

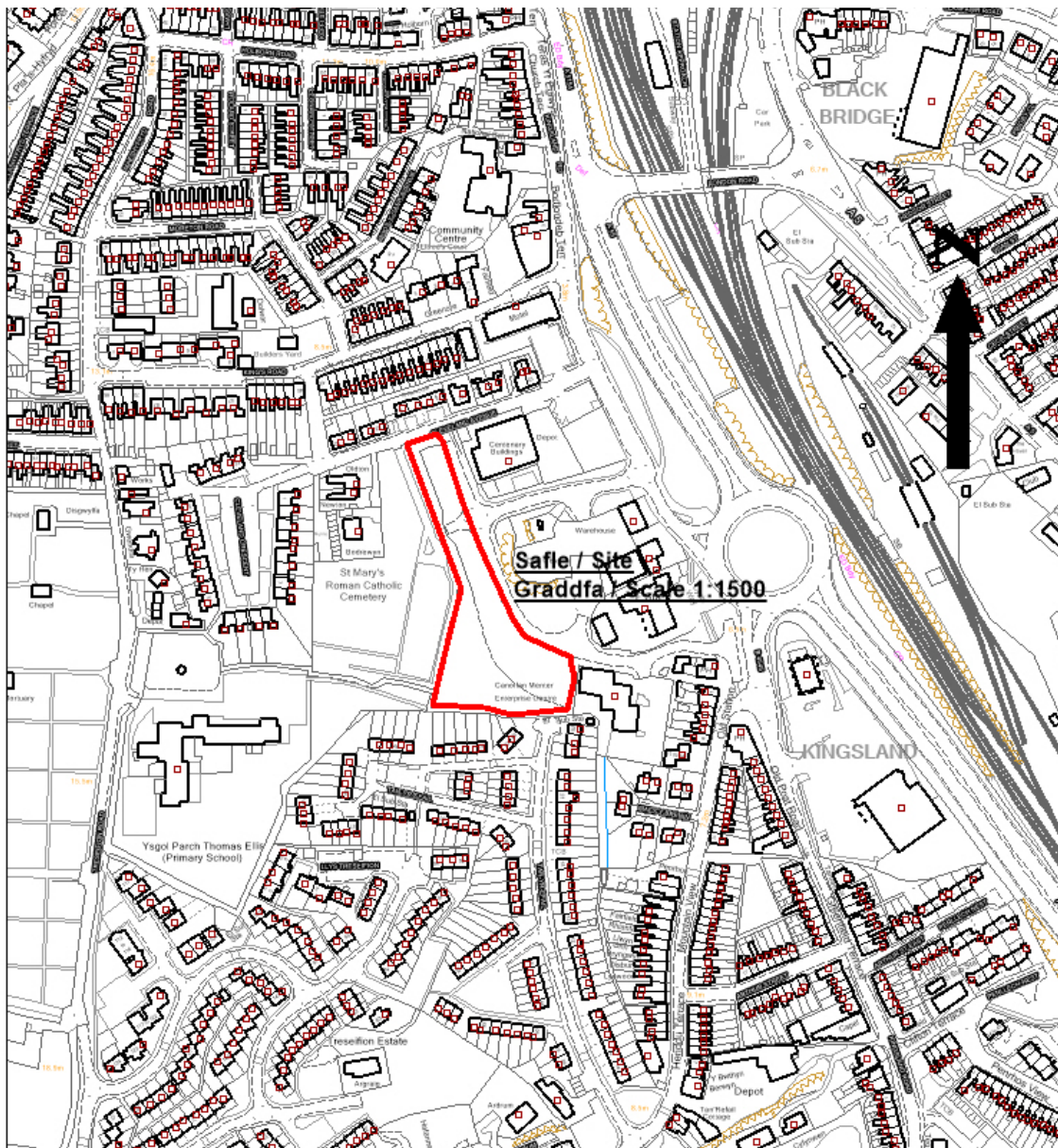
Rhif y Cais: 19C1174/FR Application Number

Ymgeisydd Applicant

Lockstock Self Storage Ltd

Cais llawn i newid defnydd tir i osod 103 cynhwysydd ar gyfer pwrpas storio yn / Full application for change of use of land to place 103 containers for storage purposes at

Enterprise Park, Caergybi/Holyhead



Planning Committee: 27/07/2016

Report of Head of Regulation and Economic Development Service (SCR)

Recommendation:

Permit

Reason for Reporting to Committee:

The land that forms the application site is owned by the Local Authority.

At its meeting held on 6th July, 2016 the Members resolved to undertake a site visit prior to determining the application. The site was visited on 20th July and the members will be familiar with the site and its setting.

1. Proposal and Site

The application is for the change of use of the land for the siting of 103 storage containers.

The site lies on land between Holyhead Fire Station, Veterinary Surgery and Builders Merchant and St Mary's Roman Catholic Cemetery. Part of the site lies within the flood zone (C2).

2. Key Issue(s)

The applications main issues are whether the proposal complies with current policies, whether the proposal complies with the requirement of Technical Advice Note 15 in regards to flooding and whether the proposal will have a detrimental impact on the amenities of the surrounding properties and surrounding area.

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General Policy

Policy 2 – New Jobs

Policy 28 - Flooding

Policy 42 – Design

Gwynedd Structure Plan

Policy B1 – Employment

Policy B2 - Employment

Policy D4 – Location, Siting and Design

Policy D29 – Design

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy EP3 – Local Action Area

Policy EP4 – Other Employment Opportunities and Rural Diversification

Policy SG2 – Development and Flooding

Planning Policy Wales, 2016, 8th Edition

Supplementary Planning Guidance – Design Guide for the Urban and Rural Environment

Technical Advice Note 12 – Design

Technical Advice Note 15 - Development and Flood Risk

4. Response to Consultation and Publicity

Town Council – No objection

Local Member, Cllr T LI Hughes – Call-in due to traffic and location – however the call-in was received after the end of the consultation date

Local Member, Cllr J Evans – No response to date

Local Member, Cllr D Rh Thomas – No response to date

Highway Authority – Objected to the original scheme which included the erection of a gate which would restrict access to the Enterprise Centre. This has now been removed from the scheme and at the time of writing this report we are awaiting the formal response of the Highway Authority

Drainage Section – Drainage details acceptable

Welsh Water – Recommend conditional approval.

North Wales Police – No response to date

Natural Resource Wales – Recommend conditional approval

Environmental Health – Comments in regards to hours of operation

The proposal was advertised through the posting of a notice on site, publication of a notice in the local press together with the distribution of personal letters of notification to the occupiers of neighbouring properties. Following the receipt of an amended scheme the publicity process was repeated. The latest date for the receipt of representations was the 6th April, 2016 and at the time of writing this report two letters of objection had been received at the department,

The main issue raised can be summarised as follows:

- i) Concern that the blocking of the highway with the proposed gate would affect access to the neighbouring building (Digartref)
- ii) Noise disturbance if the site is to be open 24 hours
- iii) Drainage issues by way of flooding
- iv) Concerns in regards to the type of materials that are to be stored in the containers

v) Highway Safety

In response to these comments I would state:

i) The scheme has been amended and access to the adjoining building will not be restricted

ii) Due to the proximity of the site to the adjoining properties it is considered reasonable to include a condition to restrict the hours of operation at the site

iii) The Drainage Section of the Authority, Welsh Water and Natural Resource Wales have been consulted and requested amendments and additional information in support of the application and have confirmed that the scheme as now considered is acceptable and will not have a detrimental impact on the drainage system

iv) The site operator will have to operate in accordance with current guidance in regards to storage of chemicals (if applicable) within the site.

v) As the scheme has been reduced the access track which runs along the rear of the fire station to the Enterprise Centre will not be obstructed.

5. Relevant Planning History

None

6. Main Planning Considerations

Policy – The site lies within the development boundary of Holyhead and is in close proximity of commercial businesses. The site has been allocated for employment purposes within the Ynys Mon Local Plan. The proposal will create employment opportunities and therefore complies with Policy 2 of the Ynys Mon Local Plan.

Policy EP3 of the stopped Unitary Development states that a Local Action Area is designated for Holyhead within which new development, redevelopment, rehabilitation and improvement which improves the town and port of Holyhead will be permitted.

TAN 15 – Development and Flood Risk

Part of the site lies within zone C2 as per the Development Advice Maps accompanying TAN 15: Development and Flood Risk. The aim of TAN 15 is to:

- Direct new development away from those areas which are at high risk of flooding
- Where development has to be considered in high risk areas (zone C) only those developments which can be justified on the basis of the tests outlined in Section 6 and 7 are located within such areas.

Paragraph 6.2 of TAN 15 states that new development should be directed away from areas which are within zone C and towards land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue...Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

i) its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority regeneration initiative or a local authority strategy required to sustain an existing

settlement; or

ii) its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and

iii) it concurs with the aims of PPW and meets the definition of previously developed land; and

iv) the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

Following discussions with the applicant in regards to Flooding, the effects of the development on the surrounding properties and area and the scale of the development the scheme has been reduced and the number of containers has been reduced from 163 to 103. Due to the reduction of the scale of the development only 12 of the proposed containers lie partially within the Flood Zone. Natural Resource Wales have confirmed that the details submitted in support of the application confirm that the flood risk is acceptable in that the 'development proposal' is to be flood free and floor levels are above the 1%0.1% estimated flood levels and have recommended a conditional approval.

Effect on surrounding properties – The site borders the rear of the dwellings on Tan yr Efail residential estate. However the rear of the containers will at their shortest point be 6 metres away from the rear boundary of the adjoining properties. A Tree Survey has been submitted which states that some trees will have to be removed as part of the development however new trees will be planted in accordance with a scheme to be approved by the local planning authority and this will be conditioned. This will ensure that the site is screened and act as a visual barrier to the adjoining properties. Concern has been raised regarding the use of the site 24 hours a day and it is considered reasonable to include a condition to restrict the hours of operation of the site.

Effect on surrounding area – As stated above a Tree Survey has been submitted and although some trees are to be removed as part of the development the new tree planting will ensure that the development will not have a detrimental impact on the surrounding area.

7. Conclusion

The proposal complies with current policies and will not have a detrimental impact on the amenities of neighbouring properties or surrounding area.

8. Recommendation

To **permit** the development subject to conditions.

(01) The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.

Reason: To comply with the requirements of the Town and Country Planning Act 1990.

(02) The floor levels of the proposed containers shall be set no lower than 6.75m AOD. No raising of ground levels/infilling beneath containers cantilevered.

Reason: To safeguard flood risk on and off-site

(03) The proposed development site is crossed by public sewers with the approximate positions being marked on the attached Statutory Public Sewer Record. The position shall be

accurately located and marked out on site before works commenced and no building or structure shall be carried out within the following easements:

900mm surface water sewer – 8 metres either side of the centre line of the public sewer

600mm surface water sewer – 5 meters either side of the centre line of the public sewer

229mm combined sewer – 3 metres either side of the centre line of the public sewer

Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

(04) No surface water and / or land drainage shall be allowed to connect either directly or indirectly to the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

(05) The removal of the vegetation shall not take place between the 1st March and 30th August in any year unless the site has been checked for the presence of nesting birds by a suitably qualified ecologist and certified as being free of nesting birds. Should nesting birds be found to be present, no development shall take place until the chicks have fledged.

Reason: To safeguard any nesting birds which may be present on the site.

(06) The use shall not be carried out outside the hours of 7.00am to 8.00pm Monday to Sunday.

Reason: In the interest of residential amenity

(07) All tree works shall be carried out in accordance with the details contained within the Tree Management Survey that was carried out by Richards Moorhead and Laing Ltd and submitted under planning reference 19C1174/FR.

Reason: In the interest of amenity

(08) A scheme of new planting within Zone B (as identified by the Tree Management Survey) shall be submitted to and agreed in writing by the local planning authority. The approved planting scheme shall be implemented in the first season following the construction of the gabion walls.

Reason: In the interest of amenity

(09) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) and document(s) submitted below:

Drawing / Document number	Date Received	Plan Description
Location Plan	07/03/2016	Location Plan
Site Plan	09/05/2016	Proposed site levles
Proposed Site Plan	01/03/2016	Proposed Site Plan
E0783.PTR.RI	12/04/2016	Porosity Tests

Flood Consequence Assessment	30/03/2016	Flood Consequence Assessment
Preliminary Ecological Appraisal	12/02/2016	Preliminary Ecological Appraisal
Tamlite Technical Department	07/01/2016	Lighting Details
Tamlite Technical Department	07/01/2016	Lighting Details
Photographs	10/11/2015	Lighting Details
Photographs	10/11/2015	Access Details
Product Datasheet	10/11/2015	Lighting Details
Container Details	10/11/2015	Container Details
Design and Access Statement	10/11/2015	Design and Access Statement
Fence Details	10/11/2015	Fence Details
Tree Management Survey	27/06/2016	Tree Management Survey

under planning application reference 19C1174/FR.

Reason: For the avoidance of doubt.

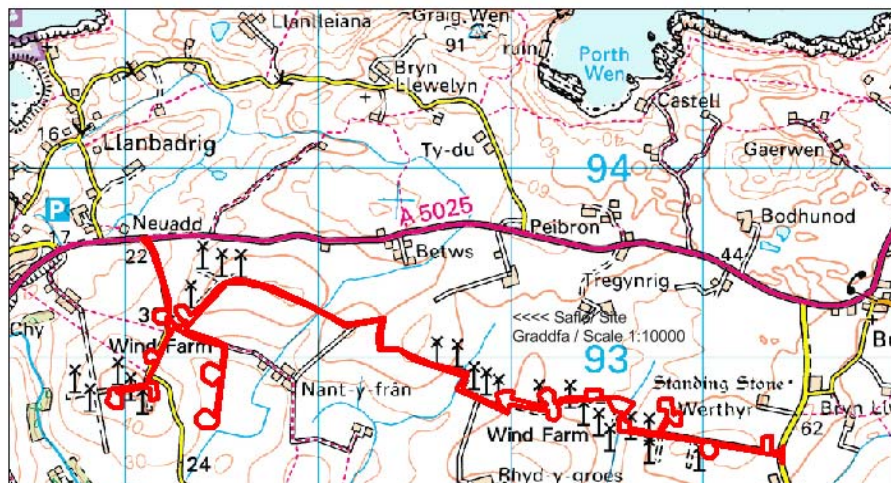
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/ development.

Rhif y Cais: **20C102L/EIA/RE** Application Number

Ymgeisydd Applicant

TPG Wind Ltd

Cais llawn i godi 11 o dyrbinau gwynt gyda 6 tyrbin gwynt hyd at 900kw gydag uchafswm uchder hwb o hyd at 55m, diametr rotor o hyd at 52m, ac uchafswm uchder i ben y llafn o hyd at 79m, a 3 tyrbin gwynt hyd at 900kw gydag uchder hwb o hyd at 45m, diametr rotor o hyd at 52m, ac uchder mwyaf i flaen y llafn o hyd at 70m, a 2 tyrbin gwynt hyd at 900kw gydag uchder hwb o hyd at 45m, diametr rotor o hyd at 52m, ac uchder mwyaf i flaen y llafn o hyd at 66m uwchben y ddaear ynghyd â chreu padiau craen, sylfeini, ceblau trydan o dan ddaear, gwelliannau i rannau o'r trac presennol, creu traciau mynediad newydd, gwneud gwaith i'r briffordd, estyniad i'r is-orsaf 33kv bresennol, codi is-orsaf 11kv newydd, codi anemomedr a chompownd adeiladu a storio dros dro a ardal gwaith concrit (fydd yn cynnwys cael gwared ar y fferm wynt presennol) yn / Full application for the erection of 11 wind turbines comprising of 6, up to 900kW wind turbines with a maximum hub height of up to 55m, rotor diameter of up to 52m, and a maximum upright vertical tip height of up to 79m, and 3, up to 900kW wind turbines with a maximum hub height of up to 45m, rotor diameter of up to 52m, and a maximum upright vertical tip height of up to 70m, and 2, up to 900kW wind turbines with a maximum hub height of up to 45m, rotor diameter of up to 52m, and a maximum upright vertical tip height of up to 66m above ground together with the creation of crane pads, foundations, underground electricity cables, improvements to parts of the existing track, works to the highway, the creation of new access tracks, an extension to the existing 33kV substation, the erection of a new 11kV substation, the erection of an anemometer and temporary construction and storage compounds and batching plant (which would also entail the de-commissioning of the existing wind farm) at

Rhyd y Groes Wind Farm, Rhosgoch

Planning Committee: 27/07/2016

Report of Head of Regulation and Economic Development Service (Amec Foster Wheeler)

Recommendation:

Permit.

Reason for Reporting to Committee:

This application is for the 'repowering' of the existing Rhyd-y-Groes windfarm. The application is an EIA application which must be referred to the Committee for determination. In addition, it has been decided that delegated powers should not be used in any case, where they apply, in connection with wind turbine developments.

The application has been delayed in coming to committee in order to allow the applicant to respond to objections and requests for further information received from:

- Natural Resources Wales in relation to effects upon the Area of Outstanding Natural Beauty;
- The Council in relation to effects upon the Area of Outstanding Natural Beauty and the landscape and visual effects upon the wider countryside;
- The Council in relation to effects upon the settings of the Cemaes Conservation Area, the church of St Peirio and Cemaes Mill;
- The Defence Infrastructure Organisation in respect of the effects upon radar installations at RAF Valley;
- The Welsh Government (Department of Economy, Science & Transport) in relation to the width of the road at Black Bridge, Holyhead to accommodate the transport of the turbine components.

The response of the applicant to these requests has resulted in the scheme being amended. A scheme amendment statement was received in June 2016. In summary, this amendment:

- removed turbines 12 and 13 at the eastern extent of the site;
- reduced the height of turbines 3, 4 and 11.

1. Proposal and Site

The application site accommodates the existing Rhyd-y-Groes windfarm and predominantly comprises improved grassland used for grazing but with about 10% under arable use. The site is accessed off the A5025 along existing roads, farm tracks and via additional tracks proposed to the base of the turbines.

The proposal is to replace the existing, consented Rhyd-y Groes wind farm which consists of 24 wind turbines with a tip height of 46m. This wind farm has been operational since 1992 and it does not have a time-limited consent.

The description of the amended proposed 9.9MW development is now:

Full application for the erection of 11 wind turbines comprising of six, up to 900kW wind turbines with a maximum hub height of up to 55 m, rotor diameter of up to 52 m, and a maximum upright vertical tip height of up to 79 m; three, up to 900kW wind turbines with a maximum hub height of up to 45 m, rotor diameter of up to 52 m, and a maximum upright vertical tip height of up to 70 m, and two, up to

900kW wind turbines with a maximum hub height of up to 45 m, rotor diameter of up to 52 m and a maximum upright vertical tip height of up to 66 m above ground level. The creation of crane pads, foundations, underground electricity cables, improvements to parts of the existing track, works to the highway, the creation of new access tracks, an extension to the existing 33kV substation, the erection of a new 11kV substation, the erection of an anemometer and temporary construction and storage compounds and batching plant (which would also entail the de-commissioning of the existing wind farm) at Rhyd y Groes Wind Farm, Rhosgoch.

In addition to a supporting Planning Statement and a Design and Access Statement, the application is supported by the following details submitted as part of an Environmental Statement:

- Introduction, site selection and design evolution;
- Project description, policy background and project benefits;
- Landscape and visual impact assessment (including residential amenity assessment)
- Ecology assessments (including ornithology and bat assessments);
- Hydrology, geology and hydrogeological assessments;
- Noise and shadow flicker assessments;
- Cultural heritage, traffic and transport and air quality assessments;
- Existing infrastructure and socioeconomic and tourism assessments.

In addition, further Cultural Heritage, Landscape and Visual and residential amenity assessments have been provided. Visualisations and wireframes have been submitted to support the proposals.

2. Key Issue(s)

Principle of the development

Effect upon the landscape and the special qualities of the Area of Outstanding Natural Beauty

Effect upon the setting of Cemaes Conservation area and listed buildings

Residential Amenity

3. Main Policies

Gwynedd Structure Plan

C7 Renewable Energy

D1 AONB

D3 Landscape Conservation Area

D22 Listed Buildings

Ynys Môn Local Plan

1 General

30 Landscape

31 Landscape

32 Landscape

35 Nature Conservation

41 Listed Buildings

45 Renewable Energy

Stopped Ynys Môn Unitary Development Plan

GP1 Development Control Guidance

EP 18 Renewable Energy

EN1 Landscape Character

EN2 Area of Outstanding Natural Beauty

EN4 Biodiversity

EN13 Conservation of Buildings

Joint Local Development Plan Anglesey & Gwynedd (2011 - 2026) Deposit Plan (2015)

Strategic Policy PS5: Sustainable Development

Strategic Policy PS6: Alleviating and Adapting to the Effects of Climate Change

Policy PCYFF1: Development Criteria

Policy PCYFF2: Design and Place Shaping

Policy PCYFF3: Design and Landscaping

Strategic Policy PS7: Renewable Energy Technology

Policy ADN1: On-Shore Wind Energy

Strategic Policy PS16: Conserving and Enhancing the Natural Environment

Policy AMG2: Protecting and Enhancing Features and Qualities that are Unique to the Local Landscape Character

Policy AMG4: Local Biodiversity Conservation

Policy AMG5: Protecting Sites of Regional or Local Significance

National Planning Policy and Circulars

Planning Policy Wales Edition 8 (2016)

Technical Advice Note 5 Planning and Nature Conservation (2009)

Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010).

Technical Advice Note 8 Planning for Renewable Energy (2005)

Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas

Guidance and Best Practice

Practice Guidance: Planning for Renewable and Low Carbon Energy - A Toolkit for Planners, Welsh Assembly Government (2010)

Practice Guidance: Planning Implications of Renewable and Low Energy (February 2011)

Supplementary Planning Guidance: Onshore Wind Energy (January 2013).

Natural England Technical Information Note TIN051 (Bats and Inshore Wind Turbines) Interim Guidance

Natural England Technical Information Note TIN059 (Bats and Single Large Wind Turbines) Interim Guidance.

The Assessment and Rating of Noise From Wind Farms ETSU-R-97 The Working Group on Noise from Wind Turbines

4. Response to Consultation and Publicity

Councillor J Griffith: Requests that the application be determined by the Planning and Orders Committee.

Amlwch Town Council: Fully supportive.

Cylch y Garn Community Council: No objection. The response does note that development will be visible from Cylch y Garn and from the AONB and requests that consideration be given to local economic benefits.

Llanbadrig Community Council: Objection. Requests that the developer considers moving the 6 turbines away from Cemaes and also, if possible, consider reducing their height to 50m therefore reducing their impact on local residents and visitors to the area.

Welsh Government (CADW): The visual effects of the proposals are likely to impact across a wide area. Werthyr Standing Stone (AN150). This impact is unlikely to be considered significant in itself;

however, this effect must be considered alongside the numerous moderate adverse impacts listed in the determination of this application. Whilst we would acknowledge that a 25 year lifespan is clearly an improvement on the existing consent, Cadw would not consider this a relevant factor in the assessment of setting impacts. Some amelioration is being considered to help promote and enhance an understanding of the conservation area. Should the planning authority be minded to grant consent in this case, this type of amelioration would also be appropriate in relation to setting impacts where access, signage, interpretation and management of monuments along with the development of strategies for education and engagement with the local community could provide valuable public benefit. Such options should also be considered as a method for disseminating the results of any archaeological investigations that are undertaken in conjunction with this development. Cadw would agree with the assessment that there is no impact on the setting of the registered park and garden at Cestyll in this case.

Natural Resources Wales: Objection now withdrawn following submission of amended scheme 'providing these modifications are incorporated into the scheme NRW would not object to the application as we consider the proposals would be unlikely to have a significant adverse effect on the AONB'.

NRW find that the current wind development of Rhyd y Groes has an established significant effect upon the setting of the AONB that whilst not conflicting with views of many of the area's most scenic aspects of coastline, bays and sea views, it is at times a conspicuous feature lying within the AONB's setting, experienced within elevated panoramic views and inland orientated views.

In regards to effects upon the AONB's special qualities set out in the area's management plan, the current development conflicts with the area's Expansive Views and Tranquillity. The juxtaposition of a wind development on the edge of the AONB has significantly affected the integrity of the designated landscape and this is the baseline for judging any additional effects of the repowering proposal.

With regard to the current scheme we have found that the eastern group of turbines has greatest bearing on the experience of the bay at Porth Wen, where Natural Beauty scenic quality, distinctiveness, cultural heritage and special qualities are particularly notable from Graig Wen and Torllwyn in addition to LVIA viewpoints 5 and 6. NRW have discussed a number of development options with the applicant to consider whether effects could be reduced to an acceptable degree. Options have considered both the height of the proposed turbines, change in the number and position of turbines relative to each other and the landscape, as experienced within AONB views. We consider the deletion of turbines T12, T13 and reduction in height of T11 to 70m high to rotor tip would result in a development that would be acceptable for the following reasons:

- The deletion of turbines T12, T13 would avoid wind development extending further eastwards than the current wind development edge, which would have resulted in greater intrusion upon the Snowdonia skyline (expansive views and views of Snowdonia are a special quality referred to in the management plan). No additional effects upon expansive views of Snowdon would occur.
- The reduction in height of turbine T11 and its lower siting in the landscape would result in a structure of comparable height compared to existing turbines at the eastern end. No additional effects upon expansive views of Snowdon would occur.

The replacement of the current 13 shorter turbines with 5 taller turbines in the eastern group (reduced from 7) would result in the following changes:

- Wider spacing between turbines would improve the visual balance of development in the landscape;
- Larger rotor blades that rotate more slowly would create less visual distraction;
- Greater turbine height is likely to make the development a more clearly seen component of

the landscape and, therefore, potentially more conspicuous.

We consider reducing the effects of development clutter and visual movement are benefits that would go some way to help moderate the effects of taller structures. This is not a cancelling of effects, but a change in the nature of effects between the existing and proposed development that we consider would result in a marginal difference overall. The visual perceptions of a wind farm development inland of the AONB would not change.

NRW have raised no objection to groundwater, flood-risk or waste/pollution issues. NRW consider that the proposal would have a marginally beneficial ecological effects due to the increased distance of the turbine blades from hedgerows.

Isle of Anglesey County Council (Landscape Section): Requested further information on the effects upon the Area of Outstanding Natural Beauty and the landscape and visual effects upon the wider countryside. Further submissions to satisfy these requests were:

- Natural Resources Wales and Isle of Anglesey County Council LVIA Response dated September 2015 (SLR);
- 4 Cumulative Wireframes 16.09.15 for Viewpoints 14, 15, 18 and 21;
- AONB Special Qualities assessment dated October 2015 (SLR);
- Scheme Amendment Statement dated June 2016 (Natural Power).

In response to the additional information the Council's Landscape section noted:

- From viewpoint 3, the removal of turbine 12 and 13 removes likely overlap with the turbines at Ysgelloog with a less cluttered layout visible than currently. The reduction in tip height of turbine 11 merges better with the Ysgelloog profile. The assessment notes that effects would change from Moderate to Slight, considered as not significant.
- From viewpoint 5, the removal of turbines 12 and 13 is less conspicuous in the visualisation. The windfarm would not extend to the east but views of turbines to the west are greater than with the existing scheme. In our opinion, the amended scheme would continue to have significant adverse effects on the AONB special quality of Peace and Tranquillity.
- From viewpoint 6, the removal of turbines 12 and 13 removes the more conspicuous overlapping turbines situated above Porth Wen to the left of Snowdonia. The effects are reduced from what was originally proposed, but would in our opinion still represent significant adverse effects on AONB special qualities of Peace and Tranquillity and Expansive Views. This is because the current windfarm, although more cluttered, is significantly less prominent.
- From viewpoint 7, the removal of turbines 12 and 13 removes the clustering of turbines to the east. There would be as noted, a reduction in visual clutter from here that even when balanced against the increased height of the proposed turbines, does not produce additional significant effects.

The removal of turbines 12 and 13 would reduce predicted effects from viewpoint 23 and views from the A5025. It would also reduce effects from viewpoint 4. It would further reduce visual clutter from elevated viewpoints (medium to long-distance) where we have previously noted that repowering would reduce visual effects. Viewpoints 5 and 6 however, would still experience additional significant adverse effects.

Isle of Anglesey County Council (Built Environment): Requested further information on the effects upon the heritage assets of the church of St Peirio, Cemaes Mill, Cestyll garden and the Cemaes Conservation Area. Further submissions to satisfy these requests were:

- Response to Comments of Senior Planning & Conservation Officer dated 3 November 2015 (Wessex Archaeology);
- Scheme Amendment Statement dated June 2016 (Natural Power).

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In response to the information received the Council's Built Environment section noted that the Amendment Statement states that the amended scheme will reduce the impact of the eastern group of turbines upon the as Church of St Peirio and that width of view of the remaining proposed turbine array is considerably reduced although still has a minor adverse impact.

Isle of Anglesey County Council (Ecology & Environment): Requires a summary table of all ecological mitigation measures should be produced.

CEMP and Ecological Clerk of Works should be part of the same package covered for wider ecology and ensure that adequate coverage of issues such as non-disturbance of nesting. Suggest habitats created before operational phase, then monitored/ maintained along the lines suggested.

Boundary removal proposed is only acceptable if mitigation is undertaken in full.

Isle of Anglesey County Council Chief Engineer (Network) Drainage Authority: Requires greater detail of intended disposal of surface water is required and that soakaways should comply with BRE digest 365 or similar. Site welfare must be served by non-mains drainage.

Details of intended means to deal with surface water drainage can be conditioned.

Isle of Anglesey County Council (Public Rights of Way): No objection.

Isle of Anglesey County Council (Public Protection): No objection. Noise levels meet the guidance set out within the Council's SPG except where other development conditions apply and welcomes the applicant undertaking that no deterioration of consented noise conditions will occur. Requests details where Low Noise Modes are applied through planning conditions. Noise levels appear consistent with operational scheme – requests noise contours. Headroom apparent between predicted levels and headroom proposed by the applicant – a risk for cumulative noise with other applications – request that the applicant reduces its headroom. Wishes to see a procedure for the assessment of amplitude modulation and to control tonality through condition as refed in SPG and ES.

In response to the above comments, a planning condition has been agreed with applicant.

Ofcom: No objection subject to additional information being provided.

NATS (En Route) Public Limited Company: No objection.

Civil Aviation Authority: No objection.

Coal Authority: No objection.

Welsh Water: No objection.

Defence Infrastructure Organisation: Objection now withdrawn following submission of amended scheme and reassessment.

Health & Safety Executive – PADHI: No objection, Defers to the Office for Nuclear Regulation.

Office for Nuclear Regulation: Defers to Council emergency planning.

The Welsh Government (Department of Economy, Science & Transport): Objection removed following submission of further information in relation to the width of the road at Black Bridge, Holyhead to accommodate the transport of the turbine components.

The Welsh Government (Environment): No objection. Unlikely to be implications for Best and Most Versatile Agricultural Land.

Snowdonia National Park Authority: Because of their location, the proposals will not impact adversely on views out of the Snowdonia National Park.

Gwynedd County Council / Isle of Anglesey County Council – Joint Planning Unit: Requests further consideration of the buffer from the AONB and whether any additional impact above the existing wind farm on the AONB is deemed acceptable. States that the key aspect is the Landscape and Visual Impact of the proposed scheme especially on sensitive receptors such as the AONB with the gain being a fixed timescale for the proposal and a reduction in the overall number of turbines against the fact that these would be significantly higher than those currently on site. Notes that consultation responses should assist with an assessment of the potential landscape and visual impacts as well as for other issues.

In relation to residential amenity assessment, agrees that the separation distances advocated within Gillespies report are the most appropriate but requests that the 600m and 800m distances should be used for the two height categories rather than the pro-rata distances of 569.3m and 642.5m used. Aside from this, the response also requests clarification whether there is agreement over the mitigation for the two dwellings close to the threshold for overbearing effects.

The response notes that the scheme falls within the maximum scale of 25MW included within the SPG and makes a number of suggestions and requests clarification on the following issues to be addressed with other consultees:

- whether a contribution towards footpath improvements, interpretation facilities or improved signage to offset the noted effects on the coastal path and the conservation areas has been resolved;
- whether consideration should be given to only granting permission for a period of 2 years to ensure that development is implemented within a suitable timeframe;
- whether consideration needs to be given towards ensuring there are sufficient funds available to undertake the decommissioning of the site at the end of its lifetime with a clear mechanism (e.g. a bond) to provide funding, in case the operator/ owner of the site is no longer commercially active at the time;
- whether the MoD objection to the proposed development has been resolved.

Gwynedd County Council – Minerals and Waste: No objection but requests condition to secure the restoration of any borrow pits as well as other restoration work to the satisfaction of the planning authority.

The Gwynedd Archaeological Planning Service: No objection subject to a condition securing a watching brief.

Conwy County Council: No comments.

Council for the Protection of Rural Wales: Objection. Contrary to TAN8 protection of AONB. Contrary to SPG threshold of 2km standoff to AONB. Impact upon residents and more valuable tourism industry. Refers to SPG residential standoff – cites visual amenity, noise and flicker. Cites devaluation of property. States that the SPG was adopted contrary to wishes of population.

Friends of the Earth: Support. States supporting planning policies within Planning Policy Wales. Cites poor approval rate in Anglesey. Notes areas of concern: visual impacts – supportive of applicant's assessments. Birds – supportive of applicant's assessment (there are few Lapwing – although apparently locally important). Bats – supportive of applicant's assessment In that repowering would reduce risk of collision. Noise and shadow flicker – supportive of mitigation measures. Tourism – no published evidence of impact – no significant impact on tourism within 30km. DECC survey suggests low level of objection to windfarms. States that benefits of scheme outweigh assessed residual impacts.

General Public: Seventeen letters of objection have been received from the public and the following points have been raised:

- Existing turbines should be removed and site restored.
- Would introduce an industrial structure with increased visual intrusion at Cemaes Bay.
- Would be unacceptable in proximity to the Heritage Coast.
- Would be unacceptable in proximity to the Area of Outstanding Natural Beauty.
- Would be contrary to the accepted buffer zone in Supplementary Planning Guidance.
- Would have a detrimental effect on the more valuable tourism industry.
- Would extend areas affected by noise and flicker issues.
- Would pose a threat to otters and other observed species.
- Would have a detrimental impact upon cultural heritage and the settings of monuments.
- Would have a cumulative impact with other turbine development at Ysgelloog and Tai Hen.
- Would proliferate a flawed technology with poor and expensive method of generation.
- Would have a detrimental impact upon health and well-being.
- Would give rise to detrimental construction traffic impacts for residents/tourists.
- Would have a detrimental impact upon the amenity for users of footpaths.
- Would be inconsistent with Geo-park status.

5. Relevant Planning History

20/C/102/C Planning permission for 24 300KW Bonus Turbines with a hub height of 31m, a tip height of 46m and a combined site generating capacity of 7.2MW. The constructed scheme also consists of access tracks, met mast, substation and control building, underground cables, external transformers adjacent to each turbine and crane hard standings.

This consent was granted in perpetuity.

20/C/102/H/SCO/RE Scoping opinion for the erection of a wind farm of up to 13 turbines. Nine of these turbines to have a tip height of 79m with four turbines with a tip height of 70m. The scheme also includes crane pads, site tracks foundations, underground cables, anemometer mast, extension to the 33 kv substation, a new 11 kv substation and a temporary construction and storage compound.

6. Main Planning Considerations

Scoping Opinion

Scoping opinion 20/C/102/H/SCO/RE dated 25/03/14 and issued according to Regulation 10 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 is relevant to the application. This established the agreement of the applicant and the planning authority to the scope of assessments required for the supporting EIA.

Principle of Development – Renewable Energy Planning Policy

Gwynedd Structure Plan Policy C7 states:

“There will be a presumption in favour of renewable energy projects provided that the impacts upon the locality are acceptable to the local planning authority. Where applicable, the proposals should be supported by an environmental assessment.”

Ynys Môn Local Plan Policy 45 states:

*“Renewable energy projects will be permitted where it can be clearly demonstrated that there will not be any unacceptable impact on
Landscape character,
Sites of international, national or local importance for nature conservation,
species which are of nature conservation importance
the standard of amenity enjoyed by the resident and tourist population and vi. Essential public services and communications”.*

Stopped Ynys Môn Unitary Development Plan Policy 8B- Energy Developments states:

“Applications for the development of renewable and non-renewable energy resources will be permitted where it can be demonstrated that there will be no unacceptable adverse impact upon the environment. Preference will be given to the development of clean and renewable energy sources, but proposals for non-renewable energy projects will be permitted if they encourage the maximum use of energy efficiency within their design”.

Policy EP18 (Renewable Energy) of the Stopped UDP states renewable energy projects will be permitted where it can clearly be demonstrated that there will not be any significant adverse impact against a number of listed criteria.

Joint Local Development Plan (Submitted for Examination) Policy ADN1 (On Shore Wind Energy) states:

“On shore wind turbine proposals will be permitted subject to an assessment of their environmental and sustainability impacts” and that “...Medium-Scale wind farms will only be granted on urban / industrial brownfield sites or when the proposal involves the repowering of existing wind farms...”.

Medium-scale wind farms are categorised as between 5-25MW, up to 9 in number, up to 80m to blade tip and viewed as a large group.

The policy states that all proposals must conform to the following criteria:

- i. the proposal will not have an unacceptable impact upon visual amenity or landscape character through: the number, scale, size, design and siting of turbines and associated infrastructure especially in areas designated for their historic or landscape value;
- ii. the proposal will not result in demonstrable harm to biodiversity including statutorily protected sites and species in particular bats and birds;
- iii. the proposal will not result in significant harm to the safety or amenity of sensitive receptors including effect from noise, shadow flicker and impact on public health, and will not have an unacceptable impact on roads, rail or aviation safety;
- iv. the proposal will not result in significant harm to the residential visual amenities of nearby residents;

v. the proposal will not result in unacceptable electromagnetic interference to communications installations, radar or air traffic control systems, emergency services communications, or other telecommunication systems;

vi. the proposal will not have unacceptable cumulative impacts in relation to existing wind turbines, those implemented and those which have permission, and other prominent landscape features;

vii. 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.

Planning Policy Wales (8th Edition) Section 12.8 gives strong support for renewable energy projects in line with the Welsh Assembly Government's Energy Policy Statement (2010), paragraph 12.8.1 states:

"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"

Planning Policy Wales Paragraph 12.8.2 states:

"...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 ambition includes for the attainment of a target of 2000MW of onshore wind in Wales which is expected to be provided by 2015-17.

Section 12.10.1 reproduced below highlights matters that should be taken into account in dealing with renewable and low carbon energy development and associated infrastructure by the local planning authority. This covers the positive aspects such as contribution to meeting national, UK and European targets and wider environmental, social and economic benefits. It also highlights the need to consider impact on the natural heritage, the coast and the historic environment and the need to minimise impacts on local communities. Other matters such as mitigation and infrastructure matters i.e. grid connection and transportation network are also highlighted within this section as follows:

"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”.*

Paragraph 12.8.15 states the impacts from renewable energy developments and associated infrastructure will vary depending on their type, location and scale. This requires different policy and development control considerations. A table is provided at Figure 12.3 (Renewable and low energy scales for planning purposes). The 9.9 MW application subject to this report represents a medium sized scheme.

Planning Implications of Renewable and Low Carbon Energy (February 2011) is planning guidance which can be regarded as a material consideration contains a different classification in relation to wind turbine technologies in Table 3.1. In terms of the “Typical Turbine Rating” the turbine would be classed as Small. In terms of a Typical Turbine Height (to blade tip) the turbine would be of a Medium scale. A note in relation to the table states – The scales are not definitive and are used for illustration purposes only.

The Council’s Supplementary Planning Guidance Onshore Wind Energy refers to Practice Guidance – Planning Implications of Renewable and Low Carbon Energy (February 2011). At 6.8 and 6.9 of the SPG it categorises turbines of up to 65 meters to blade tip as medium and states *“For the purpose of clarity in relation to different types of applications the council will use this height range categorisation to define small, medium and large turbines as a basis for dealing with onshore wind turbine applications.”*

The Onshore Wind Energy SPG 2013 replaced the Wind Energy SPG (1994). As regard the weight to be attributed to be attributed to the SPG Onshore Wind Energy (2013) it is a material consideration having been subject to consultation and a resolution to adopt by the council. This SPG was subject to two public consultations and was amended in response to comments received during the second consultation periods. The revised version was subsequently approved by the Council on the 24th January 2013, subject to additional amendments in relation to:

- separation distances;
- 2km buffer to the AONB and height restrictions;
- cumulative impact on the community; and a formal requirement for a bond to decommission the site.

However, and due to the late addition of these criteria, Inspectors at appeal decision have attributed very limited weight to the three amendments to the SPG listed above.

Technical Advice Note 8 Renewables (2005) (paragraph 14) states the Assembly Government has a target of 4TWh of electricity per annum to be produced by renewable energy by 2010 and 7TWh by 2020. In order to meet these targets the Assembly Government has concluded that 800MW of additional installed capacity is required from onshore wind sources by 2010. The 800MW was to be provided within designated Strategic Search Areas (SSAs). This target was not met in 2010.

Paragraph 2.12 of TAN 8 states the Assembly Government expects local planning authorities to encourage, via their development plan policies and decisions, proposals for renewable energy.

Paragraph 2.13 states:

“Most areas outside SSAs should remain free of large wind power schemes. Local planning authorities may wish to consider the cumulative impact of small schemes in areas outside of the SSAs and establish suitable criteria for separation distances from each other and from the perimeter of existing wind power schemes or the SSAs.”

Paragraph 2.14 states that:

“There will also be opportunities to re-power and/or extend existing windfarms which may be located outside SSAs and these should be encouraged provided that the environmental and landscape impacts are acceptable.”

Technical Advice Note 6: Planning for Sustainable Rural Communities (2010) contains the following guidance in Section 2:

“2.1.1 The planning system has a key role to play in supporting the delivery of sustainable rural communities. It can help to ensure that appropriate development takes place in the right place at the right time by making sufficient land available to provide homes and employment opportunities for local people, helping to sustain rural services. Simultaneously, the planning system must respond to the challenges posed by climate change, for example by accommodating the need for renewable energy generation. It must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces. The overall goal for the planning system is to support living and working rural communities in order that they are economically, socially and environmentally sustainable. Planning authorities should seek to strengthen rural communities by helping to ensure that existing residents can work and access services locally using low carbon travel and obtain a higher proportion of their energy needs from local renewable sources.”

The policies listed above provide a presumption in favour of renewable energy developments subject to detailed considerations. The impacts from renewable energy developments will also vary depending on their location and scale and require different policy and development control considerations. The principle of the development is still considered acceptable subject to detailed considerations below.

It is significant to note that the proposal is a repowering of an existing development that is consented in perpetuity. There is no planning condition in place to secure its removal at the end of its operational life and it could be a redundant landscape feature for many years to come.

For the purposes of determining the acceptability of the proposed scheme, the judgement can therefore only be formed on the additional impacts of the proposed scheme against the current baseline which includes the existing windfarm. This judgement cannot be made in comparison with a virgin greenfield site.

Landscape and Visual Impact - Consideration against relevant planning policy.

The application is supported by a Landscape and Visual Impact Assessment (LVIA) prepared by consultants SLR. The assessment includes a Zone of Theoretical Visibility Map (ZTV) together with photomontages, viewpoint photographs and wireframe images.

These have been augmented by further submissions in respect of the AONB and in support of an amended scheme in response to requests for additional information by officers and by Natural Resources Wales. The following policies are considered to be relevant of the consideration of landscape and visual effects.

Gwynedd Structure Plan: Policy D1 Protect and Enhance the Environment of Gwynedd states:

‘It is the policy of the county council to protect and enhance the environment of Gwynedd and in particular of

- *The Snowdonia National Park*
- *Llyn And Ynys Môn AONBs*
- *Heritage Coast'*

Gwynedd Structure Plan: Policy D3 Landscape Conservation Areas states:

'Outside of the Snowdonia National Park and the Areas of Outstanding Natural Beauty, local planning authorities will identify landscape conservation areas, including those shown on the key diagram, in order to conserve their attributes and they will have particular regard to the special character of each locality when considering proposals for development. In order to minimise its impact, development will only be permitted if it is capable of being satisfactorily integrated into the landscape.'

Ynys Môn Local Plan: Policy 31 Landscape states:

'With the exception of the AONB, and that land which falls within the settlement boundaries as defined in the Plan, the island is designated as a Special Landscape Area. Proposals for development in the Special Landscape Area will be expected to have particular regard to the special character of their surroundings. In considering the landscape impact of any proposal, the Council will need to be satisfied that the development can be fitted into its surroundings, without unacceptable harm to the general landscape character, before planning permission is granted.'

Stopped Ynys Môn Unitary Development Plan Policy EN1 – Landscape Character states:

"Development will be required to fit into its surroundings without significant harm to the Landscape Character Areas".

Stopped Ynys Môn Unitary Development Plan Policy EN2 – Area of Outstanding Natural Beauty states:

"EN2. Within the Area of Outstanding Natural Beauty (which includes defined Heritage Coast), the Council will give priority to the conservation and enhancement of the landscape. The acceptability of development proposals will be evaluated in terms of

- i) intrusive impact on the landscape character and visual qualities of the designated areas and,*
- ii) the effectiveness of any mitigation measures that are proposed and,*
- iii) the necessity of the development and the availability of alternative locations outside the designated area.*

Applications for major development and will be subject to the most rigorous examination and include an assessment of :

- i) the need for the development in terms of national considerations and the public interest, and the impact of permitting it or refusing it upon the local economy;*
- ii) the cost of and scope for developing outside the designated area or meeting the need for it in some other way;*
- iii) any detrimental effect on the environment and landscape, and the extent to which that could be moderated.*

Any construction or restoration should be carried out to high environmental standards".

Joint Local Development Plan (Submitted for Examination) Strategic Policy PS16: Conserving and Enhancing the Natural Environment states:

"The Councils will manage development so as to conserve and enhance the Plan area's distinctive natural environment, countryside and coastline, and proposals that have an adverse effect on them

will be refused. When considering permitting an application the Planning Authorities will ensure that they are:

1. Safeguarding the Plan area's habitats and species, geology, history and landscapes;
2. Protecting and enhancing sites of international, national, regional and local importance and, their settings in line with National Policy;
3. Having regard to the relative significance of the designations in considering the weight to be attached to acknowledged interests in line with National Policy;
4. Protecting and enhancing biodiversity within the Plan area and enhancing and/or restoring networks of natural habitats in accordance with the Local Biodiversity Action Plan and Policy AMG4;
5. Protecting and enhancing biodiversity through networks of green/ blue infrastructure;
6. Safeguarding internationally, nationally and locally protected species;
7. Protecting, retaining or enhancing the local character and distinctiveness of the individual Landscape Character Areas (in line with Policy AMG2) and Seascape Character Areas (in line with Policy AMG3);
8. Protecting, retaining or enhancing trees, hedgerows or woodland of visual, ecological, historic, cultural or amenity value".

Planning Policy Wales (8th Edition) Section 5.3 gives strong support for the conservation and enhancement of AONB. Paragraphs 5.3.5 to 5.3.6 state:

"5.3.5 The primary objective for designating AONBs is the conservation and enhancement of their natural beauty¹⁷. Development plan policies and development management decisions affecting AONBs should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well-being of the areas. Local authorities, other public bodies and other relevant authorities have a statutory duty to have regard to AONB purposes¹⁸.

5.3.6 National Parks and AONBs are of equal status in terms of landscape and scenic beauty and both must be afforded the highest status of protection from inappropriate developments. In development plan policies and development management decisions National Parks and AONBs must be treated as of equivalent status. In National Parks and AONBs, development plan policies and development management decisions should give great weight to conserving and enhancing the natural beauty, wildlife and cultural heritage of these areas".

The Isle of Anglesey AONB Management Plan evaluates and determines what the special qualities of the AONB are, then determines what actions are required to ensure that these qualities are conserved and enhanced for future generations.

The relevant qualities in terms of this proposal are:

- Coastal landform features
- Geological and geomorphological features
- Traditional agricultural features
- Expansive views
- Peace and tranquillity
- Islands around Anglesey
- Historic special qualities

As explained previously, the Onshore Wind Energy SPG 2013 is a material consideration however the amendments that were included without consultation in relation to separation distances, a 2km buffer to the AONB, height restrictions, cumulative impact on the community; and a decommissioning bond can be attributed very limited weight given this status and recent appeal decisions.

The Anglesey Landscape Strategy Update 2011 identifies the site as being located within Landscape

Character Area 5 North West Anglesey (LCA) which is described as extending from Amlwch down to the A5/A55 corridor between Valley and Caergeiliog. The key feature of its character is an extensive drumlin field which is important in the Welsh context.

Key relevant issues for LCA 5 in terms of this proposal are:

- To have regard to the AONB Management Plan
- To utilise and retain local field boundary patterns
- To have regard to the Cemaes Bay Conservation Area SPG
- As the area is characterised by a number of windfarms, particular emphasis should be given to cumulative effects upon the landscape character in the consideration of further developments.

Undertaken as part of the preparation of the Joint Local Development Plan, the Anglesey, Gwynedd and Snowdonia National Park Landscape Sensitivity and Capacity Assessment (dated March 2014), notes that in relation to wind energy the Overall Sensitivity A05 North West Anglesey has medium sensitivity to wind energy development. As the study revealed no areas with lower sensitivity, the LCA has amongst the highest capacity to accept wind energy development in the study area.

The area is not addressed in the review of local landscape designations (Special Landscape Areas) in a report commissioned by the Anglesey and Gwynedd Joint Planning Policy Unit (JPPU).

A landscape and visual assessment forms part of the environmental statement. This includes visualisations of the development from agreed viewpoints against the current baseline including the existing windfarm. From each viewpoint, the assessment identified the significance of the impact of the scheme and the findings of these assessments were broadly agreed by the Council. The following viewpoints were identified as being of significant concern.

- Viewpoint 3 Mynydd Pantygaseg (within the AONB)
- Viewpoint 5 Porth Wen Trwynbychan (within the AONB)
- Viewpoint 6 Porth Wen Graig Wen (within the AONB)
- Viewpoint 7 An Unclassified Road at E239754 N394325 (within the AONB)
- Viewpoint 14 Porth Wylfa, Penrhyn
- Viewpoint 15 Wylfa Head
- Viewpoint 18 Cemaes Village Green
- Viewpoint 21 A5025 Cemaes

In particular, it was felt that that the applicant had not sufficiently specified the effects upon the qualities of the AONB and the following further submissions were provided subsequently:

- Natural Resources Wales and Isle of Anglesey County Council LVIA Response dated September 2015 (SLR);
- 4 Cumulative Wireframes 16.09.15 for Viewpoints 14, 15, 18 and 21;
- AONB Special Qualities assessment dated October 2015 (SLR);
- Scheme Amendment Statement dated June 2016 (Natural Power) with wireframes and visualisations of Viewpoints 3, 5, 6 and 8.

In respect of effects on the qualities of the AONB, officer consideration of the amended scheme considered that the removal of two turbines and the reduction in height of a third turbine in the eastern array has significant beneficial effects when compared with the previously submitted scheme. It removes cumulative effects with other existing windfarm development to produce a less cluttered layout and removes the conspicuous overlapping of turbines above Porth Wen in the view to Snowdonia.

It would however, still represent significant adverse effects on AONB special qualities of Peace and Tranquillity and Expansive Views over and above the existing windfarm which, although more cluttered, is significantly less prominent. Viewpoints at Porth Wen however, would still experience additional significant adverse effects.

Views of the western array are greater than with the existing scheme and will continue to have significant adverse effects on the peace and tranquillity of the AONB.

Against the current baseline, the removal of turbines 12 and 13 would reduce predicted effects from viewpoint 23 and views from the A5025. It would also reduce effects from viewpoint 4. It would further reduce visual clutter from elevated viewpoints (medium to long-distance) where we have previously noted that repowering would reduce visual effects.

Aside from the temporary nature of the development, other mitigation is noted in the LVIA:

- Slower turbine rotational speed;
- Fewer turbines.

While there are predicted positive effects on distant viewpoints as a result of the factors above, they do not reduce effects on the closer sensitive receptors such that they remain unchanged or reduced. In a similar manner, proposed planting in the vicinity of Viewpoint 12; footpath improvements in the AONB and signage in the Conservation Area would not reduce likely significant effects from any of the affected receptors.

Cultural Heritage – Consideration against relevant planning policy and legislation

Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty to respects listed buildings in exercise of planning functions and states:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

This places an additional layer of consideration when evaluating the effects upon listed buildings.

Gwynedd Structure Plan Policy D15 Preservation of Archaeological Monuments and Areas of Importance states:

‘In considering proposals for development the planning authorities will ensure that:

Scheduled ancient monuments and their settings will be preserved intact; and Areas of archaeological importance and unscheduled archaeological sites (including those important sites which are presently unknown but which may be discovered during the plan period) and their settings which are considered to be of sufficient regional, local or academic interest to merit preservation, will be preserved and planning permission will be refused.

For archaeological sites not meriting preservation, planning consent will be withheld until provision has been made by the developer for an appropriate archaeological response before and during the development, either through written legal agreement or through the attachment of conditions to any planning consent.

For archaeological sites of unknown importance and areas of high archaeological potential provision will be made for investigation before and during development.

Schemes for development of visitor and educational facilities at and management of appropriate

archaeological sites will be encouraged provided they comply with the above.'

Gwynedd Structure Plan Policy D22 Proximity to Listed Buildings states:

'Any development or redevelopment in close proximity to a 'listed building' and having a bearing on its setting and character will be carefully controlled.'

Gwynedd Structure Plan Policy 26 Proximity to Conservation Areas states:

'All development in proximity to a designated conservation area having a bearing on the setting of the area will be carefully controlled so as to protect the character and appearance of that area.'

Ynys Môn Local Plan Policy 39 Archaeology states:

'The Council will use its planning powers to ensure that Scheduled Ancient Monuments and their settings are retained intact. Unsheduled archaeological sites and their settings of sufficient importance to merit preservation will also be protected. Where proposals affect other unscheduled archaeological remains which do not merit preservation, provision will be made for an appropriate archaeological response. Schemes for the development of visitor and educational facilities on suitable sites will be permitted provided that the archaeological site is not put at risk'.

Ynys Môn Local Plan Policy 40 Conservation of Buildings states:

"The character and appearance of all designated conservation areas will be protected from unsympathetic development. Enhancement of their characters will be achieved by carrying out improvements and permitting high quality new development".

Stopped Ynys Môn Unitary Development Plan Policy EN13 Conservation of Buildings states:

"The character and appearance of all designated conservation areas will be protected from unsympathetic development. Enhancement of their characters will be achieved by carrying out improvements and permitting suitably designed new development.

Buildings of special architectural and historic interest and their settings will be protected from unsympathetic development, alterations or demolition. Appropriate uses which help to preserve their character and fabric will be permitted".

Joint Local Development Plan (Submitted for Examination) Policy AT1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens states that:

"Proposals within or affecting the setting and/ or significant views into and out of Conservation Areas, World

Heritage Sites and Registered Historic Landscapes, Parks and Gardens shown on the Constraints Map must,

where appropriate, have regard to:

- 1. Adopted Conservation Area Character Appraisals, Conservation Area Plans and Delivery Strategies.*
- 2. World Heritage Site Management Plans.*
- 3. The Register of Landscape, Parks and Gardens of Special Historic Interest in Wales.*
- 4. Other detailed assessments adopted by the Local Planning Authority.*

Development proposals should be supported by a Heritage Impact Assessment, where appropriate".

Planning Policy Wales (8th Edition) paragraph 6.5.9 states:

“Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses”.

Similar advice is contained within Circular 60/96 Planning and the Historic Environment: Archaeology and Circular 61/96 in relation to Historic Buildings and Conservations Areas.

Conservation Area Assessment

This defines a significant area of the town centre as an area within which development should be controlled to preserve the character of the area itself but also its setting. The assessment identifies noteworthy outward and inward views that are important to the experience of the conservation area.

LANDMAP classifies the area – *as an area of gently rolling rural fields and farms inland from the coast, though the historic character is significantly altered by the wind-farm which now dominates the visual impact.*

A Cultural Heritage Assessment forms part of the Planning Statement and sets out the predicted impacts on scheduled ancient monuments and listed buildings within 1km of the application site. The assessment confirms that there are two scheduled ancient monuments; three Grade II listed buildings and the Cemaes Conservation Area within this distance.

Further submissions were provided:

- Cumulative Wireframes 16.09.15 for Viewpoints 14, 15, 18 and 21;
- Response to Comments of Senior Planning & Conservation Officer dated 3 November 2015 (Wessex Archaeology);

Scheduled Ancient Monument Werthyr Standing Stone (AN150) is located 800m to the east of the nearest turbine. Cadw's response considered that impact is unlikely to be considered significant. Having special regard to the general duty to protect the setting of the stone under legislation, together with the view of the Council's officers, it is concluded that this would result in minor harm to the setting of the stone.

St Piero's Church is a Grade II listed building situated to the south, approximately 1,100m from the closest turbine and has views of the existing Rhyd-y-Groes windfarm as well as the prominent Tai Hen turbine. The environmental assessment concluded that there would be minor impact upon the church. Substantiation of this conclusion has been sought and further assessment was undertaken by Wessex Archaeology supported by a wireframe visualisation to demonstrate the impact that the replacement of the existing scheme would have. This shows that the proposed turbines would appear taller but would be fewer in number and would occupy a lesser arc of view.

Having special regard to the general duty to protect the setting of the church under legislation, together with the view of the Council's officers, it is concluded that this would result in minor harm to the setting of the church.

Cemaes Conservation Area is located approximately 1 km to the west of the closest turbine. The environmental assessment concluded that there would be negligible impact upon the Cemaes Conservation Area. The cumulative wireframes confirmed the appearance of the turbines as taller, but fewer in number and less cluttered than the existing windfarm. The Council does not disagree with this assessment.

The Wessex Archaeology assessment of the potential visibility of the development from within the Cemaes Conservation Area supported by photo wires showing the development from two important viewpoints looking out of the conservation area. The evidence presented demonstrated that the development is unlikely to be visible from these viewpoints largely as a result of intervening development. Having special regard to the protection of the setting of the Conservation Area, it is concluded that this would result in negligible harm to its setting.

Cemaes Mill is a Grade II listed building situated at an elevated position to the south of Cemaes and is located approximately 1 km to the west of the closest turbine. The applicants Cultural Heritage Assessment concludes that the development would result in negligible impacts to the setting of this building and substantiation of this conclusion has been sought. Further assessment undertaken by Wessex Archaeology confirmed the earlier conclusions and the Council does not disagree with this assessment. Having special regard to the general duty to protect the setting of the church under legislation, together with the view of the Council's officers, it is concluded that this would result in negligible harm to the setting of the mill.

Cestyll is a Registered Historic Park and Garden close to Wylfa Power Station with very limited public opening times. The garden is located in a cleft in the landscape and is self-contained with outward views only to the north-west and away from the development. The applicants Cultural Heritage Assessment concludes there would be negligible harm to the garden and its setting. The Council does not disagree with this assessment. Having special regard to the general duty to protect the setting of the church under legislation, together with the view of the Council's officers, it is concluded that this would result in negligible harm to the setting of the garden.

The Gwynedd Archaeological Planning Service is satisfied that a watching brief is appropriate and that no pre-determination archaeological assessment is required for this site.

In relation to physical impacts it is concluded that no known cultural heritage assets will be directly impacted in terms of being damaged or destroyed by the proposed development.

Residential Amenity – consideration against relevant planning policy and legislation

The application is accompanied by an assessment of the effects of the proposal on visual amenity.

Policy C7 of the Gwynedd Structure Plan supports renewable energy developments if the impact on the locality is acceptable. Policy 45 of the Ynys Mon Local Plan requires that renewable energy development does not have an unacceptable impact on "the standard of amenity enjoyed by the resident and tourist population". Policy EP18 of the Stopped Ynys Mon Unitary Development Plan includes the same criterion but requires it not to have a significant adverse impact. Policies 1 and GP1 of the Ynys Mon Local Plan and the Stopped Ynys Mon Unitary Development Plan are also material in considering residential amenity.

Paragraph 12.8.14 of Planning Policy Wales (Edition 5) (November 2012) states that:

"...developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations..."

Annex D of TAN 8 lists factors which should typically be reviewed to identify "technically feasible areas" for the development of onshore wind energy schemes. At paragraph 3.4 it states "500m is currently considered a typical separation distance between a wind turbine and residential property to avoid unacceptable noise impacts, however when applied in a rigid manner it can lead to conservative results and so some flexibility is again advised"

The Council's Supplementary Planning Guidance Onshore Wind Energy (January 2013) stipulates that in relation to turbines of 20m to tip or more, none should be located within 500m of a residential or tourism property, or closer than 20 x tip height, whichever is the greater.

In a letter dated 5th February 2013 in response to a third party concern regarding the now adopted SPG, The Welsh Government's Chief Planning Officer confirmed:

'The Welsh Government's planning policy and guidance does not specify a minimum distance between dwellings and wind turbines. It is our view that a rigid minimum separation distance could unnecessarily hinder the development of renewable energy projects in Wales. The Welsh Government opposed the Private Members' Bill 'Wind Turbines (Minimum Distances from Residential Premises) Bill introduced into the House of Lords by Lord Reay, which sought to make provision for a minimum distance between wind turbines and residential premises according to the size of the wind turbine, which has subsequently failed to make it into statute. We consider that the issue of separation distances between residential premises and wind turbines is best determined locally on a case-by-case basis, taking on board locally sensitive issues such as topography and cumulative impacts, when decisions on planning applications are taken'.

The scheme as submitted is not located within 500m of any property. The 500m / 20xtip height buffer requirement has been dismissed as 'arbitrary and mechanistic' at appeal as it fails to take into account the particular circumstances prevailing at different sites. The assessment here is based on the anticipated effects of the scheme on individual properties and does not apply the SPG buffer as a matter of course.

Officers have also considered decisions made by Planning Inspectors in relation to residential visual amenity. Such an analysis indicates that a common threshold criterion applied by Inspectors for assessing visual residential amenity is where the change in the view would affect the fundamental living conditions. Various terms are used to describe this threshold, e.g. 'overbearing', 'overwhelming', 'overpowering' or 'oppressive'. Inspector Lavender deliberating on the Langdon Inquiry in Devon specified the consideration as follows:

"When turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live. It is not in the public interest to create such living conditions where they did not exist before."

The closest properties without a financial interest to the proposed turbine are:

Property	Approximate Distance from Proposal
Houses to North West of A5025 Cemaes (North to South)	610 to 770
Gadlys Hotel	640
Pilwrn	675
Tregynrig Bach	710
Tyn y Gors	725
Criw	740
Rhos-isaf	740
Bryn Llwyd	800
Carrog	820
Pen y Brtn	840
Shop y Goeden	840

Hafodllin Bach	840
Hafodllin Fawr	875
Betwys	940
Tai Hen	1000
Pen Parc Bach	1000

In assessing the residential impacts however, it is considered that the proposal would not be overbearing or overwhelming at any property such that its use was restricted or their general enjoyment impinged upon to such an extent as to make them unbearable. Although some properties will have direct views of the proposed development which would be significant and prominent, the width of the array is significantly less and the overall impact on the everyday enjoyment of those dwellings and their curtilages is not considered such as to warrant refusal of planning permission.

Annex C of Planning Policy Wales provides advice on Shadow Flicker and Reflected light and states that flicker is only found to have the potential for a significant effect upon occupiers of properties up to 10 rotor diameters of a turbine and within 130 degrees either side of north at these latitudes in the UK. Whilst this suggests that no properties will be affected significantly by the development (all are at distances greater than 10 rotor diameters), filmed evidence has been presented by the residents of Tyn-y-Gors which suggests that flicker is presently experienced, although it is not possible to confirm, independently that this is 'significant'. Without prejudice, and to address this issue, the applicant has agreed to a planning condition requiring an amelioration protocol that will shut down turbines at times when the prevailing weather conditions are likely to significantly effect the properties listed in the table above. The existing Rhyd-y-Groes windfarm has no such protocol in place.

Annex C goes on to state turbines can also cause flashes of reflected light, which can be visible for some distances. The guidance states that reflected light can be mitigated by the choice of blade colour and a planning condition is applied to mitigate these potential impacts.

Other Material Considerations

The effect of the development on tourism is a material consideration. The Isle of Anglesey Council commissioned research on "The Impact of Wind Turbines on Tourism" which has been weighted in making the recommendation below.

In terms of Health and Safety the proposals are not situated in proximity to any roads or buildings having regard to advice in Annex C, paragraphs 2.19 and 2.20 of "TAN 8".

The turbine is proposed to be delivered to site using the existing accesses via the A5025 from Holyhead Port. Two cranes will be used to hoist the turbine into place and other construction traffic will comprise smaller vehicles, excavation vehicles and concrete deliveries. The Highway Authority raises no concerns and requests that the developer agrees traffic management plan with them whilst the Welsh Government Transport arm confirms that it does not wish to issue a direction in relation to the proposals and have removed their objection.

Natural Resources Wales and the Council's ecologist are content that the scheme can be accommodated in terms of ecology impacts subject to the offered habitat management plan and that Turbine 4 is sited no nearer to the hedgerow immediately to the north to be controlled through micro-siting conditions. NRW is of the opinion that the scheme as proposed represents an improvement over the existing wind farm given the greater separation distances from linear features used by bats.

The Environmental Health Section is satisfied that the scheme can be accommodated in terms of noise impacts subject to standard conditions in accordance with ETSU guidance.

7. Conclusion

There is a strong presumption in favour of the development of renewable energy but subject to environmental considerations on a site basis. TAN8 encourages the repowering of existing windfarms provided that the environmental and landscape impacts are acceptable.

The amendments to the Onshore Wind Energy SPG in respect of separation distances, a 2km buffer to the AONB, height restrictions, cumulative impact on the community and a decommissioning bond can be attributed very limited weight.

The key consideration in the context of this scheme can be distilled into a balancing exercise between the benefits of renewable energy generation and the heritage and landscape effects that it would create.

Having special regard to the protection heritage assets and the Council's obligations under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 together with the relevant policy and informed by the consultation response provided by the Council's Senior Planning and Conservation Officer it is concluded that the development would result in minor harm to the setting of St Piero's Church and negligible harm to the Cemaes Conservation Area, Cemaes Mill and Cestyll Garden. With regard to archaeology, the consultation advice received from the Gwynedd Archaeological Planning Service is that a watching brief (secured via a planning condition) is appropriate and that no pre-determination archaeological assessment is required for this site.

Given that the effects upon heritage assets would be less than substantial and having special regard to the desirability of preserving them and their settings, it is concluded that given national and local policy support for renewable energy that the application is acceptable on heritage grounds.

Having regard to the policy protection afforded to the AONB it must be accepted that in this location, the area is already affected indirectly by the existing Rhyd-y-Groes wind farm as well as other, individual wind turbines. In the context of the proposed scheme, the removal of turbines 12 and 13 from that originally submitted would reduce predicted effects from viewpoint 23 and views from the A5025. It would also reduce effects from viewpoint 4. It would further reduce visual clutter from elevated viewpoints (medium to long-distance) where it has been previously noted that repowering would reduce visual effects. However, Viewpoint 5 Porth Wen Trwynbychan and Viewpoint 6 Porth Wen Graig Wen would still experience additional significant adverse effects. Taking the above into account, and the fact that Natural Resources Wales has removed its objection to the application it is considered that effects upon the AONB would not be so significant as to warrant refusal particularly when the benefits of renewable energy are weighed in the balance along with the addition considerations referenced below.

Current policies and guidance supporting windfarm repowering, weigh against the treatment of wind farms as 'temporary'. However, in this case the reversibility of effects is given significant weight as if restricted to a 25 year period; the windfarm's life would be the subject of planning control in contrast to the existing windfarm for which no time-limited consent was applied. Similarly conditions to ensure the appropriate decommissioning of the proposed windfarm can be applied and they can also be extended to include for the decommissioning of the existing wind farm, for which no condition applies at present. If further repowering of this site were to be proposed – subject to conditions being applied – it would be assessed on the basis of it being a greenfield site, as decommissioned.

8. Recommendation

Permit subject to the following conditions:

(01) The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990.

(02) The development hereby permitted shall accord to the revised scheme set out in the 'Rhyd-y-Groes Wind Farm Scheme Amendment Statement' submitted by the applicant in June 2016 and the amended layout (070616_11t_A) at Appendix 1 of the 'Rhyd-y-Groes Wind Farm Scheme Amendment Statement', or as otherwise agreed by the Council in consultation with statutory consultees

Reason: For the avoidance of doubt and to define the permission having regard to the assessed impact of the development.

(03) The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from any wind turbine within the Rhyd-y-Groes Repowering wind farm hereby consented to the electricity grid network ('First Export Date'). Written confirmation of the First Export date shall be notified in writing by the developer to the Local Planning Authority within six months of the First Export Date.

Reason: To ensure a satisfactory appearance upon cessation of the development.

(04) No Turbine shall be erected associated with this permission, until a decommissioning and site restoration scheme for the existing windfarm shall be submitted for the written approval of the Local Planning Authority. Such a scheme will include for

- a) the turbine bases and tracks of the wind farm will be left to grass over;**
- b) confirmation of the management and indicative timing of works;**
- c) a traffic management plan to fully address highway issues for abnormal loads during the period of the decommissioning works; and**
- d) other works of restoration and aftercare, agreed between the Local Planning Authority and developer to be reasonable and necessary.**

The approved decommissioning scheme shall be implemented and completed within 18months of the First Export Date of the Rhyd-y-Groes Repowering wind farm hereby approved.

Reason: In the interests of the amenities of the locality and to define the permission having regard to the assessed impact of the development.

(05) Not later than 12 months before the expiry date of the permission or unless otherwise agreed with the local planning authority , a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. Such a scheme will include for

the removal of one metre of the turbine bases below ground level, of the wind farm and reinstatement of the land;
confirmation of the management and indicative timing of works;
a traffic management plan to fully address highway issues for abnormal loads during the period of the decommissioning works; and
other works of restoration and aftercare, agreed between the Local Planning Authority and

developer to be reasonable and necessary.

The approved decommissioning schemes shall be implemented and completed within 12 months of the expiry date of this permission, unless otherwise agreed with by the Local Planning Authority

Reason: In the interests of the amenities of the locality and to define the permission having regard to the assessed impact of the development.

(06) If any wind turbine fails to produce electricity to the grid for a continuous period of 12 months the Local Planning Authority shall be notified in writing and, if so instructed by the Local Planning Authority, the wind turbine and its associated ancillary equipment shall be removed from the site, plus one metre of the turbine base below ground level within a period of 6 months from the end of that 12 month period unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality

(07) All of the blades of the turbines hereby permitted shall rotate in a clockwise direction.

Reason: In the interests of the amenities of the locality

(08) The maximum height of the tip of the wind turbines shall not exceed those specified in the Table on page 2 of the 'Rhyd-y-Groes Wind Farm Scheme Amendment Statement' submitted by the applicant in June 2016. These heights will be measured from natural ground conditions immediately adjacent to the turbine base.

Reason: In the interests of the amenities of the locality and to define the permission having regard to the assessed impact of the development.

(09) No turbine shall be erected until a scheme regarding the attachment of aviation lighting to the wind turbine approved under this permission has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full thereafter in accordance with the approved details.

Reason: In the interests of aviation safety and the amenities of the locality

(10) No turbine shall be erected until details of the external finish of the turbines hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Details of any logos, symbols or signs to be displayed on the turbines hereby permitted shall be submitted to and approved in writing by the local planning authority before they are displayed on a turbine.

Reason: In the interests of good design

(11) All cabling within the site shall be installed underground except where it exits the substation.

Reason: In the interests of safety and the amenities of the locality

(12) With the exception of Turbine 4, all turbines shall be sited in accordance with the

locations shown on the approved layout drawing (Ref: 200518_M_016D dated 13th June 2016), subject to a tolerance of 30m in any direction

Turbine 4 shall not be micro-sited at any position west of the location specified in the Table on page 2 of the 'Rhyd-y-Groes Wind Farm Scheme Amendment Statement' submitted by the applicant in June 2016.

Any consequential realignment of the associated infrastructure is also permitted. A plan showing the position of the turbines and tracks established on the site shall be submitted to the Local Planning Authority within six months of the First Export Date.

Reason: In the interests of the amenities of the locality and to define the permission having regard to the assessed impact of the development upon a wildlife corridor.

(13) Notwithstanding the approved plans, the construction of the extension to the existing sub-station and the construction of the new sub-station shall not commence until details of the exact siting, dimensions, appearance and external finishes of the sub-station building, the fencing and surface finish of the compound have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the amenities of the locality

(14) A professionally qualified and independent archaeologist shall be present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be carried out. The archaeological watching brief shall be undertaken to the standards laid down by the Institute for Archaeologists. The Local Planning Authority will be informed in writing at least two weeks prior to the commencement of the development of the name of the archaeologist.

Reason: To define the permission having regard to the assessed impact of the development.

(15) No turbine shall be erected until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide full details of the works undertaken including indicative construction timescale, details of the means of avoidance and mitigation of impacts on the species and habitats recorded within the development site and pollution prevention measures to be implemented during the site preparation and construction phases of the development. The CEMP shall be implemented as approved.

Reason: In the interests of the amenities of the locality

(16) No turbine shall be erected until such time as a scheme for: 1) disposal of any surface water drainage; 2) disposal of any foul water drainage; 3) monitoring of any licensed and private groundwater abstractions; has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of avoiding environmental pollution.

(17) Prior to the first turbine excavation on site the requirement for a Hydrogeological Impact Appraisal shall be scoped and agreed with the Local Planning Authority. A Hydrogeological Impact Appraisal shall be undertaken, submitted to and approved by the Local Planning

Authority if so required. It shall be implemented as part of the approved CEMP.

Reason: In the interests of avoiding environmental pollution.

(18) No turbine shall be erected, including any demolition of structures relating to the existing wind farm, until a Construction Method Statement have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be adhered to throughout the construction period. The statement shall provide for: a) the means of access for construction traffic; b) the loading and unloading of plant and materials; c) the storage of plant and materials used in constructing the development; d) wheel washing facilities; e) measures to control the emission of dust and dirt during construction; f) a scheme for recycling/disposing of waste resulting from demolition and construction works; g) details of the construction compound for the proposed development; h) details of any storage facilities for oils; fuels or chemicals. The development shall be carried out in accordance with the details approved.

Reason: In the interests of safety, the amenities of the locality and avoiding environmental pollution.

(19) No turbine shall be erected, including for the implementation of temporary highway works, until a construction traffic management plan has been submitted to and agreed by the Local Planning Authority. The construction of the wind farm shall take place in accordance with the approved plan.

Reason: In the interests of highway safety.

(20) The vision splays to any existing or amended accesses shall be constructed/laid out and retained as agreed in writing by the Local Planning Authority prior to the first turbine erection and maintained throughout the duration of the construction works. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the vision splay unless agreed between the Local Planning Authority and the developer.

Reason: In the interests of highway safety.

(21) Any gates erected across the proposed accesses shall be set back not less than 5m from the nearside edge of the carriageway.

Reason: In the interests of highway safety.

(22) No turbine shall be erected until a written protocol relating to the assessment and mitigation of shadow flicker at any potentially affected dwelling has been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the identification of relevant dwellings and potential measures to be employed as mitigation in response to any established occurrence of shadow flicker. In the event of a complaint to the Local Planning Authority which the authority considers to be valid and made by the owner or occupier of a dwelling which lawfully exists or had planning permission at the date of this permission, the turbines shall operate in accordance an agreed protocol.

Reason: To safeguard the amenities of the occupants of nearby dwellings.

(23) Construction work on the site shall be confined to the hours of 0700 - 1900hrs on Monday to Friday inclusive, 0700 - 1300hrs on Saturday with no working on a Sunday or national public holiday, unless otherwise first agreed in writing by the Local Planning Authority; save for the

delivery of abnormal loads which may be scheduled following police advice outside these hours and the pouring of concrete, where reasonable endeavours have been used to plan such works.

Reason: To safeguard the amenities of the occupants of nearby dwellings.

(24) The development shall not commence until the following has been submitted to and approved in writing by the local planning authority.

a) The maximum extension height of any construction equipment.

b) The latitude and longitude of every turbine upon finalisation taking account of unforeseen ground conditions or archaeological constraints.

The development shall thereafter be undertaken strictly in accord with the details approved under the provisions of this condition.

Reason: To ensure that military aircraft avoid the area and avoid the danger of collision.

(25) No turbine shall be erected until the submitted Draft Habitat Management and Enhancement Plan has been agreed with the Local Planning Authority and NRW. The finalised plan will confirm to the aims and objectives of the Draft Plan as submitted. The measures set out in the Habitat Management and Enhancement Plan shall be carried out in accordance with the approved details.

Reason: To define the permission having regard to the assessed impact of the development.

(26) No turbine shall be erected until a scheme to secure the investigation and alleviation of any electro-magnetic interference to TV and radio reception and satellite broadband connections caused by the operation of turbines has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for a pre-construction baseline survey and for the investigation by a qualified independent engineer of any complaint or interference with television or radio reception, or broadband connection at a dwelling (defined for the purposes of this condition as a building within Use Class C3 of the of the Town and Country Planning (Use Classes) Order 1987, as amended) which the authority considers to be valid which lawfully exists or had planning permission at the date of this permission where such a complaint is notified to the wind farm operator by the Local Planning Authority within 12 months of the First Export Date. Where the impairment is determined by the qualified independent engineer to be attributable to the wind farm, mitigation works which shall have been approved in writing by the Local Planning Authority shall be implemented in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupants of nearby dwellings

(27) Within 4 weeks from receipt of a written request from the Local Planning Authority [LPA], following investigation and upholding of an amplitude modulation (AM) complaint to it from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall submit a scheme for the assessment and regulation of AM to the LPA for its written approval. The scheme shall be in general accordance with:

a) Any guidance endorsed in National Guidance at that time, or in the absence of endorsed guidance,

b) Suitable published methodology endorsed as good practice by the Institute of Acoustics; or in the absence of such published methodology, The methodology published by Renewable UK on the 16th December 2013; and

c) implemented within 3 months of the written request of the LPA unless otherwise extended

in writing by it.”

Reason: To safeguard the amenities of the occupants of nearby dwellings

(28) The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

a) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

b) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling upon investigation and upholding of the complaint from the Local Planning Authority, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant’s property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

c) The assessment of the rating level of noise immissions 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 identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a 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 immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (b), and such others as the independent consultant considers likely to result in a breach of the noise limits.

d) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant’s dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant’s dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant’s dwelling.

e) The wind farm operator shall provide to the Local Planning Authority the independent consultant’s assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local

Penybryn	35	35	38	38	38	38	38.1	40.1	40.1	40.1
Pilwrn	35	35	38	38	38	38.3	40.8	43.3	43.3	43.3
Rhos-isaf	35	35	38	38	38	38.9	42	42.5	42.5	42.5
Rhyd-y-groes	45	45	45	45	45	45	45	45	45	45
Shop y goeden	35	35	35	35	36	38	39	41	42	42
Tai Hen	35	35	38	38	38	38	38.1	39.8	39.8	39.8
Tregynrig Bach	35	35	38	38	38	38.9	42	43.6	43.7	43.7
Tregynrig Fawr	45	45	45	45	45	45	45	45	46.1	46.9
Tŷ Newydd	35	35	38	38	38	38	41.2	42.8	42.8	42.8
Tyn-y-gors	35	35	35	35	36	38	39	41	42	42.9
Werthyr	45	45	45	45	45	45	45	46.5	47.1	47.1

Reason: To safeguard the amenities of the occupants of nearby dwellings.

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

(a) Values of the $L_{A90,10 \text{ minute}}$ noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 2014 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative

representative measurement location.

(c) The $L_{A90,10 \text{ minute}}$ minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres . It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (c) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the $L_{A90,10 \text{ minute}}$ noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (c) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

(b) For each 10 minute interval for which $L_{A90,10 \text{ minute}}$ data have been determined as valid in

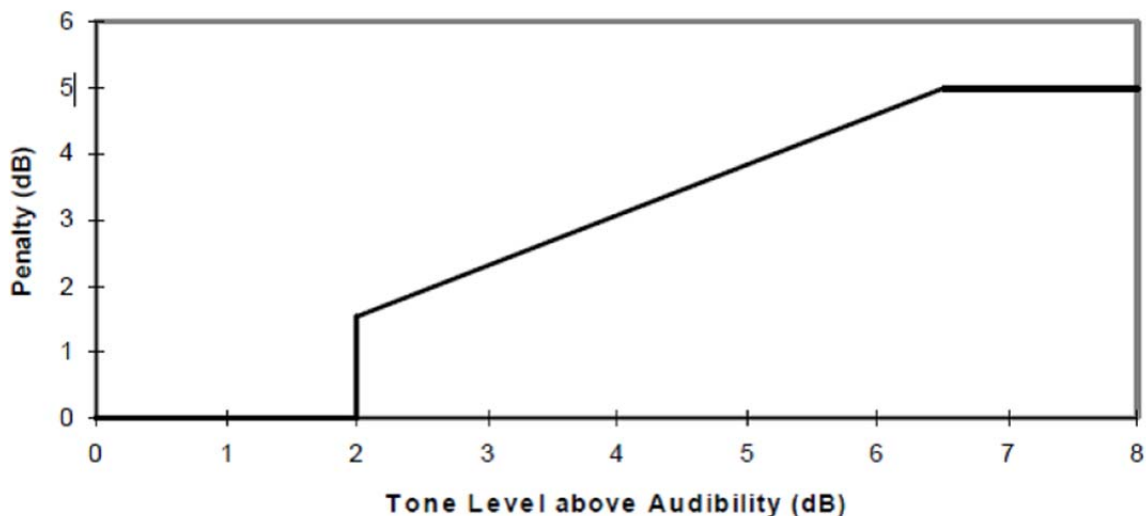
accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

(e) A least squares “best fit” linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (c) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise

conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (d) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(e). Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (b) and the approved protocol under paragraph (c) of the noise condition.

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (d) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (d) of the noise condition then the development fails to comply with the conditions.

7.3 Gweddill y Ceisiadau

Remainder Applications

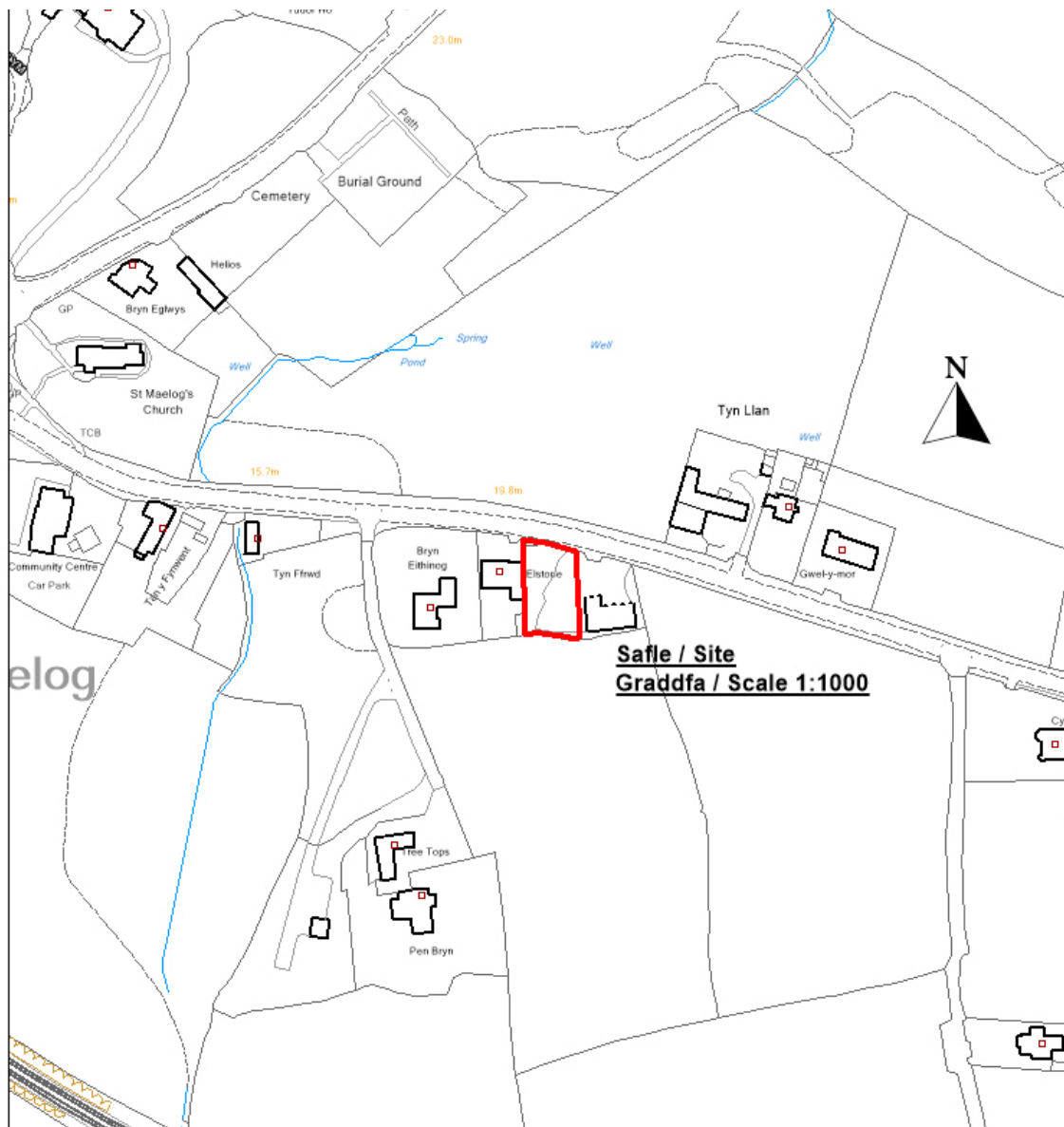
Rhif y Cais: **28C257A** Application Number

Ymgeisydd Applicant

Ms Menna Ball & Mr Ian Ball

Cais amlinellol ar gyfer codi annedd yn cynnwys manylion llawn am yr fynedfa i gerbydau ar dir ger / Outline application for the erection of a dwelling together with full details of the vehicular access on land adjacent to

Bryn Maelog, Llanfaelog



Planning Committee: 27/07/2016

Report of Head of Regulation and Economic Development Service (NJ)

Recommendation:

Refuse.

Reason for Reporting to Committee:

Councillor Richard Dew has called in the application for Committee determination.

At its meeting held on 6th July 2016 the Committee resolved to approve the application for the following reasons:

The application complies with Policy 50;
The proposal is an infill application on a brownfield site;
The proposal does not impact upon the amenities of adjoining occupiers;
The proposal will improve the appearance and amenities of the locality.

Response to the Reasons for Approval:

Policy 50: Llanfaelog is a Listed Settlement under Policy 50 of the Ynys Môn Local Plan. Policy 50 allows the development of single plots within or on the edge of existing villages and hamlets and requires that the proposal is within or forms a reasonable minor extension to the existing developed part of the settlement and would not constitute an undesirable intrusion into the landscape or harm the character and amenities of the locality.

The builder's yard is located outside the defined village boundary under the Stopped UDP. Although a handful of dwellings cluster around the staggered crossroads near St Maelog's Church, there is a distinct gap before reaching the bungalows which the builder's yard adjoins. It is not considered that the site forms an infill site or a reasonable minor extension to the existing developed part of the settlement. The development of a dwelling here would lead to pressure to develop the remaining part of the site to the east of the plot as well as to infill development back towards St Maelog's Church to the west.

Infill on Previously Developed Land: Paragraph 4.9 of Planning Policy Wales advances a preference for previously developed land and goes on to state:

"4.9.1 Previously developed (or brownfield) land (see Figure 4.4) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.

4.9.2 Many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

* in and around existing settlements where there is vacant or under-used land, commercial property or housing".

The site is currently in active use as a builder's yard. Although the principle of re-use is acceptable to support sustainability principles, planning policy recognises that not all previously developed sites are suitable for development. The application site is considered unsuitable for housing because of its physical remoteness from the village (the proposal would develop a remote site rather than fill a small gap between existing development) and because its development would lead to pressure for the remaining part of the site to be similarly developed as well as intervening land between the site and the village. Cumulatively, such development would erode the rural character of the area.

Amenity Impacts: The site is adjoined to the west by an existing dwelling. Subject to suitable design and the placement of windows it is not considered that the development of the site as proposed would lead to unacceptable overlooking or loss of privacy. The removal of a commercial use may give rise to a general improvement in amenity.

2. Conclusion

The principle of residential development is unacceptable as the development conflicts with Policy 50 of the Ynys Môn Local Plan. The development of the site would lead to pressure for additional housing development in the vicinity. The brownfield nature of the site is not sufficient of itself to overcome the policy objection.

3. Recommendation

To **refuse** the scheme for the following reason:

(01) The site is located outside the village of Llanfaelog and its development would be contrary to Policy 50 of the Ynys Môn Local Plan and Policy HP4 of the Stopped Unitary Development Plan. The development of the site would lead to pressure for other development of the applicant's land and nearby land which cumulatively would erode the rural character of the area.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/ development.