

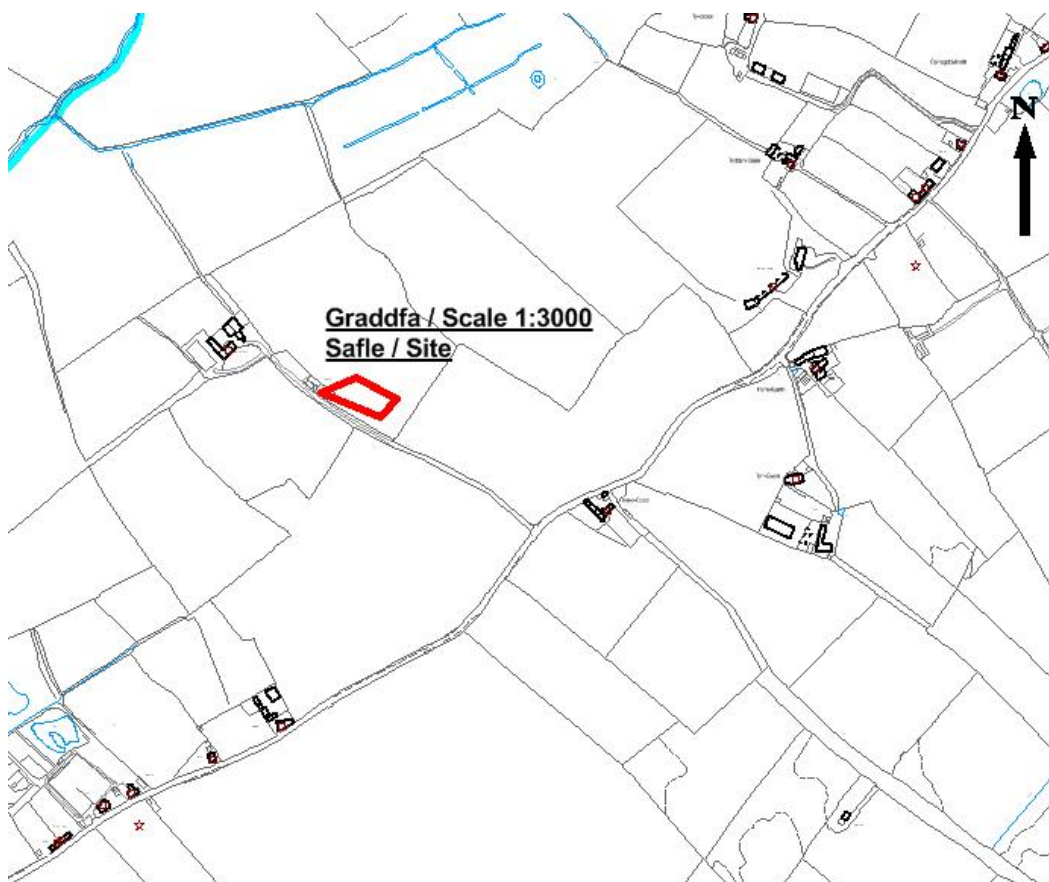
Rhif y Cais: **21C40A** Application Number

Ymgeisydd Applicant

**Mr Hefin Jones**

**Cais llawn i godi sied amaethyddol ar gyfer cadw anifeiliaid a pit slyri ar dir yn / Full application for the erection of an agricultural shed to house livestock and a slurry pit on land at**

**Penrhyn Gwyn, Llanddaniel**



## **Planning Committee: 07/01/2015**

### **Report of Head of Planning Service (OWH)**

#### **Recommendation:**

Permit

#### **Reason for Reporting to Committee:**

The application has been called-in for Committee determination by Cllr Hywel Eifion Jones.

At its meeting held on 3<sup>rd</sup> December 2014 the Committee resolved to refuse the application contrary to officer recommendation. The recorded reasons being as follows:

- I. Proximity to the nearest dwelling
- II. Potential of noise and odour impact

In such circumstances paragraph 4.6.12.1 of the Council's Constitution requires that:

"Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution."

Paragraph 4.6.12.2 requires that;

"The officer's further report shall detail the reasons put forward by the members, indicate whether such reasons are, in their view, genuine and material planning reasons and discuss the land use planning issues raised."

This report will therefore give consideration to these matters;

#### **1. Proximity to the nearest dwelling**

It is noted that the proposed development lies approximately 125 metres from the nearest dwelling. However, conditions have been placed in order to alleviate the impact of the proposed shed on the dwelling. Earth bunding and hedges have been submitted as part of the application.

The building as originally submitted was within 3.5m of the edge of the access track. It has now been relocated 10m from the edge of the access track – this additional space allows for the creation of an earth bund and landscaping scheme on this elevation with landscaping in the form of a hedge extended to the edge of the track by the existing pens and around two sides of the yard area which are currently open. The development will provide over 120m of new hedge planting including 63m of earth bund to mitigate the development. As well as screening the proposed new shed, activities within the existing pens and yard will also be screened as part of the amended proposals.

Paragraph A16 states that "...judicious tree planting and external works may enhance new buildings. The aim should not be to hide a building from sight, but rather to soften a hard outline, break up a prominent silhouette, minimize its impact on the landscape and help anchor a new building to the

surrounding landscape”.

## **2. Potential of noise and odour impact**

A balance must be struck between the needs of the farming unit and residential and visual amenities. It is considered that the amended scheme together with imposed conditions will help to alleviate noise and visual impacts and will secure an improvement in relation to current activities at the site.

It is not considered that the proposed scheme will have an adverse impact on neighbouring properties. Environmental Health officers confirm that there is no specified minimum separation distance between dwellings and livestock buildings.

A condition has also been imposed in the decision in order for the applicant to submit an Odour Management Plan which sets the measures and procedures that will be adopted to minimise odour emanating from the operation and if considered necessary this could be required prior to any development commencing.

Again a judgement is required in reaching this assessment, and it is helpful to break down the factors that need to be taken into account. It is accepted that the reasons put forward for refusal are capable of being genuine and material planning reasons. However in considering the facts of this particular case the officers would comment as follows:

- **Is it clear that the proposed development is close to the nearest dwelling however Environmental Health officers confirm that there is no specified minimum separation distance between dwellings and livestock buildings** - As discussed above it is considered that the site is acceptable provided that the above condition is imposed and that the proposed scheme would not impact the nearest dwelling to a degree that it should warrant a refusal.
- **Potential impact of odour and noise** – As previously discussed; conditions have been set in order to alleviate any potential noise and odour impact to the nearest dwelling.
- **Applicant have discussed other potential location with the objector**- It is noted that the applicant has discussed other locations for the proposed shed with the objector, however no amended scheme has been submitted with the application and as such the Local Planning Authority has to deal with the plans as submitted.

## **2. Recommendation**

It is considered that the application is compliant with development plan policy and causes no demonstrable harm and ought to be approved.

Should members maintain their objection to the application and recommend refusal for the reasons put forward it is considered that they would be difficult to defend at appeal and may risk costs against the authority.



**Planning Committee: 07/01/2015**

**Report of Head of Planning Service (DPJ)**

**Recommendation:**

That planning permission is refused.

**Reason for Reporting to Committee:**

The planning application is accompanied by an Environmental Impact Assessment.

### **1. Proposal and Site**

The planning application is made for the erection of two wind turbines on agricultural land amounting to an area of 7.6 ha, to the south west of the two existing operational wind turbines at Ysgelloog Farm which are of the same size as the proposed wind turbines subject to this planning application.

The proposed turbines would comprise two horizontal axis wind turbines of a three blade design with a maximum height to the blade tip of 92.5 meters, and a rotor diameter of up to 71 meters. The proposed turbines would be finished in an off white colour using low reflective paint. In terms of elevation the proposed turbines would be at 45 m and 55m AOD. One of the turbines is located on a field boundary and will require the removal of short length of stone wall. Planning permission is being sought for a period of 25 years after which time the turbines would be removed and the land reinstated.

In addition the application is made for the associated developments described in the description notably an extension to the access track from the Ysgelloog development including a crossing across a stream. The combined power output of the proposed turbines would be 4.6 mw.

### **2. Key Issue(s)**

- Policy Considerations In Relation To Renewable Energy
- Landscape and Visual Impact.
- Noise.
- Listed Building.
- Scheduled Ancient Monument.
- Archaeology
- Residential Amenity.
- Ministry of Defence considerations.
- Ecological Considerations
- SPG Onshore Wind Energy Developments.

### **3. Main Policies**

#### **Gwynedd Structure Plan**

C7 Renewable Energy  
D3 Landscape Conservation Area  
D15 Archaeology  
D22 Setting Listed Building  
FF11 Traffic

#### **Ynys Mon Local Plan**

1 General Policy  
31 Landscape  
32 Cloddiau  
35 Nature Conservation  
41 Conservation of Buildings  
45 Renewable Energy

#### **Stopped Ynys Mon Unitary Development Plan**

GP1 Development Control Guidance  
EP18 Renewable energy  
EN1 Landscape Character  
EN13 Setting Listed Building  
EN4 Biodiversity

**Department of Energy & Climate Change Overarching National Policy Statement for Energy (EN-1) (2011)**

**Department of Energy & Climate Change National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011)**

**Planning Policy Wales Edition 7**

**Technical Advice Note 5 Nature Conservation and Planning (2009)**

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

**Technical Advice Note 8 Renewables (2005)**

**Technical Advice Note 11 Noise (1997)**

**Welsh Office Circular 60/96 (Planning and the Historic Environment: Archaeology)**

**Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas.**

**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 Developments (January 2013)**

## **Wind Turbine & Pylon Guidance on Separation Distances with Residential Properties (2014)**

### **Landscape Sensitivity & Capacity Assessment Ynys Môn, Gwynedd and Snowdonia National Park (2014)**

#### **4. Response to Consultation and Publicity**

**Amlwch Town Council** Refusal on the grounds of the noise level as the council is aware of other small sized turbines have not been approved because of the cumulative noise impact.

**Llanbadrig Community Council** – Object on the following grounds:

- Development is too close to the small community of Boderwydd
- The turbines are a discordant feature in the landscape
- Scale is too big
- Smaller turbines in the locality have been objected to previously.

**Mechell Community Council** – Resolved to follow the community council's policy not to support large turbines but do support wind energy. The community council is aware that a petition has been sent to the county council with up to 179 objections. In this regard the community council support the petition because it reflects the feeling and opinion of the local community.

**Rhosybol Community Council** – Recommend refusal.

**Local Members** – No observations received.

**Joint Planning Policy Unit** The relevant development plan and other material policy considerations are listed, including the adopted Supplementary Planning Guidance ("SPG") Onshore Wind Energy which contains a checklist of information required with wind energy developments and supplements material planning policies.

It is explained that in light of the public consultation undertaken and its subsequent adoption by the council that "SPG" should carry weight as a material consideration. The 4 additional amendments prior to adoption by the council which were not subject to public consultation should be attributed less weight:

- Separation distances;
- 2km buffer to the AONB;
- Cumulative impact on the community; and
- A formal requirement for a bond to decommission the site.

Support is given within paragraph 12.9.9 of PPW for sub-local authority scale projects throughout Wales (defined as between 50kw and 5MW) and that there may be opportunities on urban / industrial brownfield sites (paragraph 12.9.7).

Further clarification is contained within TAN 8 with paragraph 2.13 which states:

"2.13 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. In these areas, there is a balance to be struck between the desirability of renewable energy and landscape protection. Whilst that balance should not result in severe restriction on the development of wind power capacity, there is a case for avoiding a situation

where wind turbines are spread across the whole of a county. As a result, the Assembly Government would support local planning authorities in introducing local policies in their development plans that restrict almost all wind energy developments, larger than 5MW, to within SSAs and urban/industrial brownfield sites. It is acceptable in such circumstances that planning permission for developments over 5MW outside SSAs and urban/industrial brownfield sites may be refused.”

In light of this the “SPG” has in paragraph 6.16 stated that new wind farm developments should be limited to a maximum output of 5MW. An objection was received on this aspect of the “SPG” but this was not accepted by the council as the SPG reflects national planning policy and the need to balance the encouragement of renewable energy against the need to avoid or mitigate against any unacceptable or significantly adverse impact. It is noted that the output from this proposal is 4.6MW however consideration needs to be given to paragraphs 6.19 to 6.21 of the SPG which refers to Cumulative energy output assessment which seek to ensure that a larger than 5mw is not created through smaller applications. The proposed development is within close proximity to the previous development of 2 similar turbines on the Ysgelloog site. Combined the 4 turbines would be above the 5MW scale referred to above and therefore contrary to paragraph 6.16 within the SPG.

**Conservation Officer** Indicates that the original planning application for Ysgelloog 1 was not supported on conservation grounds. Further that this planning application is not supported and it is considered that the development would be significantly more harmful to the listed buildings and settings at Boderwydd.

In determining planning application it is the duty of the local planning authority to have special regard to preserving the setting of the listed building.

In relation to the significance of the heritage receptor it is pointed out that Welsh Office Circular 61/96 states in paragraph 71 “The grading of the building in the statutory list is clearly a material consideration for the exercise of listed building control. Grade I and II\* identify the exceptional architectural or historic interest of a small proportion (7-8%) of all listed buildings.

Objection is raised on the grounds that the development would have an unacceptable impact on the setting Plas Boderwyd which is grade II\* and separately listed building at the Dovecote which the Conservation Officer considers to form part of essential setting of Plas Boderwyd.

**Landscape Officer** – Having assessed a number of viewpoints as described conclude that landscape effects considered in the submitted Landscape and Visual Impact Assessment “LVIA” to be significant within 2km. Do not agree that that these significant impacts are limited to 2km particularly in relation to the combination of sensitive landscape receptors.

The “LVIA” considers visual effects from route corridors, settlements and other recreational routes. The Landscape Officer considers that these effects would be greater than assessed in the “LVIA” and significant from Mynydd Parys.

**Cumulative Landscape Effects** – The LVIA does not assess whether the addition of two turbines may alter the perception and status of Ysgelloog with Ysgelloog 2 from a pair of turbines, to a new windfarm. While this will have policy considerations in the form of a new windfarm outside a Strategic Search Area, we consider that it also means that the cumulative landscape and visual effects under consideration are not only of another pair of turbines, but of a new windfarm. While it is not referred to as a windfarm in the LVIA, the combined effects of Ysgelloog + Ysgelloog 2 would be that of a windfarm. Indeed reference is made within the LVIA (see 7.195 and 7.196) to guidance from bodies in Wales and Scotland regarding the maintenance of an adequate separation distance between windfarms.



In conclusion the landscape officer considers that the reinforcement of already significant landscape and visual effects is unacceptable and that the area does not have capacity for additional turbines as proposed. Other energy development at public consultation stage is likely to further reinforce significant effects were they to be approved and implemented, albeit that some of the schemes referred to in the consultation are now not likely to proceed.

**Ecological & Environmental Adviser** - Based on nearby known records Greater Crested Newts should be assumed to be present and appropriate methodology and mitigation adopted. In addition Reasonable Avoidance Measures (RAMs) will be implemented to protect any reptiles and amphibians potentially present during the construction phase. The proposal entails the removal of a short section of wall which is likely to have a localised impact on foraging bats. A condition is recommended requiring connectivity improvements to mitigate the impact.

**Environmental Services** As the planning condition in relation to the consented Ysgellog Scheme is worded the development is entitled to produce noise up to the consented level. Whether or not they do so is their prerogative but the local planning authority must have regard to the full consented level. When the consented levels are considered the Phase 1 development occupies the entire headroom suggested by the applicant in the latest noise assessment. No further headroom is available unless the Phase 1 development relinquishes some of its consented noise. Without such an arrangement it is not considered possible to implement the proposed planning limits quoted in table 10.4 of the Noise Chapter in the Environmental Statement.

In relation to amplitude modulation the local authority is currently assessing a complaint of amplitude modulation from the Ysgellog 1 development. It has been established that there is amplitude modulation at 3 properties around the site and a period of joint monitoring is being undertaken with the developer. It is not considered that amplitude modulation can be dealt with via a planning condition incorporating a tonal penalty of 3-5dB as there is no headroom to incorporate the tonal penalty.

In conclusion it is recommended that planning permission is refused on the following grounds:

- The applicant has not demonstrated that the cumulative noise from the development will comply with the ETSU-R-97 document having regard to the consented levels already applied to the Ysgellog Phase 1 development. This view could be revised if the consented levels at the Phase 1 development were changed to accommodate the additional development.
- Unresolved amplitude modulation issues exist at the Phase 1 development and it would be inappropriate for the local planning authority to consent a further development which could exhibit similar problems. This view may be revised in time should the issue be adequately resolved.

Following the submission and assessment of additional information the Environmental Services Section reiterated in a memo 12.11.1 that the reasons for refusal above are still applicable.

**Regional Emergency Planning Service** Do not advise against the application.

**National Resources Wales** - NRW does not object to the proposal and is of the opinion that the proposal is unlikely to have adverse effects on the following interests.

### **Protected Species**

**Bats** - In view of the low bat activity noted on site NRW is of the opinion that the proposal is unlikely to be detrimental to the maintenance of the Favourable Conservation Status of any bat population(s)

**Great Crested Newts** - To ensure that the development has no detrimental impact on the favourable

conservation status of the GCN population, we request that any planning approval be subject of a condition requiring the submission of a Reasonable Avoidance Measures Strategy (RAMS).

### **Protected Landscapes**

The turbine will be visible from the Anglesey Area of Outstanding Natural Beauty. The statutory purposes of Areas of Outstanding Natural Beauty are conservation and enhancement of natural beauty. The proposal will also be visible from the Amlwch a Mynydd Paris Landscape of Outstanding Historic Interest. While this is not a statutory designation, chapter 6 of Planning Policy Wales (PPW) states that it is a material consideration in the planning process and must be given due regard when reaching a determination.

The proposal has the potential to have cumulative impacts on local and/or regional landscape interests

### **Flood Risk**

The access road will be crossing a flood zone. A culvert type crossing is proposed which will require consent from NRW.

**CADW**- We have given careful consideration to the submitted documentation and consider that it inadequately analyses the impact of the proposal on the scheduled ancient monuments previously identified in our letter of 29 April 2014 and that potentially the impact on the setting of Boderwyd Standing Stone is adverse. We consider, though, that there is still insufficient information on which to make a well-reasoned and rational decision that has proper regard to the impact on nationally important archaeology. Cadw, therefore, recommend that your authority ask the applicant to provide contextual photomontages and details of the reversibility of the proposal and re-consult Cadw on the findings.

**Gwynedd Archaeological Planning Service** – Recommend that the application be refused the summary presented within Chapter 11 of the Environmental Statement does not demonstrate why the potential for prehistoric archaeology should be considered low nor justifies the omission of geophysical survey; I would refer you to my previous comments, set out in my scoping response of 9th October 2013. This information is still required to enable an informed assessment of the buried archaeological resource of the site and the potential impact of the scheme upon it, and, in accordance with Planning Policy Wales 2014 and Welsh Office Circular 60/96 (Planning and the Historic Environment: Archaeology), should be supplied before a planning decision is made.

The potential impacts of the scheme on the settings of statutorily and non-statutorily designated areas have been assessed in detail within the ES. Based on the information provided, GAPS is unable to agree with the conclusions of the Cultural Heritage chapter that impacts on setting will not be significant.

In conclusion, it is considered that the proposed scheme would increase adverse impact on the settings of Boderwyd standing stone and the historic building group at Boderwyd to an unacceptable degree. In light of this, and in the absence of sufficient information to determine the potential physical impact of the scheme on archaeology, it is recommended that planning permission be refused.

If planning permission is granted contrary to the recommendation an archaeological condition is recommended requiring specified work before construction.

**Ministry of Defence** Initially objected to the development in April 2014 due to the impact military low

flying operations and on the grounds that the turbines would unacceptably interfere with radar at RAF Valley.

The MOD withdrew its objection on low flying grounds in May 2014 subject to a planning condition requiring a 200 candela omni-directional red lighting at the highest practical point on the proposed turbine and a requirement information to be submitted on construction dates, duration and heights of construction equipment.

The MOD withdrew its objection in relation to interference with radar at RAF Valley in November 2014 based on a technical submission by the applicant and a requirement for a planning condition to mitigate impact on the radar system. At the time of writing the applicant has been requested to submit the technical submission to the local planning authority so that a decision can be made as to whether a planning condition can be recommended to deal with this matter satisfactorily.

**Office for Nuclear Regulation ONR** – No objection raised

**Dŵr Cymru** – Dim gwrthwynebiad.

**Arqiva** is responsible for providing the BBC and ITV's transmission network and is responsible for ensuring the integrity of Re-Broadcast

Links, and also protect its microwave networks. We have considered whether this development is likely to have an adverse effect on our operations and have concluded that we have no objection to this application.

255 objections received on the following grounds:

- Saturation of turbines in the area.
- Landscape and visual impact.
- Industrial Scale and relative elevation of the proposed turbines.
- Cumulative impact & the saturation of the area with wind turbines.
- Detrimental effect on tourism.
- Noise.
- Health impacts of low frequency infrasound. Anglesey council is already investigating complaints of amplitude modulation noise in residential properties in proximity to the existing operational Ysgellog Windfarm.
- One writer indicates that their son suffers from "Williams Syndrome" and explains how the noise from the development will accentuate the condition. Other writers also refer to medical issues suffered by existing occupants of nearby properties as well as general health and well being of the local populous.
- Turbines of this scale should be off-shore.
- Impact on highways safety, residential and visual amenities of the red aviation warning lights on the turbines.
- The proximity to existing residential properties; and stated that this contravenes provisions in the council SPG on Onshore Wind Turbines.
- When considering an appeal at Boderwyd the Inspectorate stated "residents... would be almost encircled at close quarters by wind turbines, the proposal would bring about a perception of living in a wind turbine landscape." Other writer's state that the proposed turbines would link with existing turbines at Ysgellog, Rhyd y Groes, Tai Hen and the 76 turbines consented within 5km radius resulting in a living environment for residents dominated by turbines.
- Ecological and Ornithological grounds, buzzards, pipistrelle bats, swallows, Great Crested Newts, Slow Worms, Eels, Adders and otters are amongst the species referred to.
- Danger to adjacent residential properties if the turbines were to catch fire.
- The turbine will be less than 2km from the Grade 2 listed Church at St Peirio & other archaeological remains listed in the objection.
- The existing operational Ysgellog Wind Farm is less than 350m away within the buffer stated in the Ynys Mon SPG, which should be enough to refuse the application.

- Anglesey is not one of the 7 Strategic Search Area in Welsh Assembly TAN 8 Guidance. There are already 2 large turbines at the operational Ysgellog Wind Farm and the Rhyd y Groes Windfarm to the north. The proposal here is another commercial windfarm by stealth and as such is outside the TAN 8 guidelines, section 2.7 states: "Large areas of Wales were excluded from consideration as SSAs by features that mitigate against larger wind power development. In particular large wind power proposals within a national park or designated Area of Outstanding Natural Beauty would be contrary to well established planning policy."
- Shadow flicker.
- Potential reduction in the value of residential properties in the vicinity.
- Turbine generation is too much for the landowner to use and will have to be exported using the National Grid.
- Only the land owner benefits from the development.
- Celtic Array will provide hundreds of turbines offshore. Another writer refers to the visual impacts of the associated infrastructure which was formerly proposed at Rhosgoch in connection with the Celtic Array proposal.
- Turbines will be visible and impact on the AONB & Parys Mountain.
- Turbines too close to a National Cycle way and a Public Right of Way.
- Procedural matters in relation to why the planning application was not listed on the council website or the location described as Plas Boderwydd
- Officers recommended refusal of the original operational Ysgellog Windfarm.
- The construction of the operational Ysgellog Windfarm resulted in significant highway disruption on the road network.
- Preference for tidal energy expressed.
- Decommissioning should be fully detailed before planning permission before planning permission is approved.

30 submissions of support received on the following grounds:

- Benefits to the local economy and community, a community benefit fund estimated at £20,000 over 25 years.
- Turbines produce green/renewable energy with no hazardous waste products for future generations & meet Welsh Government low carbon energy targets.
- The projects is predicted to produce 12,700,000 kWh of electricity each year, which is equivalent to the needs of approximately 3,000 average UK homes each year.
- Wind speeds on Anglesey are conducive to wind power.
- Assertions made in terms of potential accuracy of the recording of background noise levels.
- Safe scheme which will not affect the amenities of the area or the environment.
- Visually there are already two existing turbines present; two further turbines will only have a minimal effect on the landscape.
- The turbines are sited sufficiently away from the nearest settlements and so disturbance should be minimal.
- Could become a tourist attraction.
- Contribute to agricultural diversification and income.
- Precedent has been set with the existing operational Ysgellog Windfarm.
- Preference to wind energy expressed as opposed to nuclear or gas.

## 5. Relevant Planning History

The following applications relate to the existing operation Ysgellog Windfarm:

**11C557/SCR** Screening opinion for the installation of two 10m high wind turbines EIA not required 19.08.10.

**11C557A** Erection of a temporary 60 m high met mast Conditionally approved 15.09.10.

**11C557B** Erection of two wind turbines with a maximum rotor diameter of up to 71 meters and a maximum blade tip height of up to 92.5 meters together with the erection of a sub-station and control building, new access track and associated hard standings and developments Conditionally approved. 21.06.11.

The following application was made in respect of the turbines subject to this report:

**38C301/RE/SCO** Scoping Opinion issued 13.01.14.

## **6. Main Planning Considerations**

### **Introduction**

Planning permission for the existing operational Ysgellog Windfarm was granted on 21.06.11. The committee report on this planning application indicates that it was recommended for refusal at officer level on landscape grounds and due to the impact on the setting of the grade II\* listed building. Members resolved to grant planning permission contrary to the officer recommendation.

### **Policy Considerations In Relation To Renewable Energy**

The development plan and other material planning policies in the Stopped UDP comprise C7 of the Gwynedd Structure Plan, 45 of the Ynys Mon Local Plan and EP 18 of the Stopped UDP. These policies pre-date more recent national planning guidance but permit renewable energy developments subject to the listed considerations being assessed as acceptable. These considerations include impacts upon the locality, landscape, ecology, the amenity of tourists and residents essential; public services and communications.

National Planning Policy is contained in Planning Policy Wales (2014) and Technical Advice 8 (2005). Planning Policy Wales (2014) contains the most recent national planning policies in relation to renewable energy and low carbon developments providing revised targets and strong support for renewable energy developments whilst also drawing attention to the need to consider the potential impact on the natural heritage, the coast, historic environment and local communities of any scheme.

The development subject to this report would have an output of 4.6 mw and would contribute to the UK target of producing 15% of energy from renewables by 2020 as set out in 12.8.1 of PPW. Further section 12.8.2 of PPW states "...Planning policy at all levels should facilitate delivery of both the Assembly Government's overall Energy Policy statement, and UK and European targets on renewable energy..." Section 12.10.1 of PPW also 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.

Support is given within paragraph 12.9.9 of PPW for sub-local authority scale projects throughout Wales (defined as between 50kw and 5MW) and that there may be opportunities on urban / industrial brownfield sites (paragraph 12.9.7). Further clarification is contained within TAN 8 with paragraph 2.13 which 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. In these areas, there is a balance to be struck between the desirability of renewable energy and landscape protection. Whilst that balance should not result in severe restriction on the development of wind power capacity, there is a case for avoiding a situation where wind turbines are spread across the whole of a county. As a result, the Assembly Government would support local planning authorities in introducing local policies in their development plans that restrict almost all wind energy developments, larger than 5MW, to within SSAs and urban/industrial brownfield sites. It is acceptable in such circumstances that planning permission for developments

over 5MW outside SSAs and urban/industrial brownfield sites may be refused.”

As detailed in the consultation section of this report in JPPU comments Supplementary Planning Guidance (“SPG”) Onshore Wind is a material consideration and supplements the development plan and other material planning policy considerations. It also reflects advice in more recent national planning policies and contains at paragraph 6.16 a stipulation that new wind energy developments should be limited to a maximum output of 5mw.

The development subject to this report would produce 4.6mw, but if combined with existing operational Ysgellog Wind Farm this would amount to around 9.2mw. Access to the development subject to this report would be via the existing operational Ysgellog Windfarm and the access track subject to this report would be comprise and extension thereof. The existing grid connection for the operational Ysgellog windfarm would also serve the development subject to this report. Given also the proximity of both developments and comparable scale of the proposed turbines it is considered reasonable that that the cumulative energy output of the operational Ysgellog Windfarm and proposed turbines subject to this report should be calculated cumulatively. In this regard the combined energy output would exceed the 5MW threshold in TAN 8 and the SPG.

The policy is intended protect the character and appearance of the landscape from windfarm development and this aspect of the proposed development is considered further below.

Paragraph 12.10.1 also lists other criteria which should be assessed in determining planning applications and the following are considered material in this instance:

- the impact on the natural heritage (See Section 5.5), the Coast ( See Section 5.6) and the Historic Environment (See Section 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;

These considerations are also assessed in detail in subsequent section of this committee report.

### **Landscape and Visual Impact**

The proposal would be located within an Area designated as a Special Landscape Area and the Area of Outstanding Natural Beauty (“AONB”) is located to the north, east and west of the proposed turbines. The submitted details indicate that that at the closest point the AONB is located 2.6 km to the north and that Parys Mountain historic landscape is located 2.5km to the east of the proposed development.

In broad terms the supporting information with the planning application indicates that the overall effect on the three closest locations is regarded as significant notably a Boderwyd, these effects are described as reinforcing already significant effects from the operational Ysgellog Windfarm. Beyond 2km the landscape effects are predicted not as significant. It is the local planning authority’s assessment that significant impacts are not strictly limited to 2km particularly in relation to the in combination of sensitive landscape receptors such as the AONB & Parys Mountain. Further that in landscape terms and on a cumulative basis that the development would contribute to further significant change in the landscape.

It is material that in in a recent appeal decision in respect of a 67 meter high to tip turbine at Rhosbeirio Farm, Rhosgoch an Inspector similarly concluded that “...I consider that the presence of the development in the landscape, taken together with the operational and permitted turbines at Rhyd y Groes, Ysgellog and Tai Hen, would have significant and adverse visual effects”. Amongst the

factors that led to this appeal being considered unacceptable was that the turbine would substantially add to a perception of a landscape dominated by turbines.

In conclusion it is considered that the proposal would reinforce already significant landscape and visual effects and that this is considered unacceptable, further that that the area does not have capacity for additional turbines as proposed. As explained in the introduction of this committee report objection was raised at officer level to planning application 11C557B on landscape grounds to the existing operational Ysgellog Windfarm.

## **Noise**

The application has been assessed by council's Environmental Services as described in the consultation section of this report and there are two issues in terms of noise.

### **Noise Limits**

This relates to the absolute noise levels and margins above the existing background noise level of all wind turbines in the area considered on a cumulative basis.

As the planning condition in relation to the consented Ysgellog Scheme (11C557B) is worded the operational Ysgellog Windfarm is entitled to produce noise up to the consented level. Whether or not they do so is their prerogative but the local planning authority must have regard to the full consented level. When the consented levels are considered the Phase 1 development occupies the entire headroom suggested by the applicant in the latest noise assessment. No further headroom is available unless the Phase 1 development relinquishes some of its consented noise. Without such an arrangement it is not considered possible to implement the proposed planning limits quoted in the noise reports submitted and it is not possible to attach a planning condition to mitigate noise levels to an acceptable level.

### **Amplitude Modulation**

The local authority is currently assessing a complaint of amplitude modulation from the operational Ysgellog Windfarm. This results from the aerodynamic noise of the wind turbine blade sometimes referred to as a "swish" or "thump". This is a complex phenomenon and the factors which result in the noise can be complex.

It has been established that there is amplitude modulation at 3 properties around the site and a period of joint monitoring is being undertaken with the developer. The council are currently investigating this matter under the statutory nuisance regime but the problem remains unresolved. Since an unresolved amplitude modulation issue exists at operational Ysgellog windfarm it would be inappropriate for the local planning authority to consent a further development which could exhibit similar problems and it is not considered that planning condition can be recommended to satisfactorily mitigate the issue. Whilst this view could be revised in time should the issue be adequately resolved it is not at the time of preparing this report.

Objections have also been received on the grounds of the health effects of inaudible infrasound. Advice from Public Health Wales Environmental Public Health Information Series on Wind Turbines (26 January 2012) indicates that studies indicate that wind turbines are not sources of substantial infra sound or low frequency noise.

## **Setting of the listed Building**

As explained in the introduction to this committee report an objection was raised to the existing operational Ysgellog Windfarm on the grounds of the impact on the Plas Boderwyd.

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas Act, 1990) states that in considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority 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.

Paragraph 6.5.9 of Planning Policy Wales (February 2011) states that 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 feature of special architectural or historic interest which it possesses.

Plas Boderwyd which is a grade II\* listed building being of exceptional architectural/historic interest. Grade I and II\* identify the exceptional architectural or historic interest of a small proportion (7-8%) of all listed buildings.

Objection is now raised by the council's Conservation Officer on the grounds that the development would have an unacceptable impact on the setting Plas Boderwyd which is grade II\* and separately the listed building at the Dovecote which form part of essential setting of Plas Boderwyd.

## **Scheduled Ancient Monument**

The Boderwyd Standing Stone is a scheduled ancient monument located around 500 meters to the south of the proposed turbines. CADW have indicated that potentially the impact on the setting of Boderwyd Standing Stone is likely adverse, further information has been requested by CADW to understand the severity of this adverse impact. The applicant has indicated that they do not intend to submit any further information. It is therefore considered that the proposed wind turbines would have an adverse impact on the setting of the Boderwyd Standing Stone Scheduled Ancient Monument.

## **Archaeology**

Gwynedd Archaeological Planning Service has recommended that the planning application is refused because of a lack of supporting archaeological information. They do not consider that the Environmental Statement adequately demonstrates the potential for prehistoric archaeology should be considered low nor justifies the omission of geophysical survey. They indicate that this information is required to ensure that the potential impact of the proposed scheme on any significant archaeological resources is assessed in accord with material planning policies on this basis the proposal is considered unacceptable.

## **Residential Visual Amenity**

A number of the objection letters received are made on the basis of proximity to the nearest residential properties including the village and the school.

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 SPG on Onshore Wind turbines indicates that there should be a minimum separation distance of 500m or 20 times tip height (whichever the greater) for turbines of the scale Limited weight has been attributed by Planning Inspectors to the amendments introduced during the meeting that led to the Council's adoption of the SPG. The lack of public consultation about the additional amendments, which include the separation distances in paragraph 7.9.8 described above, is cited as a reason for the Inspector's conclusions about the weight that can be afforded to this aspect of the SPG.

The application is accompanied by an assessment of the impacts on the residential amenities of surrounding. The proposed turbine is around 660 meters from the nearest none financially involved dwelling. In order to assess the proposal's conformity with the development plan and other material planning considerations officers have assessed the impact on the visual amenity of this and other properties of similar distance from the proposed turbines. Whilst the overall magnitude of impact is considered to be significant in some instances in none of the cases was it regarded as affecting residential visual amenity to such a degree that it could be regarded as being overwhelming such that planning permission should be refused.

Annex C of Technical Advice Note 8 provides advice on Shadow Flicker and Reflected light. Shadow flicker is only found to occur within properties up to 10 rotor diameters of a turbine and within 130 degrees either side of north at these latitudes in the UK. A shadow flicker assessment has been submitted with the planning application and this confirms that five properties have the potential to experience an effect from the proposed wind turbines. All of the five properties have been identified as having the possibility of experiencing more than 30 minutes shadow flicker a day, with two properties (both of which are financially involved in the proposal) experiencing more than 30 hours of shadow flicker in one calendar year. Excluding the two financially involved properties it estimates that shadow flicker could affect three residential properties on a mean basis of around 13 hours per year. On the basis of planning appeal decisions it is considered that this can be mitigated satisfactorily with a planning condition requiring a scheme of mitigation.

### **Ministry of Defence**

The Ministry of Defence having initially objected to the planning application are now recommending conditional approval. Amongst the conditions recommended is a requirement for aviation warning lights which will be comparable to the existing lights installed on the operational Ysgelloog Windfarm and that a technical solution is submitted to deal with the potential interference to air defence radar.

### **Ecology**

The proposal entails the removal of a short section of wall which is likely to have a localised impact on foraging bats. The council's Ecological and Environmental Adviser has advised that this is satisfactory subject to mitigation in the form of other connectivity improvements. Similarly NRW are content with that the impact of the development on protected and other species can be mitigated with conditions.

### **Other Policy and Material Considerations**

In terms of the provisions of the SPG (adopted January 2013) the following matters are now material in relation to the application:

- Community Engagement – the applicants have submitted a community engagement statement as part of their Planning Support statement and this is considered suffice the requirements of the SPG.

- A formal requirement for a bond to decommission the site – this was added to the SPG and has not been subject to formal consultation and as explained previously it can be attributed little weight on this basis. Planning Policy Wales at section 12.10.6 refers to the need to consider mechanisms to mitigate impacts including decommissioning. In this instance it is considered that for two turbines of this scale a planning condition would be satisfactory.
- Community Benefit and Developer Contributions. In accord with TAN 8 the SPG makes clear that where appropriate developers should liaise directly with local communities regarding possible associated community benefits rather than the council. The absence or presence of any contribution to local communities is not an issue which will be considered by the council in its determination of whether planning permission should be given.

The applicants have indicated the connection point to the national electricity grid will use the existing connection to the operational Ysgelloog Windfarm

## 7. Conclusion

In conclusion there are a number of objections to the development as follows:

1. National planning and local policy considerations which are intended protect the character and appearance of the landscape from windfarm. Further it is considered that the development would reinforce already significant landscape and visual effects in an area which is already considered to be saturated by wind turbine developments.
2. Unacceptably harm the setting of a grade II\* listed building at Plas Boderwyd.
3. Noise levels cannot be mitigated to an acceptable level.
4. An unresolved amplitude modulation issue exists at operational Ysgelloog windfarm it would therefore be inappropriate to consent a further development which could exhibit similar problems.
5. Adverse impact on the setting of the Boderwyd Standing Stone Scheduled Ancient Monument.Scheduled Ancient Monument.
6. It has not been demonstrated that the proposed development would not have an unacceptable impact on significant archaeological remains.

## 8. Recommendation

That Planning permission is **refused** for the following reasons:

(01) The proposed development is located outside of a Strategic Search Area and cumulatively energy output with the existing operational Ysgelloog Windfarm exceeds 5 mw threshold in TAN 8 Renewables (2008) and the Isle of Anglesey Council Supplementary Planning Guidance Onshore Wind Energy Developments (January 2013). These policies are intended protect the character and appearance of the landscape from windfarm development. The proposal would reinforce already significant landscape and visual effects in an area which is already considered to be saturated by wind turbine developments which would be contrary to the provisions of these policies.

(02) The applicant has not demonstrated that the cumulative noise from the development will comply with the ETSU-R-97 document having regard to the consented levels already applied to the operational Ysgelloog Windfarm. This would have an unacceptable effect of noise levels on the amenities of residential properties in the vicinity of the proposed development and contravene the provisions of policy 1 of the Ynys Mon Local Plan, GP1 of the Stopped UDP and Planning Policy

Wales.

(03) There exists an unresolved amplitude modulation issues with the operational Ysgelloog Windfarm and it would be inappropriate for the local planning authority to consent a further development which could exhibit similar problems. Approval of the proposal could exacerbate the unacceptable amplitude modulation which exists and having a further detrimental effect on the residential amenities of residential properties in the vicinity of the proposed development and contravene the provisions of policy 1 of the Ynys Mon Local Plan, GP1 of the Stopped UDP and Planning Policy Wales.

(04) The proposed wind turbines would unacceptably harm the setting of a grade II\* listed building. This would be contrary to the provisions of policies D22 of the Gwynedd Structure Plan, Policy 41 of the Ynys Mon Local Plan, EN 13 of the Stopped Ynys Mon Unitary Development Plan, Planning Policy Wales (February 2011) and Welsh Office Circular 61/96 "Planning and the Historic Environment: Historical Buildings and Conservation Area"

(05) The proposed wind turbines would have an adverse impact on the setting of the Boderwyd Standing Stone Scheduled Ancient Monument. This would be contrary to the provisions of Policy D15 of the Gwynedd Structure Plan, 39 of the Ynys Mon Local Plan, EN 12 of the Stopped Ynys Mon Unitary Development Plan, Planning Policy Wales and Welsh Office Circular 61/96 "Planning and the Historic Environment: Historical Buildings and Conservation Area"

(06) It has not been demonstrated that the proposed development would not have an unacceptable impact on any significant archaeological remains present. This would contravene the provisions of policies D15 of the Gwynedd Structure Plan, 39 of the Ynys Mon Local Plan, , EN12 of the Stopped UDP, Planning Policy Wales and Circular 60/96 Planning and the Historic Environment: Archaeology.

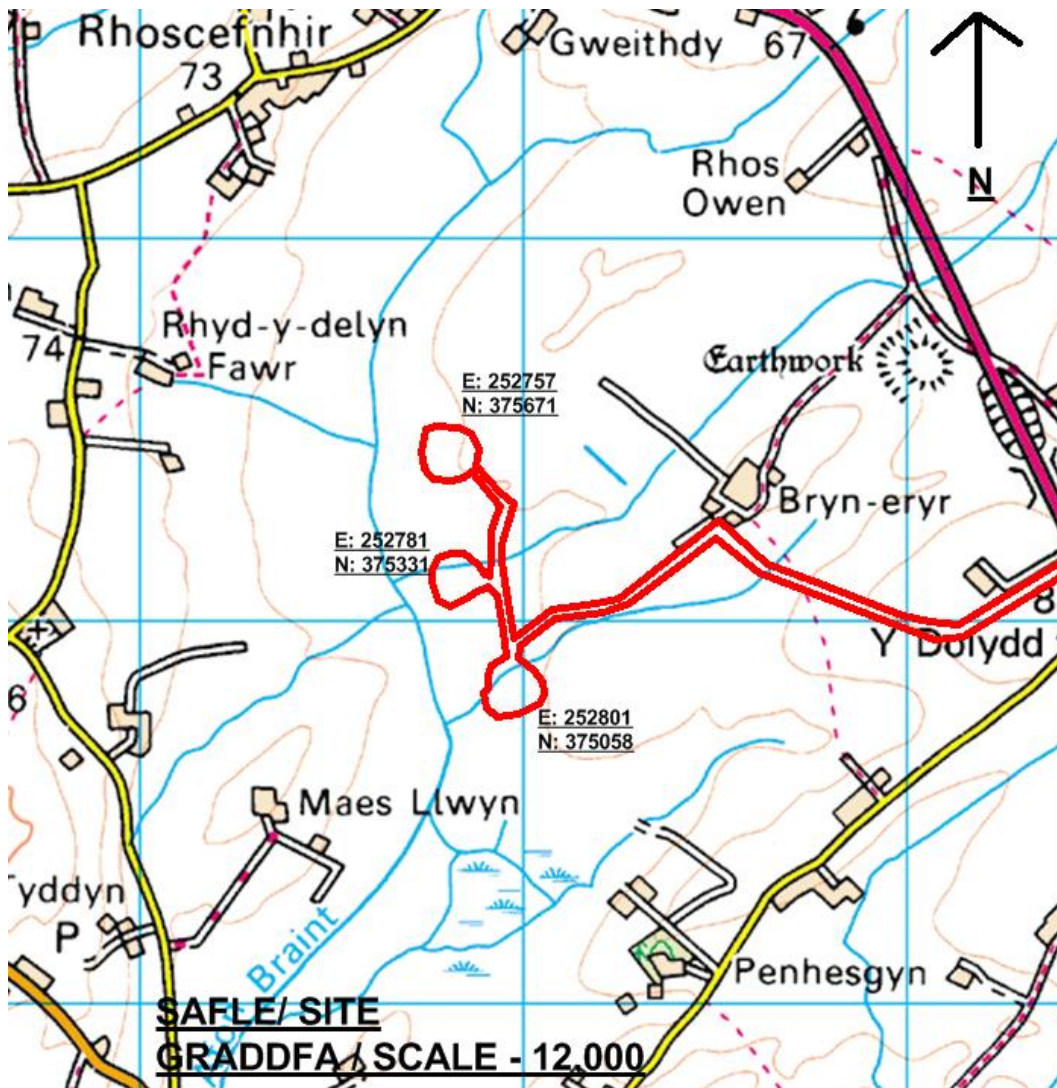
Rhif y Cais: 41C125B/EIA/RE Application Number

Ymgeisydd Applicant

Ynys Mon Wind Energy Ltd

Cais llawn ar gyfer codi tri twrbin wynt 800kW - 900kW gyda uchder hwb hyd at uchafswm o 55m, diamedr rotor hyd at uchafswm o 52m a uchder blaen unionsyth hyd at uchafswm o 81m, gwelliannau i'r fynedfa presennol i lôn A5025, ynghyd a chodi 3 cabinet storio offer ar dir yn / Full application for the erection of three 800kW - 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 81m, the improvements to the existing access to the A5025 road together with the erection of 3 equipment housing cabinets on land at

Bryn Eryr Uchaf, Porthaethwy



## **Planning Committee: 07/01/2015**

### **Report of Head of Planning Service (NJ)**

#### **Recommendation:**

Refuse

#### **Reason for Reporting to Committee:**

The application is an EIA application which must be referred to the Committee for determination. In addition, it has been decided that delegated powers will not be used in any case, where they apply, in connection with wind turbine developments.

A report was submitted to the December 2013 meeting of the Planning and Orders Committee recommending that a site visit be made prior to the determination of the application. A site visit was made on 18<sup>th</sup> December 2013.

The application has been deferred in successive Committee meetings since January 2014 in order that the applicant could respond to an objection received from Natural Resources Wales and in relation to an IT link to the Llanddona school.

Bat mitigation proposals have now been submitted which are acceptable to NRW subject to condition and it has been confirmed by the Council that an IT link to the now closed Llanddona school is no longer required.

#### **1. Proposal and Site**

The application site comprises an agricultural field used for grazing. The site is accessed off the A5025 along the existing farm tracks (widened as necessary) and additional tracks to the base of the turbines. Access improvements are proposed at the farm gate as well as route works to allow for access of components from the A5025.

The application is made for three wind turbines with a maximum height to the tip of the blade of up to 81 meters, maximum height to hub of up to 55 meters and a maximum rotor diameter of up to 52 meters. The maximum rated power of each of the turbines being applied for is between 800 and 900 kw. The ES estimates that each of the turbines proposed could supply the average annual domestic needs of 1,300 homes. The candidate turbine for the purpose of the assessment is given as the Gamesa G52 model although the actual make and model would only be selected under competitive tender at the construction stage. The height of the proposed structures compares with 106m height for the BBC mast at Llanddona and some 40m height for the Penmynydd mast.

The proposal also includes ancillary structures including control buildings and access roads 4.5m – 5m wide with an approximate overall length of 2.7km) and hard standings (20x40m approximately), substation (6m x 12m x 5.5m high approximately) and temporary construction compound details.

The planning application is supported by the following details submitted as part of an Environmental Statement:

- Introduction , site selection and project description and traffic impact assessment;
- Needs, benefits and socio-economic impacts assessment;

- Landscape and visual impact assessment;
- Ecological and ornithological assessment;
- Cultural heritage assessment;
- Hydrology and hydrogeology assessment;
- Noise assessment;
- Safety and infrastructure assessment.

In addition, a further Noise Assessment, Bat Mitigation Strategy, IT Mitigation Strategy and Cultural Wireframes have been submitted to support the proposals.

## **2. Key Issue(s)**

- Principle of the development
- Landscape and Visual Impact
- Residential Amenity and Noise
- Ecology

## **3. Main Policies**

### **Gwynedd Structure Plan**

C7 Renewable Energy

D1 AONB

D3 Landscape Conservation Area

D22 Listed Buildings

### **Ynys Mon Local Plan**

1 General

30 Landscape

31 Landscape

32 Landscape

35 Nature Conservation

41 Listed Buildings

45 Renewable Energy

### **Stopped Ynys Mon 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

### **Planning Policy Wales Edition 7**

### **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**

**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**

#### **4. Response to Consultation and Publicity**

**Councillor M Jones:** Understands that there is no requirement to request a call-in as the application will in any case be determined by the Planning and Orders Committee.

**Beaumaris Town Council:** Opposed to the development on grounds of landscape impacts and impacts on the AONB; impacts on the local economy and tourist industry; visual impacts on residential locations; impacts on TV reception; noise and shadow flicker issues; A5025 unsuitable to cater for the delivery of components; local residents are opposed to such developments; recommend refusal.

**Menai Bridge Town Council:** recommend refusal on grounds that the proposal is out of character with the area and damaging to the environment.

**Penmynydd Community Council:** Such applications have little to do with climate change but are concerned with farming subsidies. There is no benefit to the community, only to the landowners. The size and scale of the development is too large. The turbines will have a visual and noise impact, affecting wildlife, they will have a wide landscape impact and will produce little energy. Turbines of this height will affect the beauty of the island and will impact tourism. In other areas where turbines have been approved, tourism has fallen by 25%. Tourism is the island's main industry. The turbines can cause health effects and will devalue property.

**Llanddyfnan Community Council:** Such applications have little to do with climate change but are concerned with farming subsidies. There is no benefit to the community, only to the landowners. The size and scale of the development is too large. The turbines will have a visual and noise impact, affecting wildlife, they will have a wide landscape impact and will produce little energy. Turbines of this height will affect the beauty of the island and will impact tourism. In other areas where turbines have been approved, tourism has fallen by 25%. Tourism is the island's main industry. The turbines can cause health effects and will devalue property.

**Pentraeth Community Council:** Opposed to the application as the turbines will be visible from a wide area, not only on Anglesey but in Gwynedd. They will affect the amenities of local residents, in particular in Rhoscefnhir and would have a detrimental effect on visual amenities.

**Llangoed and Penmon Community Council:** objection, significant effect on tourism.

**Llanddona Community Council :** objection as the development will change the landscape; only the landowner will benefit.

**Snowdonia National Park Authority:** The proposals will not impact adversely on views out of the Snowdonia National Park. However, the turbines on their own, and in combination with others proposed in the vicinity, may be seen against the background of Snowdonia's mountains from some locations – although the selected viewpoints and photomontages do not show this possibility. As a result it is considered that the proposed development may impact on the National Park's setting and this should be taken into consideration when determining the application.

The photomontages prepared on behalf of local residents confirm that there will be impacts on visual amenities for both residents and tourists. A number of the viewpoints show the proposed turbines against the backdrop of the Snowdonia mountains. Photomontages are listed with their anticipated impacts.

**Gwynedd County Council:** No objection as it is not considered that the proposal would not have a significant effect on the visual amenities of the Gwynedd coastline from the Menai.

**Conwy County Council:** No comments

**Built Environment and Landscape Section:** Agree with the consultants' assessment and statements in relation to impacts on listed buildings, World Heritage Sites and conservation areas. Proposal is likely however to have an indirect as well as cumulative impact on the grade II\* listed church of St Gredifael, Penmynydd. The turbines will introduce a moderate to high level adverse impact on the character and appearance of the listed building's setting and will alter the 'sense of place'.

The Landscape and Visual Assessment is contained within the Environmental Statement and referred to in the following sections:

- Non -Technical Summary
- Planning Application 2.3.6 (turbine scale)
- Volume 1, Written text – Chapter 4, Landscape and Visual Impact Assessment (LVIA) prepared by Bright and Associates.
- Volume 2, Part A – Appendix 4.5 (Visual) and 4.7 (Cumulative)
- Volume 3 – Figure (Maps and visualisations from 25 viewpoints with 15km).

In addition the Council has received a set of visualisations produced by Architect Animation Studios (UK) Ltd commissioned by residents of Rhoscefnhir and Penmynydd which present alternative views of the proposal. The Visualisations within the ES are panoramic images. The correct viewing distance for these is noted to be 350mm meaning that part of the image only would be visible at one time.

Neither set of images differ in their presentation of the scale of the proposed turbines with regard to other structures. Differences exist in the use of camera lens; viewing distances; clarity of the weather conditions and incorporation of other built features.

All information has also been received electronically; where possible viewed in the field and at the viewing distance advised in the images. With particular relevance to maps, electronic images can be viewed in detail and carefully appraised where the Zone of Theoretical Visibility (ZTV) appears to affect sensitive receptors.

A screening opinion was sought for three turbines at 100m to tip height (2.5MW capacity turbines) and three turbines at 115m to tip height. The application details indicate that the scheme was subsequently modified (4.1.2) to three at 81m tip height (800 – 900 KW capacity turbines).



The number of viewpoints was also reduced from earlier consultations with the Council. Viewpoint locations were discussed with the Council although this did not include actual sight of the images. The study area of 30km includes sensitive on-shore receptors for Anglesey and a number from neighbouring authorities.

The turbine depicted at Tŷ Gwyn in the applicants Visualisations has been refused at appeal since the production of these images. The Inspector determined in refusing consent for the single 500kw turbine, 62 metres to tip that *'the proposal would have a significantly harmful effect on the character and appearance of the surrounding rural area'*. The nearest of the turbines proposed at Braint is under 300 metres from the site at Tŷ Gwyn and all three would be within 500 metres of the site.

### **Significant Effects**

We have considered the likelihood of significant effects to the following:

- Landscape Character Areas
- Setting of AONB
- Visual Effects
- Cumulative Effects

The likely significance of effects is considered against the baseline descriptions and receptors as described by LANDMAP and the Anglesey Landscape Strategy Update 2011.

### **Landscape Effects**

As outlined in the submission, the site lies centrally within *Landscape Character Area 12: East Central Anglesey (LCA 12)*. It is described in the *Anglesey Landscape Strategy Update 2011* as forming *'an inland buffer zone to the Menai Strait and reflecting the typical undulating landscape of Anglesey'*; and in Natural Resources Wales LANDMAP (ref: YNSMNV017) as *'rolling plateau....Snowdonia appears very close.... a pleasant but rather featureless and unremarkable landscape...'*. The integrity of this is noted as being *High* and being *'generally unspoilt'*. An adjacent LANDMAP Area (ref: YNSMNV018) which also forms a significant part of *LCA 12*, is noted in similar terms in LANDMAP.

The LANDMAP description of the area as a *'pleasant but rather featureless, unremarkable landscape'* underlies its importance as a buffer for the AONB at the Menai Strait. *LCA 12* is the 3rd largest LCA on the island occupying an area of approximately 100kms<sup>2</sup>. Key relevant issues for *LCA 12* as identified in the Landscape Strategy Update are: -

- the effects upon the coastal habitat and the need to have regard to the AONB Management Plan; the impact of development on settlement edges;
- the impact on transportation corridors and the character and quality of the gateway into Anglesey.

Significant (moderate to major) landscape character effects are noted in the LVIA up to a 0.7km radius and **moderate to major** within 2km (defined in the LVIA as close range). In this area the turbines would become the dominant built features, described as the *'focus'* (4.7.26) in the LVIA. Beyond 2km the effects are described as **minor** and beyond 8km as **negligible** (4.7.27). The LVIA assessment Table 4.14 presents the effects upon landscape character as medium overall which we consider to be an underestimate.

There is no standard published methodology for the quantification of landscape effects and we consider that a distance threshold is an oversimplification of the magnitude of change to this landscape, some of the qualities of which are most obvious from distances greater than 2km.

Mitigation for the scheme is presented as being the reduction in height from 100m (as screened) to a blade tip to 81m. The scale of the turbines within a 2km area can be seen in Visualisations 1- 8.

Within this range it would be a skyline feature. This would also include views to the south where the backdrop of Snowdon is part of the landscape scene. Local topography as seen in Visualisation 1 may lessen some local effects but as per the LANDMAP description, there are few other built forms and none of this scale. Visualisations 9 and 11 are taken from within 2.6km. At this distance it remains prominent in the landscape with a significant part of the rotors above or breaking the skyline. Visualisation 9 defines the edge of the LCA where changes to topography commence at LCA 11. To the north, this distance c. 2.5 km also represents the start of LCA 17. Visualisation 12 (from LCA 12) and Visualisation 15 (from LCA 9) show the proposed turbines at a distance of 5 and 6kms respectively. They remain skyline features with their prominence in the images affected by the rendering of the image - reflecting weather conditions at the time of the photo. The plateau landscape of LCA 12 is also prominent from the west LCA 17 – *West Central Anglesey* where historic (A5) and current (A55) transport corridors run perpendicular to the landform. The ZTV affects a ridge within LCA 17 (almost parallel to LCA 12) and the moving rotors of the turbines would project above the ridge of LCA 12 when viewed from LCA 17. Visualisations 21 and 22 are taken from LCA 17 and while they illustrate the scale of the turbines from this position, the hazy backdrop of the images does not show the turbines as prominent in this setting. Visualisation 21 includes other prominent features such as signage and a radar tower, which would not be the case if a similar image were taken from the from the A55. Of greater significance to the impression of LCA 12 is the ZTV area from the environs of the A55 and A5 near Llangefni (c.8km distant) where traffic to the mainland enjoys wide views of the Landscape Character Area visible as a long ridge above Malltraeth Marsh. Initial views as dictated by the orientation of the highway, are to the east as far as the AONB at Pentraeth Forest. The turbine rotors would become moving elements in this landscape against a back drop of Snowdonia National Park.

The spatial effects of the proposal is illustrated in viewpoint 19 taken from within the AONB at Mynydd Bodafon. The onshore view as shown is absent of turbines. Pylons are visible to the far right of the image but not prominent in the image. Views to the north are not illustrated but include significant energy development in the form of wind farms; nuclear power station and supporting infrastructure. Views to the east off shore now feature the multiple turbines of Gwynt a Môr.

## **AONB**

The site at its closest point is approximately 3 kms from the edge of the AONB (the A5025 at Menai Bridge). Assessment of likely effects on the AONB are addressed in 4.5.77 – 4.5.89 and Table 4.17. Significant effects on the AONB (and other protected landscapes) are not predicted in the submission.

The baseline assessment details factors that denote the character of the AONB. With reference to the site, the assessment notes the exposure and openness of the views, and the dominance of Snowdonia on the majority of the AONB landscape (*this would be true for some of the AONB only*). While it is primarily coastal, the AONB does include higher elevation landforms such as Bwrdd Arthur, Mynydd Llwydiarth and Mynydd Bodafon. Mynydd Bodafon lies c. 11km distant and is represented by Visualisation 19. Bwrdd Arthur is some 8km distant and views from this part of the AONB are represented by Visualisation 15. Views from Bwrdd Arthur (limited to a small area) would include the telecommunication structures at Llanddona. Both these parts of the AONB benefit from not only coastal views but inland views to the borrowed landscape of Snowdonia. Views from Mynydd Llwydiarth are restricted in many parts by Pentraeth Forest, although there are glimpses across the landscape to Snowdonia from public footpaths.

The ZTV shows marginal theoretical visibility from the AONB at Traeth Coch c.5km from the site. Views from here do not include Snowdonia and the extent of visible turbines is unlikely to affect the setting of the AONB at this point. From Gwynedd, the ZTV predicts views from long sections of the A55 approaching from the east where views of the wooded slopes of the AONB leading down to the

Menai Strait is a prominent part of the view. This occurs between c.13km and c.10km from the site. While some allowance can be made for the intermittent screening effects of trees and built structures from along the A55, and in the vicinity of Llandegfan, it is likely that part of the turbines' rotors would be visible as skyline features. Other noted detractors to the setting of the AONB here such as the flats at Glyn Garth and telecommunication masts at Llangoed are visible from this route. While road users are often considered a medium sensitivity receptor, the sensitivity of this route is heightened by its importance, not only as an international route but due to the numbers with Anglesey as a destination.

At a comparable distance (c.11km), Visualisation 18 shows the turbines from a more elevated location (178m) at the edge of Snowdonia National Park. At the time of the photo, Penrhyn Castle is prominent as is the Menai Strait and Glyn Garth flats. The proposed turbines appear muted, influenced by local cloudy cover. Images linked to Google Earth and streetview show differing light conditions, with white built form usually prominent. At this elevation, the turbines would be seen against a landscape backdrop and inland.

The LCA 13 description states '*that views across to the mainland are important, but perhaps as important are the views obtained of the island from the mainland from the A487 between Caernarfon and Bangor. The 487 is one of the primary roads from the South and the views and vistas present an important image of the island to visitors and travellers*'.

A portion of the A487 falls within the ZTV. Intervening vegetation is likely to limit visibility to glimpses from between Y Felinheli and Caernarfon. More significant views are likely from the environs of Y Felinheli, both on the approach to the village and from the bypass. The area predicted by the ZTV includes views from the Wales Coast Path and Lôn Las Menai.

### **Visual Effects**

Any visualisation is indicative only of potential impact but an important tool to calibrate effects. The appearance and prominence of the proposed turbine will depend on light conditions, time of the day and year. Significant Visual Effects are noted within the LVIA as being from viewpoints 2,3,5,6 and 7. Between a radius of 600m and 1.5km from the site there are public paths to the north west and north east. Within the range above the turbines would be a focus in the view when travelling in a southerly direction. When visibility allows, it would interrupt views towards Snowdonia which is a particular visual feature of the routes. The effects on local transport routes is covered in 4.11. Some of these such as the A4080 and A5025 are also important tourist routes and despite the frequency of mature and young trees there are some unrestricted views toward the proposed site and frequent glimpses in both directions from the A5025. As with public paths, views travelling south benefit from views of Snowdonia and the turbines would become a prominent element in this view. Views from the A4080 are restricted to glimpses. *Visual effects on residential properties and settlements (included in the LVIA) are not covered in these comments.*

### **Cumulative Effects**

Cumulative visual effects can be experienced as in-combination views, in-succession and sequential views. The Onshore Wind Energy Supplementary Planning Guidance (SPG) in 7.6.7 notes that cumulative effects may arise in combination with 'existing infrastructure such as pylons or masts' and that the cumulative effect should consider 'trends or pressures for change over long time periods. The ZTV maps of other applications have been consulted with regard to inter-visibility and the potential for the above to occur. A list of sites was provided to the applicant and is assessed in the LVIA. Of sites within a 2km radius (LCA 12), the application at Ty Gwyn has been refused. Ty Fry is subject to an appeal and is awaiting the preparation of an Environmental Statement. The proposed turbine at Marchynys is as yet undetermined. Further sites considered in LCA 12 are Tre Ifan (recently refused at appeal) and Yr Orsedd (refused). An anemometer with a tip height of 60 metres related to this proposal has been approved but not erected at the site and is not included in the assessment.

Therefore none of the wind turbine applications above can be considered as having current cumulative effects; however by introducing a defining element such as the proposed turbines into such a landscape, the proposal would we consider decrease its sensitivity to further change. In relation to neighbouring LCAs; turbines have been approved and are now operational at Ynys Uchaf, Brynteg and Glyn Llanbedrgoch, both sites within the adjoining *Landscape Character Area 9: Red Wharf Bay*. The turbine heights are 20.9 metres and 27.1 metres to tip respectively. Within *LCA 9*, a further turbine of tip height up to 19.25m has been approved at Bryn Mair, Llanbedrgoch. ZTV plans indicates that there would be points at which in-succession views would be possible but cumulative views of the smaller turbines in association with the proposed Braint windfarm are unlikely to be significant.

The extent of current wind energy development can be experienced from locations such as Mynydd Bodafon. We have already noted the visibility of existing off-shore schemes such as Gwynt a Môr and would note that the first round of public consultation for the proposed Rhiannon Windfarm has already taken place. In combination views of existing windfarms on the north of the Island are possible from many locations. In-succession views of these with sites such as Gwynt a Môr are possible from locations such as Mynydd Bodafon. The proposed Rhiannon off-shore farm would further extent these views and present an island with significant wind energy development, both on and off-shore. In relation to other infrastructure, the telecommunication mast at Penmynydd (illuminated at night), and the High Voltage pylons are visually intrusive elements within *LCA 12*. The night time effects of illumination as requested by the MOD have not been assessed in the LVIA. The MOD requirement does not offer an infrared option (as for the Ty Gwyn proposal). The Supplementary Planning Guidance Design Guide for the Urban and Rural Environment, Note: 10 Lighting states that Anglesey '*still has some of the darkest skies in the whole of the United Kingdom. Therefore it is vitally important that the natural dark skies of Anglesey are preserved where possible*'.

The lighting would potentially be visible at all times of low light to a wide range of receptors, particularly from twilight onwards. It would generate a perception of a further industrial type development in a rural landscape. As outlined in the Onshore Wind Energy SPG there are trends in this area for development associated with new Energy Infrastructure. Several of the five possible routes for new overhead power lines as unveiled by the National Grid in their recent public consultation, pass through this section of the LCA.

We would note the recommendations of TAN 8 which is quoted here from the Ty Gwyn appeal decision where it acknowledges '*that there is a case for avoiding a situation where wind turbines are spread throughout the whole of a county. The northern part of the island already has a number of large and medium sized wind turbines and the proposal would represent a southward extension into the largest landscape character area in the south eastern part of Anglesey which currently only has one small turbine (up to 20m blade tip)*'.

### **Recommendation**

The section does not support the proposal for the following reasons:

#### *Landscape Character Effects*

The LVIA does not demonstrate that the development can be accommodated in the LCA without unacceptable adverse effects on its character. The proposed Braint Windfarm would become a defining landscape feature locally and bring about significant adverse landscape change within this area. The effects would also extend further beyond this range due to the nature of the Landscape Character area and surrounding landscape. The proposal would reduce the qualities of the area as a buffer to the AONB to the south, and would decrease its sensitivity to further change of this nature.

### *Visual Effects*

Significant adverse are predicted from public viewpoints between a radius of 600m and 1.5km, from local transport routes of equivalent radius and from off the island where they will affect impressions of the island.

### *Adverse Effects on the setting of the AONB*

The proposed Braint Windfarm would be an obvious feature in inward views from western and eastern approaches to the island and adversely affect the setting of the AONB. It would also be visible from elevated points from within the AONB and begin to affect the quality of the open views towards Snowdonia from elevated parts of the AONB. These indirect effects would be significant and harmful.

### *Cumulative Effects contrary to TAN 8*

The proposal would have cumulative landscape effects by introducing significant wind energy development into an area of the island where there is limited wind energy capture, but pressures and trends for other energy infrastructure. Cumulative visual effects would be related to other development including night-time effects.

**Footpaths Officer:** The proposed new access track crosses Public Footpath no.17. As the track is proposed to be built up to a height of 0.7m suitable grading or steps should be incorporated both sides of the track where the footpath intersects thereby allowing footpath users to cross the track with minimal inconvenience.

**Highway Authority:** Suggested condition for Traffic Management Plan.

**Welsh Government Department for Economy, Science and Transport:** Direction that the application shall not be determined until a Traffic Management Plan is agreed detailing how the loads will be moved from the port of entry to the application sites whilst minimising delay to and managing other traffic.

In response to additional details submitted by the applicant, the direction remains in force until a Traffic Management Plan has been submitted and considered. Further details have been supplied and although a formal response was awaited at the time of writing it has been indicated by the relevant Department that a condition is likely to deal with any issues arising.

**Natural Resources Wales:** Initially objected as the proposal may affect protected landscapes and protected species.

### **Protected Landscapes**

The proposed turbines are to be located in an area that functions as an important neutral foreground setting for the dramatic and distinctive views of the mountains of Snowdonia National Park. In view of the size and number of turbines and the effect of moving rotor blades, the proposal would be likely to impact on the panoramic views of the Snowdonia National Park. This landscape area also has relatively few major detractors or landmarks within it, and which acts as a neutral setting to the adjacent AONB.

We remind you of your Authority's duty under Section 62 of the Environment Act 1995 which requires public bodies to have regard to National Park purposes when coming to decisions relating to or affecting land within a National Park. The statutory purposes of National Parks are conservation and enhancement of natural beauty, wildlife and cultural heritage and promoting opportunities for public understanding and enjoyment of its special qualities.

We also remind you of your Authority's duty under Section 85 of the Countryside and Rights of Way Act 2000 which requires public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the AONB. The statutory purposes of Areas of Outstanding Natural Beauty are conservation and enhancement of natural beauty.

The proposal would also alter the local landscape character of the area and we advise that the local authority should consider impacts on local/regional landscape interests according to the authority's own policies. We recommend that you liaise with your internal landscape officer.

We note that there have been other wind turbine applications in the area, including at Ty Gwyn, Marchynys and Ty Fry. We advise that you should consider the likely cumulative landscape impacts of the proposal (along with other wind energy developments in the area).

To conclude, NRW consider that the proposal would be likely to have substantial adverse landscape impacts on the panoramic views of the Snowdonia National Park.

### **Protected Species - Bats**

All species of bat and their roosts receive protection both under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Regulation 9 of the Regulations requires public bodies in exercise of their functions, to have regard to and, in respect of enactments relating to nature conservation, to secure compliance with the requirements of the 1992 'Habitats' Directive (92/43/EEC).

As a consequence, and in compliance with Planning Policy Guidance Wales and Technical Advice Note (TAN) No. 5, the applicant has submitted an assessment in respect of bats to inform the public decision making process.

The submitted ecological survey report (West Coast Energy) states that soprano pipistrelle bats were the most commonly recorded species within the survey area, with noctules the second most commonly recorded species. The report concludes that "*the level of bat activity and species recorded within the Survey Area suggest relatively high levels of activity from species, which are considered to be at high risk of collision with wind turbines*".

Interim guidance advice in respect of bats and single large wind turbine developments (Natural England – Technical Information Note (TIN) 059) identifies noctule bat populations as being of high risk of adverse impacts (i.e. of bat casualties) from wind turbines, whilst soprano pipistrelle are of medium risk. Risk in this case include incidental killing as listed under Article 15 of the Habitats Directive (Regulation 50/51 of the above Habitats and Species Regulations). Noctules in particular are known to regularly fly across open landscapes, as well as at greater heights than other bat species, and are therefore considered susceptible to bat mortality or 'incidental killing' (from collisions, or from the effects of barotraumas caused by the wind turbine blades), including turbines located away from field boundaries (i.e. which adhere to TIN 059). We note that the report provides no assessment of the impact of the proposed development on the maintenance of the Favourable Conservation Status (FCS) of each of the identified populations (colonies) of bat potentially affected by the proposals.

In view of the above information, NRW considers that the applicant has not supplied sufficient information to demonstrate that the proposal will not be detrimental to the maintenance of the Favourable Conservation Status (FCS) of each of the potentially affected populations of these species of bat. Based on the insufficient information provided, NRW objects to the proposal.

NRW therefore advise that the additional information (i.e. in relation to FCS) should be provided to demonstrate the above, before determining the application. The FCS test should be applied at county

and individual population (colony) levels. Individual population assessments will need to consider the site as a component of features required by the bats for long term ecological functionality purposes. If uncertainties exist then further mitigation, offsetting or reasonable avoidance measures may be required to evidence no detriment. The assessments should demonstrate consideration of impacts on both current conservation status (CCS) and on FCS for each population of bats recorded on site.

Material questions for each bat species recorded on site should include;

1. Are one or more populations (colonies) of bat potentially affected by the proposed scheme?  
Yes/No.
2. What is the current conservation status of each of the potentially affected populations of bat? Note current status of each population (colony) may or may not be at 'favourable' levels.
3. Are any of the identified populations at risk of incidental killing? If yes what will be the predicted impacts on the conservation status for each colony.
4. If populations are not 'favourable', will the proposal affect restoration to 'favourable' levels?

Please note, the assessment should include consideration of cumulative impacts with other wind turbines built/planned in the area.

To summarise, NRW considers that the applicant has not supplied sufficient information to demonstrate that the proposal will not be detrimental to the maintenance of the Favourable Conservation Status (FCS) of each of the potentially affected populations of these species of bat.

Conditions were suggested in relation to agreed methodology to mitigate any impacts on otters, water voles and curlews.

Conditions were also suggested in relation to flood risk (that turbine 3 transformer should be set at a minimum 600mm above the existing ground level and located upslope of the turbine and that flood resilient construction techniques should be employed) and pollution prevention during the construction stage.

Following discussions regarding additional information submitted in relation to bats (Environmental Statement Addendum 15<sup>th</sup> August 2014), NRW maintains its objection to the application in relation to impacts on protected landscapes. It requests that any planning permission granted should be subject to conditions requiring implementation of a Bat Mitigation Strategy. Habitat enhancement measures should be provided as detailed in the Addendum and construction should be adequately managed to minimise dust, noise, vibration and lighting issues.

**Ecological Advisor:** Turbines should be located with blade tips no closer than 50m to habitat features. Turbine 3 is located in marshy grassland which may be a feature particularly attractive to foraging bats. A bat mitigation strategy should be agreed prior to determination, in consultation with NRW, and conditioned as part of any consent. However, concerns raised regarding the practicality and enforceability of conditioning mitigation involving the switching off of turbines at certain times due to variations in daylight hours and weather conditions.

**Arqiva:** No objection

**ICT Service:** Turbine 1 falls within the exclusion zone of the Council's radio link between Penmynydd and Llanddona. Objection due to the need to maintain the link to Llanddona school. Further to discussions following closure of the school, the need to maintain the link, and consequently the objection to the application, have been withdrawn.

**MOD:** No objection, suggested condition

**Gwynedd Archaeological Planning Service:** The archaeological fieldwork was undertaken without curatorial liaison and as a result was not subject to the monitoring procedures that ensure fitness for purpose and meaningful results. Notwithstanding this, the geophysical survey appears to have been successful, identifying no obviously substantial features nor significant areas where modern disturbance or magnetic interference may have masked extensive remains. The results appear to have been borne out by the trial trenching results, and the photographs included in the trial trenching report would suggest that conditions for visibility of archaeological features were good.

However, the trenching programme was not agreed with us in advance and was very limited in extent. The prehistoric archaeology of Anglesey is characterised by discrete cut features which may not be associated with enclosures or linear features and are unlikely to be recognised by geophysical survey. For this reason, the trial trenching should also have included a series of trenches in seemingly 'blank' areas in order to verify the geophysical results and provide representative information of the whole scheme, rather than specific targets. In view of this, it is considered that the evaluation has not characterised the archaeological resource of the application site sufficiently. Developments of this scale have an inherent potential for visual and setting impact over considerable distance, which is not always readily apparent from two dimensional representations. We would observe that Y Faenol Grade I Registered Historic Park and Garden appears to have been overlooked by the Landscape and Visual Impact Assessment (LVIA), as does the garden at Ty Fry, which is in the process of registration. It is also considered that assessment commensurate with status of the potential impact on the setting of Caernarfon Castle and Town Walls World Heritage Site (illustrated as falling within the ZTV for blade tips) is lacking.

The Cultural Heritage and LVIA chapters together establish that the proposed scheme will have a moderate impact on the settings of three scheduled monuments, a moderate to large/major impact on the setting of the scheduled Bryn Eryr earthwork (An100) and Grade II\* listed Ty Fry, and a large impact on the setting of the Grade II\* listed St Gredifael's Church. The Cultural Heritage assessment follows current guidance in taking account of the specific characteristics and contribution of setting to the significance of each site, with specific regard to their relationship with the application site, and the conclusions are supported by the supplied wireframes. The identified impact on the settings of nationally important sites is a material planning consideration (Welsh Office Circular 60/96 paras 10 and 17; PPW paras 6.5.1 and 6.5.9) and cannot be satisfactorily mitigated.

Should planning permission be granted, a programme of archaeological mitigation would be necessary to address the impact on known and potential archaeological deposits. This would be expected to comprise a combination of *strip, map and record* of the turbine locations and an *archaeological watching brief* on all other ground works associated with the scheme.

**Environmental Health Officer:** Concerns expressed at the method of calculating noise impacts (methodology does not follow advice contained in the Council's SPG); concerns that the predicted noise levels allow no margin for error or the accommodation of a penalty if required. Concerns regarding possible Amplitude Modulation.

In response to an additional noise assessment, concerns are expressed at the methodology employed by the consultant; concerns are expressed regarding the imposition of a condition to deal with any amplitude modulation which may occur given the low threshold between the predicted noise levels and standard limit, meaning that a penalty cannot be accommodated; the objection is maintained.

**Scottish Power:** Comments for construction phase



## **Response to Publicity**

Approximately 830 letters have been received objecting to the planning application on the following grounds:

The proposal will dominate the landscape;  
The proposal will constitute a major visual intrusion;  
The proposal will represent an alien industrial structure in a previously unspoilt landscape;  
There will be unacceptable cumulative impacts with other proposals leading to the area becoming a wind farm;  
There will be negative impacts on the setting of listed buildings;  
There will be significant landscape and visual amenity impacts;  
The proposal will adversely impact the National Park and AONB;  
Detrimental effect on tourism assets and the tourism economy;  
Will set a precedent for further development;  
National policies promoting the use of renewable resources must not be given primacy over local landscape policies;  
Detrimental effects on protected species, wildlife and wetlands;  
Particular detrimental impact on local bat populations;  
Noise and shadow flicker effects;  
health effects;  
Archaeological implications and effects on listed buildings;  
Other technologies exist which are more efficient than wind turbines.

## **5. Relevant Planning History**

41C125/SCR Screening opinion for the erection of 3 no. wind turbines with a maximum hub height of up to 69m, rotor diameter of up to 90m and a maximum vertical tip height of up to 115m on land at Cae Isaf, Menai Bridge – EIA required 22/02/12

41C125A Full application for the siting of a temporary 60m high anemometer on land at Bryn Eryr Uchaf, Pentraeth – refused 01/08/12 Appeal allowed 05/12/12

## **6. Main Planning Considerations**

### **Principle of development**

Policy C7 of the Gwynedd Structure Plan 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.”

Policy 45 of the Ynys Mon Local Plan states:

“Renewable energy projects will be permitted where it can be clearly demonstrated that there will not be any unacceptable impact on

i. Landscape character, ii. Sites of international, national or local importance for nature conservation, iii. species which are of nature conservation importance iv. the standard of amenity enjoyed by the resident and tourist population and vi. Essential public services and communications.

Policy 8B- Energy Developments of the Stopped Ynys Mon Unitary Development Plan 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.

Planning Policy Wales was updated to Edition 7 in July 2014. In terms of section 12.8 Renewable and Low Carbon Energy of the revised Planning Policy Wales there are no significant changes.

Section 12.8.1 (Renewable and Low Carbon Energy) of Planning Policy Wales sets out targets and gives strong support for renewable energy projects in line with the Welsh Assembly Government’s Energy Policy Statement (2010).

Planning Policy Wales at paragraph 12.8.15 states the impacts from renewable energy developments will also vary depending on their location and scale and require different policy and development management considerations. At 330KW, the turbine subject to this report is categorised as “Sub Local Authority” in Planning Policy Wales which includes developments of between 50KW & 5MW (Figure 12.2). Table 3.1 of Practice Guidance – Planning Implications Renewable and Low Carbon Energy states there are no rigid categories to describe the scale of individual wind turbines but that installations tend to fall within 4 main bandwidths. The turbine subject to this report would fall within the “Large” category with a ‘typical’ rating above 750kW and which would potentially supply up to 1,536 homes). The typical turbine height exceeds the 65m for medium installations but at 81m to tip is lower than the upper 135m given for large turbines. As a “Sub Local Authority” or a “Medium” installation the scale of the turbine is acceptable in principle in policy terms in this location but there are also detailed considerations within the policy considerations to take into account. Paragraph 3.1.9 of the Guidance states that:

“Individual large and medium scale turbines can also be deployed as single machines but are more often used in groups to form part of a larger planning application in the form of a large scale wind farm. Wind farms tend to be located in more remote areas and directly supply power to the national grid i.e. they are not associated with a particular development”.

Section 12.10.1 of PPW (Edition 7) reproduced below highlights matters that should be taken into account by the local planning authority in dealing with renewable and low carbon energy development and associated infrastructure. 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”

Technical Advice Note 8 Planning for Renewable Energy (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.

Paragraph 2.12 of TAN 8 states the Assembly Government expects local planning authorities to encourage, via their development plan policies and when considering individual planning applications, smaller community based wind farm schemes (generally less than 5 MW).The paragraph explains that local planning authorities could define “community based”. There are no policy definitions which can currently be used and weighted in this regard. The application is clearly a commercial venture and there is no suggestion that the scheme is required for the farming enterprise at Cae Isaf Farm. Paragraph 3.1.8 of the Practice Guidance states:

“3.1.8 The number of turbines used per site ranges from the deployment of single turbines up to large groups of turbines (known as wind farms) capable of generating tens of megawatts. TAN 8 currently refers to wind developments of 25MW or more as being ‘large scale onshore wind developments’ i.e. in relation to wind development within the identified Strategic Search Areas”.

The scheme as submitted is a commercial venture with an anticipated installed capacity of 2.55MW. It is not therefore of the scale referred to in TAN 8 in association with SSAs but is nonetheless considered a windfarm proposal, as acknowledged by the applicant's description of the scheme as the ‘Braint Windfarm’.

Section 2 of Technical Advice Note 6: Planning for Sustainable Rural Communities contains the following guidance:

*“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.”*

In relation to farm diversification Technical Advice Note 6: Planning for Sustainable Rural Communities contains the following guidance:

*3.7.2 Many economic activities can be sustainably located on farms. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses.*

The scheme is not considered to be a farm diversification project. Nonetheless, it is evident that the policies listed above provide a presumption in favour of renewable energy developments in meeting the identified targets for low carbon energy generation. The scale of the development classified as “Sub Local Authority” or “Medium” is acceptable in principle in this location. Weight can also be attributed to the benefits to the rural economy.

The Council's adopted Supplementary Planning Guidance: 'Wind Energy Development' (1994) has been superseded by the Supplementary Planning Guidance: Onshore Wind Energy adopted in January 2013. This document is a material consideration in determining wind turbine applications. The Onshore Wind Energy SPG states that in relation to turbines over 20m to tip height, none should be located within 500m of a residential or tourism property, or closer than 20 x tip height, whichever is the greater; in relation to medium and large turbines, none should be located within 2km of the boundary of the AONB; cumulative impacts should be considered and the developer will be required to provide a bond to ensure satisfactory restoration of the site at the end of its operational life. A recent appeal decision has indicated in relation to these specific matters that “such a uniform approach disregards the specific locational characteristics and detail of each individual case”. The application under consideration has been considered on its individual planning merits but with reference to other aspects of the SPG e.g. in relation to noise, where material weight is afforded to the document.

As detailed in the policies listed there are also other environmental and community considerations which need to be assessed, and these are considered below.

### **Landscape and Visual Impact**

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

Objectors to the scheme commissioned their own photomontage images which were produced by Architect Animation studios (UK) Ltd in October 2013. These visualisations have been taken into account in the assessment of the application.

The ES explains (para.4.1.2) that the final design as submitted under the application took into consideration the effects on landscape and the visual impacts of the original scheme – that scheme considered turbines at 100m tip height and 59m hub height and having selected viewpoints and considered the effects arising, the scheme was modified to the proposed 81m tip height 55m hub height turbines now proposed. The ES asserts that ‘This is considered suitable in both the context of landscape and visual impact and in terms of capturing a suitable wind resource’. Further, it is asserted (paras. 4.1.4 and 4.1.5) that: ‘The nature of effect and visual implications of the proposed scheme are not of an adverse nature and can be accommodated in terms of capacity into the landscape and visual baseline without overriding adverse effects’ and in relation to designated landscapes including the National Park and AONB, that “the site is well distanced from all of these with no predicted significant effects upon the character of these landscapes”.

The application takes into account the predicted cumulative effects of the development with a turbine

of 62m to tip which was proposed within 300 to 500m of the three turbines at the Braint site at a site at Ty Gwyn. The application at Ty Gwyn has since been refused on appeal with the Inspector determining that “the proposal would have a significant harmful effect on the character and appearance of the surrounding rural area”.

The proposed site is within Landscape Character Area 12 East Central Anglesey (LCA). The LCA, as described within the Anglesey Landscape Strategy Update 2011, forms the inland buffer zone to the Menai Strait and reflects much of the typical undulating landscape of Anglesey. LCA 12 is the third largest LCA on the island occupying an area of 100kms<sup>2</sup>.

Key relevant issues for LCA 12 in terms of this proposal are: -

- the effects upon the coastal habitat and the need to have regard to the AONB Management Plan; the impact of development on settlement edges;
- the impact on transportation corridors and the character and quality of the gateway into Anglesey.

The site is approximately 2 km at closest from the edge of the AONB and within a medium scale landscape with variable sized enclosures and gentle rolling topography. There are currently no medium or large wind turbines within the LCA and none are easily visible from the LCA.

Significant (moderate to major) landscape character effects are noted in the LVIA up to a 0.7km radius and **moderate to major** within 2km (defined in the LVIA as close range). In this area the turbines would become the dominant built features, described as the ‘*focus*’ (4.7.26) in the LVIA. Beyond 2km the effects are described as **minor** and beyond 8km as **negligible** (4.7.27). The LVIA assessment Table 4.14 presents the effects upon landscape character as medium overall which is considered to be an underestimate. There is no published standard methodology for the quantification of landscape effects but a distance threshold is considered to be an oversimplification of the magnitude of change to this landscape, some of the qualities of which are most obvious from distances greater than 2km. The application presents the mitigation for the scheme as being the reduction of the turbines from 100m tip height and 59m hub height (as screened) to 81m tip height and 56m hub height as now presented. Paragraph 4.7.26 states that ‘in both a landscape and visual sense, the turbines will appear as a cohesive group and their visibility will create a focus within the landscape’.

Visualisations 1 -8 show the scale of the turbines within a 2km radius of the site where they would be a skyline feature. This also includes views to the south where views of Snowdon are a backdrop. Viewpoint 1 shows how local topography may reduce some local impacts but in accordance with the LANDMAP description, there are few built forms of this scale. Viewpoints 9 and 11 show how the turbines would remain prominent in the landscape with a significant part of the rotors breaking the skyline. The proposal breaks the skyline at viewpoints 12 and 15 (5km and 6km respectively). At some 8km distance the impression gained of LCA 12 from the main transport routes of the A5 and A55 near Llangefni where traffic to the mainland enjoys wide views of the LCA would be significantly affected by the turbine rotors standing out as moving elements against the backdrop of the Snowdonia National Park.

In addition, while significant effects on the designated AONB are not predicted in the applicants’ submission, the rotor blades are likely to be viewed as skyline features in the vicinity of Llandegfan for example from views onto the island on the A55 approaching from the east on this important international and tourist route.

The description of LCA 13 states that 'views across to the mainland are important, but perhaps as important are views obtained of the island from the mainland from the A487 between Caernarfon and Bangor. The A487 is one of the primary roads from the south and the views and vistas present an important image of the island to visitors and travellers'.

Significant views of the turbines are likely from the Felinheli area while the ZTV predicts views from the Wales Coast Path and Lon Las Menai.

Turning to visual effects, significant effects are acknowledged within the LVIA from viewpoints 2,3,5,6 and 7. Between a radius of 600m and 1.5km there are public paths to the north west and north east of the site. The turbines would be a focus in the view at this range to those travelling in a southerly direction. They would interrupt views towards Snowdonia which is a particular visual feature of the routes. The visual effects on main transport routes has been mentioned above. There are unrestricted views in parts from the A5025 for example. Views of Snowdonia are a backdrop when travelling south and the turbines will become a prominent element in the view.

In relation to cumulative effects, the turbine proposed at Ty Gwyn has been dismissed on appeal. The application for a turbine at Marchynys (41C66E) has been withdrawn. The proposed turbine at Ty Fry Farm is subject to an appeal pending completion of EIA. Smaller turbines have been approved in neighbouring LCAs but although there are likely to be in-succession views, the cumulative views of these smaller turbines with the Braint scheme are unlikely to be significant.

The introduction of the proposed 3 turbines to LCA 12, which would become a defining feature, would further reduce the sensitivity of this landscape to additional change, particularly further wind turbines and reduce the quality of the landscape 'buffer' to the AONB and coastal landscape.

Mynydd Bodafon for example offers views of current wind energy development on the island and off-shore and in-combination views of windfarms to the north of the island are possible from many locations. Other infrastructure such as the mast at Penmynydd and pylons are visually intrusive elements within LCA12. Illumination, as required by the MOD, would add to the visual impacts, industrialising the rural landscape. There are trends for development in association with energy developments in this area such as the national grid connections. In dismissing the Ty Gwyn appeal, the Inspector noted '*that there is a case for avoiding a situation where wind turbines are spread throughout the whole of a county. The northern part of the island already has a number of large and medium sized wind turbines and the proposal would represent a southward extension into the largest landscape character area in the south eastern part of Anglesey which currently only has one small turbine (up to 20m blade tip)*'.

Section 8.4 of TAN 8 states that there is an implicit objective to maintain the quality and integrity of AONBs, i.e. there should be no change in landscape character from turbines. Similarly, for the remainder of Wales, outside Strategic Search Areas, the implicit objective is also to maintain landscape character i.e. again, there should be no change in landscape character from turbines.

The LVIA does not demonstrate that the proposal can be accommodated within LCA12 without unacceptable adverse impacts on its character. The Braint windfarm would become a defining landscape feature locally bringing about substantial adverse landscape change, the effects of which would also extend further due to the nature of the LCA and surrounding landscape. The qualities of the area as a buffer to the AONB would be reduced and the proposal would decrease the sensitivity of the area to further change. Significant adverse visual impacts are predicted from public views and from transport routes, affecting the impression given of the island. It would be an obvious feature in inward views from western and eastern approaches to the island adversely affecting the AONB. It would also be visible from elevated points in the AONB and would affect the open views towards Snowdonia. The proposal would bring significant wind energy development into an area of the island

currently free from any significant wind energy development.

Natural Resources Wales objects to the proposal also on grounds of the effect on the panoramic views of the Snowdonia National Park and effects on the character of the area which has few major detractors or landmarks within it and which acts as a neutral setting to the AONB. The development would be contrary to the statutory purpose of the National Park and AONB designations.

## **Cultural Heritage**

A Cultural Heritage Assessment forms part of the ES and sets out the predicted impacts on a sample of scheduled ancient monuments and listed buildings and other designated sites in the vicinity of the application site. The assessment considers both physical and visual impacts. Cultural wireframes which were used to assist the assessment were requested and were supplied to the authority and consultees by the developer. The Gwynedd Archaeological Planning Service and the Council's Built Environment and Landscape Section have commented on the submissions but although consulted, Cadw has not replied to consultation on this application.

LANDMAP classifies the area as outstanding in terms of its historic / archaeological resource, generally held to be of national value.

In relation to physical impacts, based on desk-top and walkover studies, geophysical surveys and trial trenching, it is concluded that no known cultural heritage assets will be directly impacted in terms of being damaged or destroyed by the proposed development. Three separate assets might potentially be affected and the report suggests that an archaeological watching brief would provide sufficient mitigation (to ensure the preservation by record of any remains).

In relation to visual impacts, sixteen separate assets were sampled (representing greater than 25% of the assets known within 5km of the site) and were selected due to their close proximity to the development and to allow assessment from all points of the compass. Of the sites assessed, the report concludes that moderate to large impacts will occur in terms of visual impacts on two of the sites, Bryn Eryr Earthwork and Ty Fry grade II\* listed dwelling (the gardens at Ty Fry are newly registered as a Park and Garden of Special Historic Interest in Wales but are not assessed in the report). The report concludes that a large visual impact effect will occur to the grade II\* listed St Gredifael's church. The primary impact in relation to Bryn Eryr Earthwork is considered to be looking from the monument rather than towards it due to the prevailing topography. In relation to Ty Fry, it is stated that the main prospect from the house is southwards towards the turbines, located at some 1.5km distance. The blades will be visible between the house and Snowdonia. In relation to St Gredifael's church it is considered that the asset itself and its setting will be affected with the turbines being readily visible from within the setting and representing a visual intrusion. The report concludes that no mitigation can be provided for the visual impacts likely to arise.

Planning Policy Wales states as follows:

"6.5.1 The desirability of preserving an **ancient monument** and its setting is a material consideration in determining a planning application, whether that monument is scheduled or unscheduled. Where nationally important **archaeological remains**, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. In cases involving lesser archaeological remains, local planning authorities will need to weigh the relative importance of archaeology against other factors, including the need for the proposed development";

and

“6.5.9 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.

The Gwynedd Archaeological Planning Service raises concerns that the archaeological fieldwork and trenching programme undertaken was not agreed in scope but nevertheless acknowledges that fieldwork results appear to be borne out by the trenching results. It suggests that additional trenching in blank areas would have been useful to verify the geophysical results and that consequently the evaluation has not sufficiently characterised the archaeological resource of the application site. Y Faenol and Ty Fry registered parks and gardens appear to have been overlooked in the assessment. Caernarfon Castle and Town Walls World Heritage Site have not been assessed although they fall within the ZTV for blade tips.

The LVIA and Cultural Heritage Assessment conclude that the proposals will have negative impacts on specific cultural heritage assets with St Gredifael's church in particular being affected.

## **Ecology**

An ecological and ornithology assessment is submitted in support of the application as part of the ES and includes specific surveys for bats, otters and badgers as well as breeding bird surveys and wintering bird surveys. In addition, in response to the objection raised by Natural Resources Wales, Atmos Consulting, on behalf of the developers, submitted a letter dated 19<sup>th</sup> February 2014 containing additional information with specific reference to bats, and in response to continuing objection, submitted a bat mitigation strategy document in August 2014 as an addendum to the ES.

The Bat Mitigation Strategy suggests a curtailment programme and post-construction monitoring, through conditions to avoid impacts on bats. In addition, the report suggests that the introduction of five bat boxes and one hibernacula in and around the site would result in a net increase in potential roost habitat and that these would also be monitored as part of the post-construction works. Also gaps in hedges would be filled to improve biodiversity and lead bats away from the turbine site. Some of these works are proposed on land outside the application site over which the developer has no ownership or control.

In relation to bat mitigation measures with specific reference to the operation of the turbines, rather than additional mitigation measures, NRW is satisfied subject to appropriate planning conditions, that the curtailment of the operation of the turbines at wind speeds of less than 6.5m/s for a period of 2 hours after sunset and a period of 2 hours before sunrise between May and September inclusive would give sufficient protection to bats and would ensure that the proposal does not have a detrimental impact on the favourable conservation status of the species.

The curtailment programme is required to provide post-construction monitoring which will determine the effectiveness of the mitigation and whether any changes are required to be implemented.

In addition, conditions are suggested in relation to any construction impacts during periods of bat activity, the lighting of the site and, where possible, additional mitigation measures as outlined in the strategy document.

Reasonable Avoidance Measures are considered acceptable to deal with any potential impacts on



otters; the ornithology survey recorded one curlew (a red list species in Wales due to significant declines in breeding populations) and a bird protection plan (observing a 800m no-construction buffer around the centre point of any breeding curlew territory for the breeding season which runs from mid-February to the end of July, except where agreed monitoring finds no evidence of breeding which would allow a modification to the construction programme.

### **Flood Risk and Pollution Prevention**

A hydrology and hydrogeology report forms part of the ES. The groundwater and surface water regimes at the site have been assessed as part of the proposals. The turbines are located at between 60 and 65m AOD on the western/south western slope of a shallow hillside which rises to a maximum of 70m AOD to the north east of the proposed turbines. From the turbines the topography falls to the west and south west, to the Afon Braint, at an elevation of some 55m AOD.

Afon Braint runs in a southerly course along the western boundary of the application site. Several ditches, watercourses and streams are located on the application site, typically flowing south-westerly to the Braint. Two crossing points on the access track are proposed.

The site is located within flood zone A as defined in TAN 15 but turbine 3 is located adjacent to flood zone C2. A flood consequences assessment concludes that subject to mitigation, which is agreed by NRW, no detrimental impacts will occur. The transformer, for example, for turbine 3, must be set 600mm above existing ground levels and upslope of the turbine itself and certain controls, e.g. in relation to the location of any stockpiled materials are required. These measures can be accommodated in planning conditions. It is not considered that the development will impact on groundwater or surface water discharges subject to statutory controls on the prevention of pollution.

### **Noise**

The application was initially supported by a noise report prepared by AMEC Environment and Infrastructure Ltd and forming part of the ES. The report sets out the methodology used to calculate predicted noise impacts as a result of the development and included background noise measurements taken at various receptor properties around the site at locations agreed beforehand with the Environmental Health Section. The report considered both construction and operational noise.

In relation to construction impacts, the report concludes that the predicted noise levels at closest receptor sites (nearby dwellings) will not exceed the relevant British Standard.

In relation to operational noise, an 'assessment envelope' was used which considered the worst-case scenario at each wind speed based upon a range of commercially available turbines which fit into the application parameters of size and output. Three separate models were assessed to provide a generic turbine for the assessment of noise impacts, As well as impacts from the proposed Braint windfarm itself, a cumulative noise assessment was also undertaken to consider impacts in conjunction with the development of four separate sites in the locality: Ty Gwyn, Ty Fry Farm, Marchynys and Tyddyn Rhos. Since submission of the application, Ty Gwyn has been dismissed on appeal and Marchynys has been withdrawn.

The report predicts that the noise levels as a result of the Braint windfarm in isolation meet ETSU guidance as well as the Council's derived noise limits at all locations. It also shows that the daytime noise assessment predicts the windfarm noise levels to be less than the background level for all locations other than the dwelling at Bryn Eryr Isaf where there is a 0.2dB increase. The proposal is predicted not to exceed measured background levels at most receptors.

The smallest margin between the ETSU-R-97 noise limit during the daytime period and the predicted noise level for Braint windfarm in isolation is at Bryn Eryr Isaf. The smallest margin for the night time period is at Rhyd y Delyn Fawr and Bryn Eryr Isaf.

In terms of cumulative impacts, the predicted daytime and night time cumulative noise impacts at the majority of receptors are similar to those as a result of the proposed Braint windfarm in isolation. The smallest margin for the daytime and night time periods in the cumulative assessment is at Rhyd y Delyn Bach.

As requested by the Council, an assessment was also undertaken of the night time noise impact of the Braint windfarm in isolation in accordance with the criteria set out in the Council's SPG Onshore Wind Energy (January 2012). This applies a night time lower limit of 35 dB LA90,10min which is less than the 43 dB LA90,10min set out in the ETSU guidance. The results of this assessment show that the lowest night time margin below the derived noise limits is 0.2 dB(A) at Rhyd y Delyn Bach and Rhyd y Delyn Fawr.

The report indicates that the installed turbines would contain no tonal component and that as a result, no tonal penalty need be applied. The report discusses infrasound and low frequency noise and considered that no issue would arise as a result of the development. Amplitude Modulation (AM) is also considered but it's stated that the noise limits derived following the procedure recommended by the ETSU guidance takes this phenomenon into account 'to a certain extent and thus affords receptors some protection'. Taking into account ETSU guidance, the report concludes that both in isolation and in terms of potential cumulative effects, the proposal's noise levels fall within derived limits at all locations.

The Environmental health Section has considered the assessments submitted and raises concerns regarding the ETSU-R-97 lower night time noise limit of 43 dB LA90. The Council's SPG seeks to take into account continuing discussion regarding wind shear, AM noise and differences in the ETSU daytime and night time limits. The SPG bases the setting of wind turbine noise limits on the 35 dB LA90 level contained within ETSU-R-97 or 5 dB (A) above background levels. It does not set different limits for day and night. The council considers that the development should comply with the lower of either the day time or night time limit. This equates to the developer being able to demonstrate that the noise from the turbines at Braint will not exceed an overall level of 35 dB(A) or 5 dB(A) (measured as LA90, 10 min) above background, whichever is the greater, up to wind speeds of 12m/s at 10m height.

The Environmental Health Section has demonstrated to what extent the Braint windfarm in isolation would exceed background noise levels at receivers. The windfarm is likely to be audible at the listed properties at the respective wind speeds demonstrated. Using background plus 5 dB as specified in the SPG, rather than the 43 dB LA90 ETSU limit used in the assessment, five receptor locations are shown to be very close to the noise limit, raising concerns regarding any allowance for error or any character penalty.

In relation to the cumulative noise assessment, the developers have chosen to use only the ETSU limit and have not provided a comparison with the SPG noise limits. This comparison, undertaken by the Environmental Health Section, shows that the noise levels exceed the SPG night time limits at Rhyd y Delyn Fawr (at 6m/s) and Rhyd y Delyn Bach (6 and 7m/s).

In relation to tonal penalty, as indicated above, the assessment suggests that the selected turbines will be such as not to require a tonal correction. However, the noise report for one of the candidate turbines selected (the Enercon E-44) to provide the 'assessment envelope' indicates a tone at 186-

198 Hz at certain wind speeds, and that overall some tonal element may be audible. In addition, the assessment indicates that warranted noise emission data for the turbines has been obtained but where warranted noise data was not available, that a relevant uncertainty factor was applied to the sound power levels. The particular turbine noise report indicates clearly that it is not a warranted noise report. Both the other turbines have similar disclaimers. Where the predicted noise levels are close to the noise limits, it is important to ensure that the turbines will be limited to the noise levels predicted. By modelling the predicted noise to allow for uncertainty with a ground factor of zero rather than 0.5 (which is accepted for warranted sound power levels and which has been used in the developers' assessment), predicted noise levels would be increased at three receptors by 1.7dB and at another two by 1.8dB demonstrating the variability in prediction methodology and the margins for error which may exist. These margins would lead to the Braint windfarm exceeding the SPG noise limits at wind speeds of 6 m/s (derived for 10m height) at Bryn Eryr Isaf, Cae Gors, Rhyd y Delyn Bach and Rhyd y Delyn Fawr.

Concern is also expressed as to recent complaints in relation to AM noise and the current lack of formal methodology to assess its impacts although the SPG refers to an inquiry decision at a site at Denbrook in 2009. The ETSU guidance offers no penalty for excessive AM. The guidance upon which ETSU was based has been updated with the new guidelines containing a correction for noise which has 'distinct impulses' or which is 'irregular enough to attract attention'. The impulsive nature of AM makes LA90 one of the least suitable indices for capturing its occurrence.

Given that the proposals provide such small margin between the predicted noise levels and the SPG noise limits, thus allowing little room for error or the accommodation of any penalty where necessary, the scheme was not supported.

Objectors to the scheme commissioned their own assessment of the ES in relation to noise. A report was produced by MAS Environmental on their behalf. Concern is expressed at the measurement of background noise levels and the shielding effects of dwellings together with the apparent lack of screening from road traffic noise which would affect the results e.g. the monitoring location M1 is 20m from the dwelling and within line of sight to a road and close to a recycling centre and concern is expressed that the results obtained are likely to overstate the background noise level. Concern is expressed at the prediction of wind shear in the report and the lack of on-site measured wind shear in the assessment. It is stated that it is likely that the analysis presented underestimates the noise impact of the windfarm due to an underestimation of wind shear. AM is also considered to be inadequately assessed. Concern is expressed at the use of standardised wind speeds to measure compliance with conditions.

A separate objector also submitted representations in relation to AM.

In response, a technical note was submitted by AMEC and a revised operational noise assessment was contained therein which supersedes the ES data. The assessment concludes that noise from the proposed the Braint Windfarm will not exceed ETSU limits either in isolation or cumulatively with other developments. The issue of AM is not considered one which can be adequately or accurately predicted and as such the technical note states that the developer does not consider that a condition is necessary.

The agent submitted an e-mail in January 2014 citing the ETSU-R-97 guidance as being the definitive reference document in the determination of noise impacts.

The Environmental health Section however continues to raise concerns regarding AM and further raises concerns about leaving the matter to be addressed through other legislation such as the Environmental Protection Act 1990. Concerns continue regarding the most appropriate methodology

and that the margins for allowing a penalty be to be applied in the case of AM are insufficient.

### **Residential Amenity**

The application is accompanied by an assessment of the effects of the proposal on residential amenity in relation to visual impacts. An assessment of the impacts on the amenities of surrounding properties has also been undertaken by officers.

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 20x tip height, whichever is the greater.

In a letter dated 5<sup>th</sup> 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 - at closest it is some 647m from the nearest property at Rhyd y Delyn Fawr and 662m from Cae Gors. Applying the 20 x tip height requirement would prohibit erection of these turbines (81m tip height) within 1.62km of any property. The scheme is within this distance to over 60 individual properties as well as the village of Rhoscefnhir.

The 500m / 20x tip 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.

Some of the closest properties to the proposed turbine are:

Property	Approximate Distance from Proposal
Rhyd y Delyn Fawr	647m
Cae Gors	662m
Rhyd y Delyn Bach	706m
Plas Marchog	709m
Maes Llwyn	730m
Bryn Eryr Uchaf	751m

Officers assessed additional properties to those listed in a circuit of the site, for example, Llechwedd Farm, Llwyn Hudol, Ty Gwyn and Rhos Owen which are properties with fairly open views to the site as well as Neuadd Lwyd which is a guest house property.

The ES identifies a large magnitude of effect with major impact on 22 properties. Rhyd y Delyn Bach has the widest angle view of the turbines from its front elevation and garden area. The turbines at closest would be located within some 700m of the property and directly in between the property and the Snowdonia mountains beyond. The turbines would be closer to the dwelling at Rhyd y Delyn Fawr but the house is orientated at an angle to the development with its main views directed south-east and has large trees on its boundaries which would screen some direct views. The turbines would be located between the dwelling and the backdrop of Snowdonia. Llwyn Hudol is located some 862m from the nearest turbine but would have direct views from the dwelling and curtilage. Ty Gwyn holiday cottage is some 898m from the site and has views towards it, slightly obscured by existing vegetation. Llechwedd farm has direct views to the site. The property has a private amenity path on the perimeter of its fields between the house and the proposed site. Cae Gors is some 662m from the nearest turbine with direct views from its garden area. Neuadd Lwyd has direct views of the site (albeit partially obscured by mature trees) but has extensive ornamental garden areas which allow fuller views.

Table 4.9.2 of the ES demonstrates the principles applied to assess the significance of visual impacts. It defines a 'major' impact as 'The development results in changes that largely affect the view, or where the base line visual context alters, such that the development is one of the principal visual elements unmistakably or easily seen'. 'Substantial' in this context is described as 'substantive alterations to the amenity of the view, where the wind turbines become the dominant feature and command or control that particular view'.

No properties are assessed as being substantially affected by the proposals although as noted above several are considered to be subject to major impact. The Council disagrees with the assessment in relation to Rhyd y Delyn Bach. Views from this property are across agricultural fields to the backdrop of the mountains beyond. Three large turbines located just over 700m from the property as moving elements in the view are likely to become a dominant feature. The property is served by a large lawned garden area with a dining terrace located close to the kitchen area where views are more to the south than the west.

In assessing the residential impacts however, it is not considered that the proposal would be overbearing or overwhelming from any property such that use of those properties 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 overall impact on the everyday enjoyment of those dwelling and their curtilages is not considered such as to warrant refusal of planning permission

In a letter dated 5<sup>th</sup> 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'.

Annex C of Planning Policy Wales provides advice on Shadow Flicker and Reflected light. Shadow flicker is only found to occur within properties up to 10 rotor diameters of a turbine and within 130 degrees either side of north at these latitudes in the UK. Discussion of the shadow flicker assessment submitted with the application suggests that no properties will be affected.

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 condition can be recommended on the colour to mitigate impacts.

### **Other Material Considerations**

The Ministry of Defence has no objections to the development subject to conditions. It requires the turbines to be fitted with 200 candela visible red aviation lights (rather than infrared beacons) which would add to the visual impacts of the scheme.

The effects 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 access improvements to the A5025 are considered acceptable subject to conditions. The Welsh Government however issued a direction that the application should remain pending until details of delivery routes for components have been assessed and a traffic management plan produced. Additional details have been provided by the applicant but the Welsh Government has sought further clarification. The developers have indicated at the time of writing that these details can be provided. The Welsh Government's response to consultation indicates that it considers in principle that suitable conditions can be applied but wishes to receive additional clarification prior to lifting its direction. It is anticipated that this can be achieved in time for the January meeting of the Committee.

Concern was expressed by the Council that the scheme would impact on its services between the Penmynydd mast and the Llanddona school. Rather than relocating one of the turbines the developers chose to try to mitigate the impacts. A report was commissioned which suggested that the provision of a relay station on third party land would ensure that the required connection could be achieved. Concern was raised in relation to the deliverability of the proposed scheme on third party land. While this issue was being discussed the school at Llanddona was closed by the Council as part of its modernisation programme. The council has since confirmed that any future use of the building will not now be dependent upon a maintained IT link and the objection is therefore removed.

Television reception is considered in the ES. A baseline television strength survey will be undertaken prior to construction and again once the windfarm is operational in order to identify and deal with any effects. This is a matter which can be adequately controlled through conditions.

## **7. Conclusion**

The policies listed above provide a presumption in favor of renewable energy developments subject to the considerations listed. As detailed in the policies there are also other environmental and community considerations which need to be assessed. A balance must be struck between the need for renewable energy and the contribution that would be made by this proposed development with other material considerations. Although the scheme would provide a good level of renewable energy this would be at considerable cost to the local and nationally important landscape character. The proposal would impact on the important views of the Snowdonia mountain range and the AONB and would bring about significant landscape change into LCA 12 which is currently free from medium and large scale wind turbine development. As determined in the Ty Gwyn appeal, which related to a single turbine of 62m to tip, "In introducing a defining element into such a landscape, the proposal would significantly reduce its quality as a buffer and decrease its sensitivity to further changes". The larger renewable energy contribution which would be made by the Braint scheme would not outweigh its significant landscape and visual effects on an area characterised as a pleasant rural landscape with no 'distinct landmarks' – the assessment states that the turbines will 'appear as a cohesive group and their visibility will create a focus within the landscape' (para. 4.7.26) bringing about significant change to this currently 'unremarkable' and 'featureless' area, contrary to local planning policies and to the advice within TAN8. As in the Ty Gwyn appeal, the proposal would represent a southward extension of wind turbine development into the largest landscape character area in the south eastern part of the island, again contrary to TAN8.

The scheme would impact upon the setting of St Gredifael's church and is considered contrary to local and national planning policy and advice in this regard.

The predicted noise impacts of the scheme are such that the proposal leaves little maneuverability in relation to any penalty which may be necessary to deal with tonal noise or with excessive AM.

Having weighted the national planning policy context supporting renewable energy proposals against the particular characteristics of the proposed development, the scheme is considered to produce significant environmental effects in relation to landscape and visual impacts which cannot be satisfactorily mitigated. Concerns relating to the setting of the listed building and noise impacts contribute to the objections to the scheme.

## **8. Recommendation**

That planning permission is **refused** for the following reasons:

(01) The scale of the proposed development would result in significant adverse landscape and visual effects including effects on the AONB and the nationally important landscape of Snowdonia and would produce significant changes to landscape character. This would be contrary to the provisions of policies C7, D1, D3 of the Gwynedd Structure Plan, 1, 30, 31, 45 of the Ynys Mon Local Plan, EN1, EN2, GP1, EP18 of the Stopped Ynys Mon Unitary Development Plan, Planning Policy Wales (Edition 7), Technical Advice Note 8 and the Isle of Anglesey Council Supplementary Planning Guidance Onshore Wind Energy (2012).

(02) The proposal will adversely affect the setting of the Grade II\* St Gredifael's Church and would be contrary to Policy D22 of the Gwynedd Structure Plan, Policy 41 of the Ynys Mon Local Plan, Policy EN13 of the stopped Ynys Mon Unitary Development Plan and the advice contained within Planning Policy Wales (Edition 7) and Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas

(03) It has not been demonstrated that the proposal will not adversely affect receptors in relation to noise impacts and the proposal is therefore contrary to policies 1 and 45 of the Ynys Mon Local Plan, policies GP1, EP18 and SG7 of the stopped Ynys Mon Unitary Development Plan and the advice contained within Planning Policy Wales (Edition 7) and Technical Advice Note 11

## **9. Other Relevant Policies**

### **Gwynedd Structure Plan**

FF11 (Traffic)

D32 Landscaping Schemes

### **Ynys Mon Local Plan**

32 (Landscape)

### **Stopped Anglesey Unitary Development Plan**

TR3 (Highway Design)

EN14 (Tree Preservation Orders & Hedgerows)

EN16 (Landscape Features of Major Importance for Flora & Fauna)

### **Technical Advice Note 5 Nature Conservation and Planning (2009)**

### **Technical Advice Note 11 Noise (1997)**

### **Welsh Government Circular letter 01.04.09 Transportation Issues Arising From Wind Farms**