction shall take place other than within the hours of 08:00 – 18:00 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays
- 4 To prevent any demonstrable harm to the amenity of any residents, the rating level of noise immission from the wind turbine (including the application of any tonal penalty) should not exceed a sound pressure level not exceeding 35dB LA90, 10 mins, within the amenity space of any non-financially involved lawfully existing dwelling, at wind speeds up to an including 10m/s, standardised/measured to a height of 10m.

- 5 Within 28 days from the receipt of written request from the Local Planning Authority, following a justified noise complaint the operator of the development shall, at its expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise imissions from the wind turbines at the complainant's property.
- 6 The assessment of the rating level of noise imissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location where measurements for compliance checking purposes shall be undertaken, the method to assess the presence of any tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise imissions.
- 7 During the course of the investigation, should the wind turbine be identified as operating above the parameters specified in the above conditions the wind turbine/s will be modified, limited or shut down. 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 in the above condition.
- 8 If the wind turbines hereby permitted cease to operate for a continuous period of 6 months, or are erected and are not commissioned within 6 months of erection, unless otherwise approved in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the wind turbine and any other ancillary equipment and structures relating solely to the wind turbine shall be submitted and approved in writing by the Local Planning Authority within 3 months of the end of the cessation period (or 9 months from erection). The scheme shall include details for the restoration of the site. The decommissioning scheme shall be implemented within 3 months of the date of its approval by the Local Planning Authority.
- 9 Turbines shall not display any sign, symbol or logo on any external surface, unless previously agreed in writing with the Local Planning Authority, except as required for health and safety purposes.
- 10 No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.
- 11 The Landscape and Biodiversity Enhancement Scheme shall be fully implemented in the first available planting and seeding seasons following the commencement of the development. Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Landscape and Biodiversity Enhancement Scheme which, within a period of 5 years after implementation are removed; die; or become in the opinion of the local planning authority, seriously diseased; damaged or otherwise defective, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

- 12 No spoil should be spread within 5 m of any tree or hedgerow.
- 13 Any vegetation clearance should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity.
- 3-7 To prevent disturbance and loss of amenity to occupiers of nearby buildings.
- 8 To ensure derelict or obsolete structures do not adversely affect the environment.
- 9 To prevent unacceptable landscape and visual impacts.
- 10 To avoid the pollution of ground waters.
- 11-13 In order to mitigate physical and landscape impacts.

## **NOTES**

- 1 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outline in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).