

<b>Application No</b>	<b>E/34791</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	THE PROPOSED BRYN BUGAIL WIND TURBINE DEVELOPMENT WILL COMPRISE OF A SINGLE WIND TURBINE, WHICH WILL HAVE AN EMBEDDED CAPACITY OF UP TO 100KW WITH THE TURBINE MEASURING 37 METERS TO HUB HEIGHT, WITH A 24 METRE ROTOR DIAMETER, CREATING AN OVERALL BLADE TIP HEIGHT OF UP TO 49 METRES. THE WIND TURBINE WOULD BE LOCATED IN A FIELD WHICH IS CURRENTLY USED FOR GRAZING AND THIS USE CAN CONTINUE WITH THE WIND TURBINE PRESENT AT LAND AT BRYNBUGAIL, CARMARTHEN, SA32 7JX

<b>Applicant(s)</b>	GILFACH RENEWABLE ENERGY LTD - DYLAN JONES, 13A VICTORIA GARDENS, NEATH, SA11 3AY
<b>Agent</b>	GKL CONSULTING - GILL LOCK, THE ORCHARD, COED-Y-MWSTWR, NEAR COYCHURCH, BRIDGEND, CF35 6AF
<b>Case Officer</b>	Ceri Davies
<b>Ward</b>	Llanegwad
<b>Date of validation</b>	01/12/2016

## CONSULTATIONS

**Llanegwad Community Council** – Has objected to this application, citing the following reasons:

- Visual impact on the area
- Concern that the area is now becoming flooded with wind turbines
- Impact on the health of residents
- Impact on historic and ancient monuments

**Local Member** - County Councillor Mansel Charles is a member of the Planning Committee and has made no prior comment to date.

**Head of Public Protection** – Has no objections to the proposal subject to the imposition of suitable conditions relating to compliance with prescribed noise levels.

**Head of Transportation & Highway Safety** – Has no adverse comments subject to the imposition of suitable conditions.

**Public Rights of Way Officer** – Has advised on the proximity of the sub-station to the nearest public rights of Way and has not expressed any concerns regarding the wind turbine itself.

**Ministry of Defence** – Has no objections to the proposal.

**Joint Radio Company** – Has no objections to the proposal.

**Ofcom** – Has provided general guidance in relation this proposal

**Civil Aviation Authority** – Has provided general guidance in relation to this proposal.

**Natural Resources Wales** – No adverse comments raised subject to standard advisory notes in relation to pollution prevention.

**Dyfed Archaeological Trust** – Has recommended the imposition of a suitable condition requiring the implementation of a programme of archaeological work.

**Third Party Representations** – Following the erection of Site Notices in the immediate vicinity of the application site, 5 emails/letters of representation have been received to date objecting to the application. The Authority has also received 1 letter of support. Given the number of letters of objection, many of the points of objection are repeated. The points of objection are summarised as follows:

#### **Landscape & visual amenity**

- The turbine will be demonstrably harmful to the character and appearance of the area.
- Inappropriate location
- Excessive number of wind turbines in the vicinity
- Detrimental impact on the archaeology of the area
- Impact on public highway
- Access
- Cumulative impact of wind turbines

#### **Shadow Flicker**

- Harm from shadow flicker will be caused by the proposed turbine

#### **Noise**

- Noise generated by the operating of the wind turbine.

#### **Wildlife & Ecology**

- The turbine will harm local wildlife and ecology.

#### **General amenity**

- The turbine will cause significant and demonstrable harm to local residential amenity.

## **Immaterial points**

- Impact on health
- Negative impact on tourism in the county
- Proposal will set a precedent for further wind turbines

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history.

## **APPRAISAL**

### **THE SITE**

The application site forms part of a field enclosure associated with Brynbugail, a farm holding approximately 1 mile west of Horeb and 2 miles north-west of Felingwm Uchaf. The site for the turbine sits north-west of the farm complex and will be accessed via a track off the C1256, the county road linking Horeb and Rhydargaeau; to the north is Brechfa Forest.

The site occupies an elevated position, however, owing to its isolated location and the relatively flat plateau on which it sits, the site is not readily visible from the wider area. The surrounding area is characterised by improved agricultural land bound by semi-improved hedgerow, farmsteads and large tracts of mature woodland.

The nearest residential properties include Glanrhyd and Gwynfaes, 550 metres north-west of the site; Maesy pant, 650 metres north of the site; Pantycelyn, 680m south-west of the site; Bryngoyallt, 610 metres south of the site; and Bryngolau, 600 metres south-east of the site. The nearest Public Rights of Way (41/55) footpath is located 200 metres west of the proposed turbine location.

### **THE PROPOSAL**

The proposal will comprise a three bladed horizontal axis wind turbine which will have an overall blade tip height of up to 49 metres; the rated power of the wind turbine is up to 100kW. The wind turbine generator will have a hub height of 37m and rotor diameter of 24m. The turbine is to be sited at approximately 293 metres above Ordnance Survey Datum. A concrete foundation will be required to support the wind turbine. The application site also comprises a proposed access track, width would be 3.5 metres and an area proposed for the turbine construction along with ancillary equipment housing/hardstanding area.

The application has been accompanied by a supporting planning statement, Landscape & Visual Impact Assessment (LVIA), Shadow Flicker Report, noise assessment and ecological appraisals; in addition, a selection of photomontages and wirelines.

### **PLANNING POLICY**

The application falls to be considered against the following Local Development Plan (LDP) policies:

Policy SP2 (Climate Change) which sets out the criteria for development proposals which respond to, are resilient to, adapt to and minimise for the causes and impacts of climate change will be supported.

Policy SP11 (Renewable Energy & Energy Efficiency) which states that 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. The policy also states that such developments should not cause demonstrable harm to residential amenity and will be acceptable within the landscape.

SP14 (Protection and Enhancement of the Natural Environment) which states that development should reflect the need to protect, and wherever possible enhance the County's natural environment; and all development proposals should be considered in accordance with national guidance/legislation and the policies and proposals of this Plan, with due consideration given to areas of nature conservation value, the countryside, landscapes and coastal areas, including statutory designated sites including Ramsar sites, SPAs, SACs, SSSIs and National Nature Reserves; sites of biodiversity and nature conservation value; regional and locally important sites (and their features) including local Nature reserves; area of identified landscape and seascape quality; features which contribute to local distinctiveness, nature conservation value or the landscape; the open countryside; the best and most versatile agricultural land; (Grade 2 and 3a); and natural assets: including air, soil (including high carbon soils) controlled waters and water resources. (See Policies EP1 and EP2)

Policy RE2 (Local, Community and Small Wind Farms) which states that 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.

In addition to the above specified conditions, the application also falls to be considered against the General policies of the Local Plan as well as the following specified national policies/guidance.

National Policy is provided by Planning Policy Wales Edition 9 November 2016 and TAN 8 as follows:-

## 12.8 Sustainable 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 demand 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 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, TAN22 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

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<sup>28</sup>, 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. At para 2.13 it states that *“most areas outside of SSAs should remain free of large wind power schemes”*...and that...*“local authorities may wish to consider the cumulative impact of small schemes in areas outside of SSAs and establish suitable criteria for separation distances from each other and from the perimeter of existing wind power schemes of the SSAs. In these areas, there is a balance to be struck between the desirability of renewable energy and landscape protection. Whilst that balance should*

*not result in a severe restriction on the development of wind capacity, there is a case for avoiding a situation where wind turbines are spread across the whole of the county.”*

Although no formal Supplementary Planning Guidance (SPG) on cumulative impact has been adopted by the Local Planning Authority (LPA), it has developed a guidance note internally for officers entitled *Pembrokeshire and Carmarthenshire: Cumulative Impact of Wind Turbines on and Landscape and Visual Amenity*. As the title suggests this document has been developed with Pembrokeshire and also the Pembrokeshire Coast National Park Authority who have both adopted the guidance as SPG. The guidance provides a classification of landscape types where turbines are contained within landscape character areas (Table 1 p.15). It also provides guidance on how to assess cumulative impacts on visual amenity indicating that there are three main types of cumulative visual effect:

- In combination from one (static) viewpoint i.e. where more than one development can be seen within the observer’s arc of vision at the same time.
- In succession from one (static) viewpoint i.e. where the viewer has to turn to see a number of development around them.
- Sequential effects on a journey i.e. where more than one wind turbine development can be seen one after the other over a period of time by an observer moving through the landscape (para 4.1).

The guidance states that “the magnitude of the cumulative change will depend on the landscape context in which the development is viewed and the scale, nature, duration and frequency of combined and sequential views (para 4.4).

In relation to the effect on landscape character TAN 8 states: *‘the implicit objective ... is to maintain the integrity and quality of the landscape within National Parks/Areas of Outstanding Natural Beauty in Wales i.e. no change in landscape character from wind turbine development. In the rest of Wales outside the Strategic Search Areas the implicit objective is to maintain the landscape character ie no significant change in landscape character from wind turbine development. Within (and immediately adjacent to) the Strategic Search Areas, the implicit objective is to accept landscape change i.e. significant change in the landscape character from wind turbine development.’* (Annex D 8.4).

The following sections will assess the proposal against specific material planning considerations and will be followed by a balancing exercise which will conclude whether the proposal is acceptable or not at this location.

### **THIRD PARTY REPRESENTATIONS**

Five letters of objection have been received in relation to this application; many of the points of objection are repeated. The summary of the points of objection are presented above. In the interest of brevity, the main points are grouped together and discussed in detail below.

#### **Landscape and Visual**

On the basis of the community council objection and concerns highlighted by third parties over the visual impact of the proposed turbine, the Authority has scrutinised carefully the potential visual effect of the turbine at this location. In this regard the Authority’s Landscape officer has assessed the scheme in the context of its surroundings; and through appraisal of the submitted information, consideration of LANDMAP and landscape designations, as well as a site survey/visit.

The authority acknowledges that the receiving landscape primarily consists of agricultural fields and scattered farmsteads and it is concluded that the scale of the turbine will not have a significant adverse impact on the quality of this area. The application site has been inspected from the nearest sensitive buildings, namely Glanrhyd, Gwynfaes, Maesypant, Pantycelyn, Bryngoyallt, and Bryngolau; it has also been inspected from the nearest built up residential areas, namely Horeb, 1 mile to the east and Felingwm Uchaf, 2 miles south.

From these inspections, the authority acknowledges that the proposed scheme will form a new, manmade moving element within some views from residential properties and associated amenity space. It is concluded that the location of the scheme, scale of the turbine model and its relation to the topography; other OCP development (Operational, consented or in planning turbine development); and the proximity and orientation in relation to the identified properties, and any intervening screening elements, is such, that the proposal is considered to result in a degree of impact to residential visual amenity. The Authority has fully considered the impacts to residential visual amenity as identified in the Impact Table, along with the additional information submitted as part of representations made by third parties and Community Council in the context of the relevant policy objectives.

Overall, the Authority is satisfied that the nearest dwellings and those assessed from public vantage points will not be exposed to significant adverse physical impacts from the turbine given the relative separation distance and scale of the development. Furthermore, owing to the separation distance between the application site and the hamlet of Horeb as well as the villages of Brechfa and Felingwm Uchaf, the authority contends that despite the claims of the Community Council, the turbine will not have a detrimental impact on the character and appearances of these settlements.

It is acknowledged that indirect impacts to landscape character will be caused by the physical presence of the proposed turbine from certain views, and this would result in effects upon the existing landscape character. Members will of course be mindful that wind turbine development inevitably results in changes to local landscape character through the introduction of new, manmade moving landscape elements. The significance of these changes in terms of magnitude and extent of effect have been assessed through appraisal of the submitted information, consideration of LANDMAP and landscape designations. The Authority concludes that the scale of the turbine model is such that, potential impacts to existing landscape elements and features does not challenge the relevant policy objectives of the LDP to justifiably represent a reason for refusal of the application.

It is acknowledged that the proposed scheme will have some residual impact upon the landscape character of the immediate area; however, given the location and scale of the turbine model and its relation to the topography of the immediate area, along with the predicted magnitude of effect in relation to the sensitivity of the receiving landscape, are such that the significance of the residual impacts to landscape character, or areas designated for their landscape value, are not considered to represent a justifiable reason for refusal of the application against the relevant policy objectives of the LDP.

The significance of the impacts to local landscape character arising from the visual presence of the proposed turbine development have been considered as part of this application. Whilst these impacts may not be of a significance to justify an objection to the application, it is considered that the proposed turbine development will result in residual adverse impacts to landscape character on a local scale. In view of the aforementioned, it is considered that the provision of a Landscape Compensation Scheme, which details measures to protect and



enhance the existing landscape character of the area, and avoid any potential decline in the quality or quantity of those elements which contribute to landscape character, is fully justified in planning terms under the provisions of Policy GP1 and SP14 of the LDP. An appropriate condition will be imposed to ensure the submitted Landscape Compensation and Biodiversity Enhancement Scheme is fully implemented. It is also recommended that a Physical Landscape Mitigation Scheme [PLIMS] be submitted and an appropriate condition will be imposed accordingly.

It is considered that the proposal does not challenge LDP policies which seek to protect visual amenity. Furthermore, the distance maintained from other neighbouring properties, including objectors' properties and the relative scale of the proposal will ensure that whilst there will be a degree of visual impact it will not cause significant adverse harm upon those living in the area. Whilst it is acknowledged that the proposal by its very nature will lead to a prominent alien man-made feature visible from the wider area, it is deemed that the energy benefits of the proposal outweigh this impact.

In terms of the cumulative visual impact, there are existing and proposed wind turbines in the wider landscape; the nearest operational single wind turbine is located to the east of Horeb, approximately 2km east of the application site and not in the immediate view. The undulating landscape means these turbines will be screened and not often viewed in combination. The operational wind farm at Blaengwm, Pencader is located 6.km to the north-west, whilst the operational wind farm at Brechfa Forest West will be approximately 4.5km away. Although from higher ground the proposal will be seen in context with the aforementioned wind farm, the separation distance and inter relationship between the two does not result in the immediate area being characterised by wind turbines and turning into a wind farm landscape.

To conclude this section therefore, it is considered that the wind turbine of a 'small' scale can be accommodated within the landscape without harming its qualities and the amenity of those that live within in it and use it.

## **Ecology**

Third parties have raised concerns over the potential impact on the ecology of the area. The site consists of improved grassland bounded by hedgerows, as confirmed by the ecological walkover survey and the authority acknowledges that a small area of improved grassland will be permanently lost, however, this habitat is considered to be of negligible ecological significance.

It is advised that all cable trenches must pass under existing hedgerows or through existing gaps, no hedgerow or stretch of hedgerow should be removed for this purpose. The routing must also follow the recommendation regarding diverse wetland habitats contained within Section 5 of the Ecology Survey by Sturgess Ecology dated July 2015. Furthermore, no spoil should be spread within 5 m of any tree or hedgerow, this should be a condition of any consent.

The authority notes the proposed impacts to hedgerows, through access widening and advises that these impacts must be identified and mitigation provided as highlighted in the Landscape Response highlighting the requirement for a Physical Landscape Impact Audit (PLIA) and Physical Landscape Impact Mitigation Scheme (PLIMS). Bat activity surveys have been undertaken to demonstrate the levels of bat activity on the site. NRW have

confirmed that they are satisfied with the survey and findings and that the favourable conservation status of bats will not be adversely impacted by the proposal,

The vegetation on this application site may potentially be used by nesting birds and Reptiles and it is recommended that the applicant be made aware that under the Section 1 of the Wildlife and Countryside Act 1981 (as amended) it is an offence to kill or injure any wild bird, take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also recommended that the applicant be informed that reptiles are protected under the Wildlife and Countryside Act 1981. The adder, grass snake, common lizard and slow worm receive protection under the Wildlife and Countryside Act from killing and injury. A condition be included in any consent that states that any works be carried out in strict accordance with the recommendations for nesting birds and reptiles contained within section 5 of the Ecology Survey by Sturgess Ecology dated July 2015.

The authority considers that any proposal must include a fully integrated landscape compensation and biodiversity enhancement scheme; the purpose of this will be to deliver any required biodiversity mitigation and additionally provide biodiversity enhancement to the local area through the management or creation of wildlife habitats on site or elsewhere on the land holding. The aim of the scheme is to offset any long term residual/cumulative effects to biodiversity of a turbine in the landscape and provide enhancement in line with LDP policy; the provision of this scheme will be conditioned accordingly.

The Authority's Planning Ecologist has raised no adverse comments subject to the imposition of the aforementioned conditions. Natural Resources Wales (NRW) have also offered no adverse comments to this proposal. NRW have advised that they have reviewed the submitted application and welcome the submission of the Bat Survey 2016 by MPEcology, dated November 2016; and also the Ecology Survey by Sturgess Ecology dated July 2015. NRW note the results of both the Phase 1 habitat survey and the bat surveys along with the recommendations of both reports and have formally confirmed that they have no objection to the proposed development.

NRW have issued the local authority with guidelines indicating that any turbine where the blades are to be located within 50m of a building, woodland, hedgerow, stream corridor or any other potential bat flight line or feature suitable for foraging bats should be subject to a bat survey. Following this guidance and the information supplied with the application it is considered that this application does not require a bat survey so long as the turbines blades are located 50m away from such features.

## **Noise**

In terms of the potential noise impact, the submitted application has been accompanied by a noise survey; the Head of Public Protection has been in extensive negotiations with the agent regarding various aspects of the noise survey, in particular the cumulative noise assessment. The Head of Public Protection has considered the findings of the said survey and offered no adverse comments, however it is advised that a suitable condition be imposed stipulating noise be limited to 35dB as measured 3.5 metres from the façade of any noise sensitive property up to wind speeds of 10m/s at 10m height; it is considered this condition alone would offer sufficient protection and prevent any demonstrable harm to the amenity of any residents residing at any noise sensitive properties.

## **Transportation and Highway Safety**

The applicant has submitted details of the construction phase of the development which includes details of material and component deliveries. These are not considered excessive or likely to cause unacceptable disruption along the local road network. The Head of Transportation & Highway Safety has not advised of any that off-site highway widening/improvement works required for the delivery of turbine components and materials.

Subject to the imposition of recommended highway conditions, it is not considered that the proposal will give rise to any significant highway safety concerns and therefore the Head of Transportation & Highway Safety has raised no adverse comment.

### **Shadow Flicker and Amenity**

Members will be mindful that shadow flicker can often be a concern when wind turbine applications are considered by the authority. Shadow flicker has been proven to only occur within ten rotor diameters of a wind turbine; the proposed turbine has a rotor diameter of 24m, and shadow flicker could therefore have potential occurrences within 240m. Only properties within 130 degrees either side of north, relative to the turbines, can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side (Planning practice guidance for renewable and low carbon energy, 2014). In this instance, there are no residential dwellings or other properties within 130 degrees either side of north; considering 240m around the turbines, therefore the Shadow Flicker Report accompanying this application concludes that shadow flicker is not predicted to occur at any residential receptors as no residential properties have been identified within 240m of the proposed wind turbine.

### **Cultural Heritage**

In terms of concerns raised in relation to the potential impact of the development on ancient monuments, the authority has consulted with Dyfed Archaeology Trust who have advised that they have checked this application against the Regional Historic Environment Record, a database that currently holds over 55,000 core records of archaeological and historic significance.

Dyfed Archaeology Trust acknowledges that the application has been supported by a Historic Landscape Assessment prepared by Pearson Archaeology Ltd. (September 2015) and have highlighted concerns that the access road leading to the turbine location will directly impact on the round barrow where, although the site is recorded as partially destroyed, buried archaeological deposits potentially still survive. For that reason Dyfed Archaeology has recommended that an archaeological condition be imposed on any planning permission granted to ensure no development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. An appropriate condition will be imposed accordingly.

### **Other Matters**

In terms of topple distance, with the nearest Public Rights of Way (41/55) footpath located 200 metres away from the proposed turbine location and the nearest residential property, Glanrhyd, located 550 metres away, the authority deems there to be adequate separation distance between the proposed wind turbine site for this not to be an issue.

## CONCLUSION

It is acknowledged that there will be an impact to the landscape character of the immediate area by the physical presence of the proposed turbine at this location. The significance of this change in terms of magnitude and extent of effect has been assessed through appraisal of the submitted information and a survey of the selected site within its surrounding context. It is concluded that the scale of the turbine model is such that, potential impacts to existing landscape elements and features would not be expected to challenge the relevant policy objectives of the LDP to justifiably represent a reason for refusal of the application. On balance, having regard to all planning policies and material considerations, the proposal is considered to sit comfortably at this location without having a significant adverse impact upon the surrounding landscape, the amenities of occupiers and the ecological and cultural assets of the area. It will also have a positive impact upon the farm's energy needs, approval is therefore recommended.

## 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 above approved development relates to the following plans and documents and works should be carried out in accordance with them unless amended by any conditions below:
  - Site Layout & Site Location Plan – 1:1,000 scale
  - Elevation, Ground & Foundation Plan – 1:100 scale
  - Shadow Analysis Report
  - Operation Noise Report
  - Ecology Survey Report
  - Historic Landscape Assessment
  - Landscape & Visual Appraisal(LVA) Report
  - Design & Access Statement Reporter Plan  
Received on 11<sup>th</sup> December 2015
- 3 If the wind turbine hereby permitted ceases to operate for a continuous period of 6 months, 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. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 3 months of the date of its approval by the Local Planning Authority.
- 4 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
- 5 To prevent any demonstrable harm to the amenity of any residents residing at any

noise sensitive properties, the rating level of noise immissions from the wind turbine (including the application of any tonal penalty) shall not exceed 35 dBL<sub>A90, 10 min</sub> as measured 3.5 meters from the façade of any noise sensitive property at any time, up to and including on-site wind speeds of 10 m/s at 10m height.

- 6 To prevent any demonstrable harm to any of the residents residing at any noise sensitive properties, the **cumulative** rating level of noise immission from the wind turbines (including the application of any tonal penalty) shall not exceed 35 dB<sub>LA90, 10 min</sub> as measured 3.5 meters from the façade of any noise sensitive property at any time, up to and including on-site wind speeds of 10 m/s at 10m height.
- 7 To prevent any demonstrable harm to the amenity of any residents residing at any financially involved properties, the **cumulative** rating level of noise imission from the wind turbine(s) (including the application of any tonal penalty) should not exceed 45dB<sub>LA90,10min</sub> as measured at least 3.5 meters from the façade of any financially involved noise sensitive property at any time, up to and including on-site wind speeds of 10 m/s at 10m height.
- 8 In the event that the operational turbine subsequently develops an audible tone, then a penalty shall be added to the measured sound levels in accordance with ETSU-R-97. This section applies where no tone has been identified at the assessment stage and no penalty applied.
- 9 Within 28 days from the receipt of written request from the Local Planning Authority, 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 a location that has been agreed with the Local Planning Authority following the procedures described in ETSU-R-97 “The Assessment and Rating of Noise from Wind Farms” pages
- 10 During the course of the investigation, should the wind turbine be identified as operating above the parameters specified in Conditions 5-7 above the wind turbines 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 Condition 5-7
- 11 Prior to the commencement of the development hereby approved on site, detailed plans of the proposed wind turbine substation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.
- 12 No development shall take place until a comprehensive Physical Landscape Impact Mitigation Scheme [PLIMS] has been submitted to and approved in writing by the Local Planning Authority.
- 13 Development shall be fully implemented in accordance with the approved Physical Landscape Impact Mitigation Scheme [PLIMS] and to the approved implementation and long term management programmes, unless agreed otherwise, in writing, by the Local Planning Authority.
- 14 Any new landscape elements planted or seeded; or existing landscape elements retained; in accordance with the approved PLIMS which, within a period of 5 years

after implementation, 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, unless the Local Planning Authority gives written consent to any variations.

- 15 The approved integrated landscape and biodiversity enhancement scheme shall be fully implemented within 12 months of the wind turbine becoming operational.
- 16 Any access gates shall be set back a minimum distance of 12.0 metres from the highway boundary, and shall open inwards into the site only.
- 17 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 90 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.
- 18 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 19 The access shall be hard surfaced in a bonded material for a minimum distance of 12.0 metres behind the highway boundary, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2&11 In the interest of visual amenity
- 3 To ensure derelict or obsolete structures do not adversely affect the environment.
- 4-10 To prevent noise disturbance and loss of amenity to occupiers of nearby buildings.
- 12-14 In the interest of visual amenity and to ensure the delivery of any required biodiversity mitigation and additionally provide biodiversity enhancement to the local area through the management or creation of wildlife habitats on site or elsewhere on the land holding.
- 15-19 In the interest of highway safety.

## **REASONS FOR GRANTING PLANNING PERMISSION**

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposal complies with Policy SP2 (Climate Change) in that it represents a development proposal which responds to, and is resilient to, and adapt to, and minimise for the causes and impacts of climate change will be supported.
- The proposal complies with Policy SP11 (Renewable Energy & Energy Efficiency) as it is a development proposal which incorporates energy efficiency measures and renewable energy production technologies; and all environmental and cumulative impacts have been addressed satisfactorily. It is also considered that the development will not cause demonstrable harm to residential amenity, hence is deemed acceptable within this rural landscape setting.
- The proposal complies with Policy SP14 (Protection and Enhancement of the Natural Environment) in that the proposal will not significantly harm the local environment, any sites of nature conservation, historical or archaeological interest, species of ecological value. The proposal also safeguards residential amenity, highway safety, telecommunication or radio interference.
- The proposal complies with Policy RE2 (Local, Community and Small Wind Farms) in that it is an individual turbine proposal which will not have an unacceptable impact on visual amenity or landscape character through; 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; the siting, design, layout and materials used is considered sympathetic to the characteristics of the landform, contours and existing features of the landscape; the development will not cause demonstrable harm to statutorily protected species, and habitats and species identified in the Local Biodiversity Action Plan; the turbine and its 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; the proposal will not cause an unreasonable risk or nuisance to, and impact upon the amenities of, nearby residents or other members of the public; there will be 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; the 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 is agreed; 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; 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.

## NOTES

- 1 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))
- 2 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 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 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.