

Rhif y Cais: 20C277 Application Number

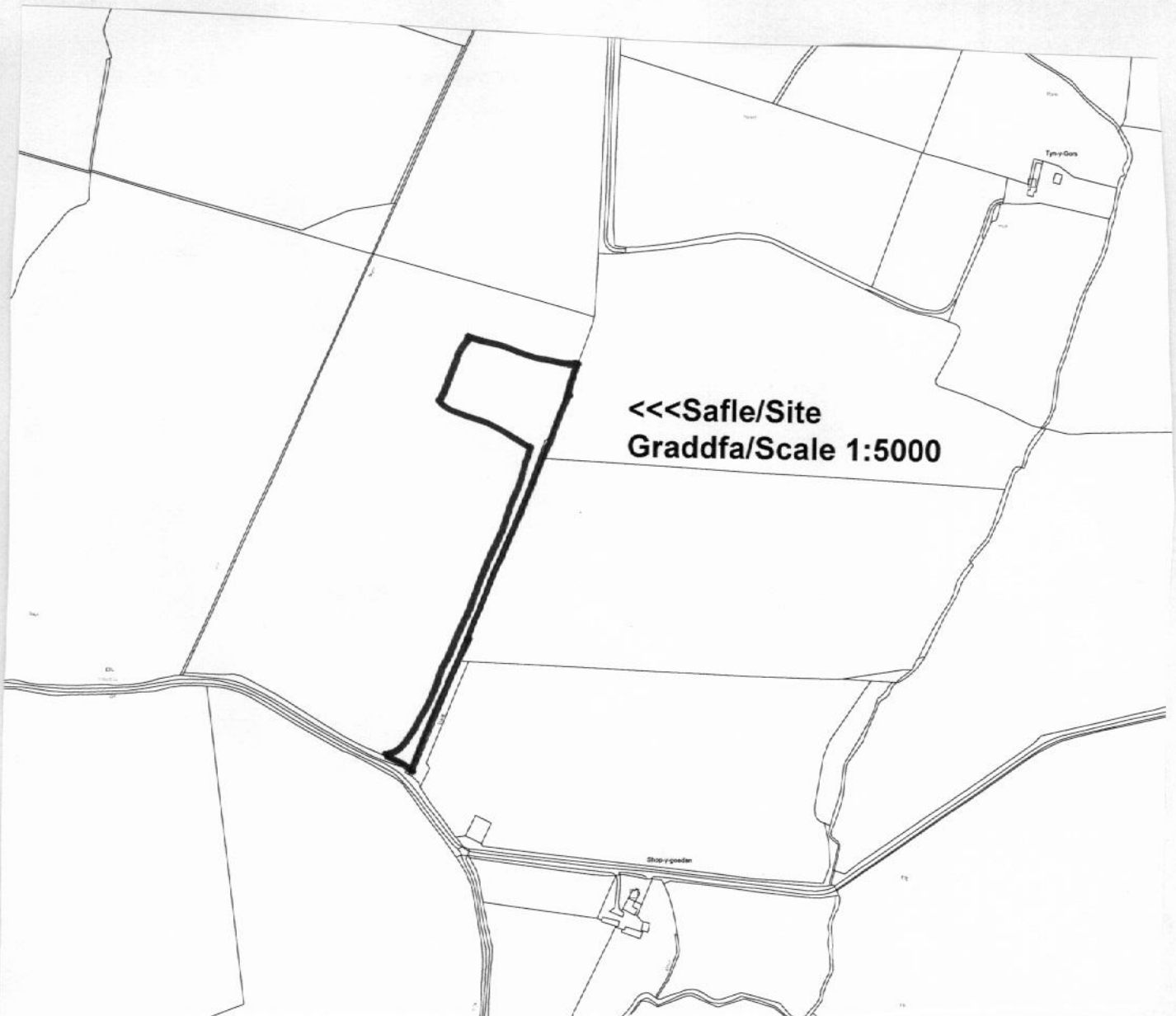
Ymgeisydd Applicant

**Mr G F & S Roberts
c/o Berwyn Owen
Owen Devenport
1st Floor
Metropolitan Buildings
25 High Street
Llangefni
LL77 7NA**

Cais llawn ar gyfer codi un twrbin wynt gyda uchder hwb hyd at uchafswm o 44m, diamedr rotor hyd at uchafswm o 56m a uchder blaen unionsyth hyd at uchafswm o 72m ynghyd a gorsaf newidydd, tai cyfleustodau a trac mynedfa a man caled newydd ar dir yn

Full application for the erection of one wind turbine with a maximum hub height of up to 44m, rotor diameter of up to 56m and a maximum upright vertical tip height of up to 72m together with the erection of a transformer station, utility housing and new access track and hardstanding on land at

Tai Hen, Rhosgoch



Planning Committee: 05/12/2012

Report of Head of Planning Service (DPJ)

Recommendation:

Approve

Reason for Reporting to Committee:

The application is reported to the committee as it has been decided that delegated powers will not be used in connection with wind turbine developments.

A site visit was convened in August 2012.

At the time of writing the applicants have submitted an appeal against non-determination but this is yet to be validated. Should the appeal be validated prior to the consideration of the application by the planning committee the local planning authority is not able to determine the planning application as per the recommendation of the report. In such circumstances members will only be able to make a resolution on the local planning authority's position in the appeal.

1. Proposal and Site

The application site comprises an agricultural field, there is a public footpath in the adjacent fields to the east.

The application was originally made for a single turbine of 100 metres in height to the tip but the height was reduced as a result of objections from the MOD.

The application is now made for a single wind turbine with a maximum height to the tip of the blade of 72 meter, maximum height to hub of 44 metres and a maximum rotor diameter of 56 meters. The maximum rated power of the turbine being applied for is 500 Kw.

The proposal also includes ancillary structures including a control building, access roads/hard standings and transformer buildings.

The planning application is supported by the following:

- Landscape and Visual
- Assessment including Photomontages.
- Individual Property Assessment.
- Planning Support Statement.
- Ecological Assessment.
- Swept Path Analysis for delivery of wind turbines to the site.

2. Key Issue(s)

- Principle of the development
- Landscape and Visual Impact
- Residential Amenity.
- Setting of the Listed Building

3. Main Policies

Gwynedd Structure Plan
C7 Renewable Energy

D1 AONB
D3 Landscape Conservation Area
D22 Setting Listed Building

Ynys Mon Local Plan

1 (General)
30 Landscape
31 Landscape
41 Conservation of 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
EN13 Setting of Listed Buildings

Planning Policy Wales Edition 5 (February 2012)

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

Technical Advice Note 8 Renewables (2005)

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)

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

Supplementary Planning Guidance Wind Energy Developments (January 1994).

4. Response to Consultation and Publicity

Local Member No observations received.

Community Council Requested that the application is refused for the following reasons:

- Insufficient evidence as regards the effects on people health, especially children.
- There are 3 houses within 560 metres of the turbines.
- Set a precedent for further wind turbines of this height in the area.
- No information as regards the sound levels from the turbines.
- Turbines can't be approved without the new guidelines that are being prepared

Highways The Traffic Management Plan "TMP" is satisfactory & an informative as regard a survey of the public highway prior to commencement of the development. It was also indicated that part of the road improvements shown on the submitted details maybe outside the highway boundary and on private land. An amended "Swept Path Analysis Drawing" was subsequently submitted and this is currently being considered again by the Highways Section.

Public Right of Way No effect on the adjacent public footpath.

Drainage In formatives recommended.

Environmental Services Conditional permission.

Environmental Advisor is content that the turbine is sited such that the blade tips are more than 50 metres from both the northern and eastern hedgerows in the field. Some issues were raised by the council's Ecological Adviser in relation to restoration of features affected by highway improvements to facilitate construction of the development.

Built Environment No objections on landscape grounds or heritage/listed building grounds, but need a photomontage of the development in relation to a grade II church at St Peirio, Rhosbeirio.

Arqiva No objections on the grounds of the effect on television reception.

Welsh Water No comments.

Environment Agency Low environmental risk.

Countryside Council for Wales

Protected Species

The application will not affect, either directly or indirectly, the features, functionality or integrity of any statutory protected sites of ecological, geological or geomorphologic interest.

It is considered that the protected species survey has been completed to a satisfactory standard for the purposes of informing the decision making process. CCW advise that the proposals will not be detrimental to the maintenance of the favourable conservation status of any statutory protected species populations present in their natural range. As with all wind energy developments, we advise that the turbine is sited such that a 50m buffer is maintained around any linear features such as woodland, river corridors, large hedgerows or agricultural dwellings, into which no part of the turbine intrudes. This is due to such areas being utilised by bats for foraging, commuting or roosting purposes, and follows current guidance (Natural England: Technical Information Note 059).

Landscape

The application site is not located within or immediately adjacent to the boundaries of any statutory protected landscapes, nor areas that are classified as having outstanding qualities on LANDMAP. In addition, we consider that the turbine, in view of its location, will not significantly add to the cumulative visual impact when considered in combination with other wind energy development in the vicinity. Consequently, we do not believe the proposals will have significant adverse impacts on the special qualities or integrity of any statutory protected landscapes. We do however note that the 44m hub height of this particular turbine will be larger than those of the existing wind turbines in the surrounding area i.e. Rhyd-y-Groes, Trysglwyn and Llyn Alaw wind farm developments, which range from 25m to 37m hub heights. This may result in this turbine becoming a dominant landmark feature in the area. We therefore advise that this is taken into consideration as part of your deliberation process.

To conclude, CCW does not object to the proposals.

In relation to the Traffic Management Plan "TMP" CCW have indicated that they do not wish to comment on the proposals. They have indicated that to comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests.

Ministry of Defence Conditional permission.

Gwynedd Archaeological Planning Service Conditional permission.

Response to Publicity

Forty letters received objecting to the planning application on the following grounds:

- Proposal would have a substantial effect on the amenity of nearby properties.
- A buffer zone of 720 metres is required as per the Draft Council SPG.
- Proposal would have a visually overwhelming impact on the public footpath.
- Proposal would dominate the view of the Church which is a grade II listed building & have a substantial adverse impact on the setting.
- Prominent in close range views.
- Precedent.
- Lanes unsuitable for abnormal load.
- Mistakes & omissions in LVIA.
- More information requested on how the turbine will be connected to the national grid.
- Scale of turbine.
- Noise.
- Detrimental effect on the landscape.
- Shadow flicker.
- No assessment on the impact of tourism.
- No assessment of the impact on the environment.
- Impact on wildlife/migrating birds.
- Landscape impact.
- Impact on tourism.
- Low frequency noise.
- Turbine is of industrial scale for profit.
- Negative visual impact on the countryside.
- There is currently the Wind Turbine (Minimum Distance from Residential Premises) Bill being debated in Parliament which proposes statutory distance limits on turbines.
- Interference with the hydrological process.
- Cumulative impact.
- 240 letters received supporting the planning application on the following grounds:
- Wind turbine will meet the energy demands of 280 homes, offsetting the release of over 14,000 tonnes of CO₂ over its 25 year lifespan.
- Tackle global warming contributes to WAG energy targets.
- Reduce reliance on fossil fuels.
- Visual impact should be put in context of widespread environmental damage of climate change.
- Any noise will be within accepted planning guidelines.
- Any transport access issues during construction will be short term to facilitate long term benefits.
- Improvements to the road network will benefit the area.
- Turbine supports Anglesey's Local Agenda 21 theme Working together on our Island to safeguard the world of tomorrow".
- Development is in accordance with Planning Policy.
- The turbine will have no impact on tourism nor affect residential amenity.
- Contribute to farm diversification.
- Contribute to enhanced management of farm activities supporting sustainable land management.
- Community Benefit payment of £100,000 over the projects life will be a major support to the local community.

5. Relevant Planning History

20C277A/SCR Screening opinion, No EIA required 14.12.11.

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.

Since the last Planning Committee Planning Policy Wales was updated to Edition 5 in November. The most significant change was the clarification and strengthening of the presumption in favour of sustainable development. 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 (5th Edition November 2012) 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 500KW the turbine subject to this report is categorised as “Sub Local Authority” in Planning Policy Wales which includes developments of between 50KW & 5MW according to figure 12.3. Practice Guidance – Planning Implications of 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 “Medium” category with a typical rating of 500Kw, though the height is slightly larger to the blade tip than a typical installation of 65 meters. 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 as detailed below.

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

12.10.1 In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and

- potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts (see 4.5);
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

Technical Advice Note 8 Renewables (2005) (paragraph 14) states the Assembly Government has a target of 4TWh of electricity per annum to be produced by renewable energy by 2010 and 7TWh by 2020. In order to meet these targets the Assembly Government has concluded that 800MW of additional installed capacity is required from onshore wind sources.

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 applicants have confirmed in writing that they are willing to donate £5000 per annum to Llanbadrig Community Council towards sustainable community projects and are content for this to be subject to a legal agreement completed as part of any planning permission granted. Having regard to advice in paragraph 2.16 and Annex B of TAN this offer would not meet the justified as mitigation of development impacts through the planning process and is not necessary for the development to proceed. It is a matter for the developer if they wish to offer the benefits unilaterally or directly with any third parties but this is not a matter which has been weighted in the decision making process.

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 council's adopted Supplementary Planning Guidance: 'Wind Energy Development' (1994) is a material consideration in determining wind turbine applications. However, due to the age of the document, it is in the process of being replaced by an updated version called 'Onshore Wind Energy', which is currently at the 2nd post consultation stage and can only be attributed little weight.

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 though as described in the introduction of this report the turbine would have height to the tip of the blade of 72 meters and a maximum rotor diameter of 56 meters. Weight can also be attributed to the benefits to the rural economy. 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 proposal would be located within an area designated as a Special Landscape Area and also within approximately 1.2km of the AONB to the north. The site is located within an open farmed landscape of large field enclosures with maintained hedgerows, inland of the Coastal Landscape. The site is located in a landscape influenced by existing windfarm at Rhyd-y-Groes.

The application is supported by a Landscape and Visual Impact Assessment (LVIA) which includes photomontages, wireframes and maps which show the Zone of Theoretical Visibility (ZTV) and Cumulative ZTV (CZTV).

The proposed turbine is described in the submitted LVIA as introducing a landmark element at distances extending to approximately 500metres but that it could be mistaken as part of the Rhyd y Groes windfarm from views outside of this distance. The landscape impact at distances of up to approximately 500m is described as being Substantial adverse. Beyond this distance and up to 2km the landscape impact would reduce significantly but the turbine would still exert significant effects upon landscape character up to 2km. The ZTV show where there are theoretical views of the proposed turbine or part thereof (shown up to 10km radius on the ZTV) particularly within a 5km radius of the site.

The submitted LVIA states that visual impact on the closest assessed receptor within the AONB is slight – moderate adverse, with an assessed moderate adverse impact on another viewpoint. Officers consider that the proposal would represent an adverse cumulative visual and landscape impact on the AONB and the Landscape Character Area greater than that assessed in the submitted LVIA. However the effects on the AONB would not be substantial due to the visual and landscape significance of existing and consented turbines, and it would not represent significant cumulative landscape impact or an unacceptable adverse effect on landscape character.

Residential Amenity

The application is accompanied by a detailed assessment of the impacts on the residential amenities of surrounding properties.

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 as regard 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 Wind Energy Development (1994) “SPG” states that the council will give favourable consideration to renewable energy projects in those cases where it can be clearly demonstrated that there would be no adverse impacts on the listed considerations which include “the standard of amenity enjoyed by residents and the tourist populations”. Under 7.3 “Public Safety, Shadow Flicker Disturbances, Visual Intrusion and Impact on Highway Safety” the “SPG” contains a recommended standard that no turbine shall be sited nearer than 400 metres from the nearest dwelling house, with a possible exception of dwellings occupied by the owners of land where it is proposed to locate turbines.

As indicated previously in the report little weight can be attributed to the draft SPG which is currently being prepared by the council.

Officers have also considered decisions made by Planning Inspectors in relation to residential visual amenity. Such an analysis indicates that a common threshold criterion applied by Inspectors for assessing visual residential amenity is where the change in the view would affect the fundamental living conditions. Various terms are used to describe this threshold, e.g. ‘overbearing’, ‘overwhelming’, ‘overpowering’ or ‘oppressive’.

The application is accompanied by a detailed assessment of the impacts on the residential amenities of surrounding properties including wireframes, with views of the turbine from the proposed dwelling. There are two residential properties at “Shop y Goeden” and “Tyn y Gors” where the impact on visual amenity has been identified as substantial by the applicant’s. These properties are around 431 and 455 metres from the proposed turbine.

Officers have assessed both properties in detail and agree with the applicant’s submission that the impact on the visual amenities of both properties will be substantial. The applicants were requested to comment and suggest mitigation if they deemed it appropriate but no response has been received. Given the size of the turbine, distances and orientation of these properties officers on balance decided that the turbine would not be “overbearing” or “overwhelming”. This judgement was based on a detailed analysis though it is accepted that the degree of impact depends on an individual’s perception.

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. There are residential properties within this area. The applicants have submitted a shadow flicker analysis indicating the degree of shadow flicker which would affect identified properties. The applicant’s state that two properties in a predicted worst case scenario would experience shadow flicker for about 12 and a half hours a year. The applicants have indicated that proposals will be well within acceptable limits but if the local planning authority consider that there is an impact they should set out its reasoning for a condition, then the applicant would be agreeable to considering a suggested suitable condition.

There are no guidelines for the assessment of shadow flicker or set limits for duration in the United Kingdom. Inspector’s appeal decisions indicate that it is possible to provide a mitigation strategy to prevent harm from shadow flicker and that a condition could be imposed that would require a scheme including remedial measures should they be necessary. The applicants have been requested to confirm the type of mitigation measures which could be incorporated in such a scheme but no response has been received.

On balance no objections are raised on this basis but mitigation is considered necessary via a planning condition.

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 has been recommended on the colour to mitigate impacts to mitigate the impacts.

Many of the objections received refer to health & noise concerns. The council's Environmental Services Section has confirmed that they are content to grant approval subject to the conditions recommended in respect of noise.

Setting of the listed Building

There is a listed building comprising a church as St Peirio, Rhosbeirio which is 0.750 KM from the proposed turbine. This Medieval rural church is included in the statutory register of LB's as being grade II. From the Conservation Officer's perspective the setting of this listed building will be of a significant impact and warranted a request for a photomontage to be taken from the church in order to fully assess the impact.

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. The local planning authority requested a photomontage of the proposed turbine in relation to this listed building but the applicants have not submitted this as part of the planning application. Whilst the provision of the photomontage would have facilitated a full assessment of the impact and possibly mitigation, on balance it is not matter on which objection is raised.

Other Material Considerations

It is understood that a connection to the grid will be subject of a separate application by the statutory undertaker. The applicants have confirmed that investigation work with the statutory undertaker are ongoing and initial feedback highlights that a connection point within reasonable distance of the site should be available.

The Ministry of Defence have no objections to the development subject to conditions.

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 council's Highways Section are satisfied with the proposal and the applicants have submitted a "Route Assessment Report and Traffic Management Plan".

In addition the applicant's have provided a "Swept Path Analysis Drawings" indicating that it is possible to deliver turbine components to the application site and provided details where works to the highway network are required. Improvements will be required to the junctions and sections of the unclassified road leading from the A5025 to the application site. A condition has been recommended requiring that these

works are completed prior to the construction of the development subject to this report.

The Countryside Council for Wales are satisfied with the ecological information submitted with the application in so far as it relates to the turbines and their siting. Further ecological assessments were submitted in respect of the highway improvements required to provide access to vehicles in the construction process of the development. Some issues were raised by the council's Ecological Adviser which are on balance matters which can be dealt with via a restoration condition, which would require restoration/re-planting of any hedges/"clawdds" removed to facilitate construction access.

7. Conclusion

The policies listed above provide a presumption in favor of renewable energy developments subject to the considerations listed.

Whilst officers consider that the development would have greater cumulative visual and landscape impact on the AONB than that indicated in the submitted LVIA. However the effects on the AONB would not be substantial due to the visual and landscape significance of existing and consented turbines.

There are two residential properties where the applicant's submission indicates that the impact on the visual amenities of both properties will be substantial. Given the size of the turbine, distances and orientation of these properties officers on balance decided that the turbine would not be "overbearing" or "overwhelming", such that planning permission ought to be refused.

There is a listed building comprising a church as St Peirio, Rhosbeirio which is 0.750 KM from the proposed turbine. From the Conservation Officer's perspective the setting of this listed building will be of a significant impact and a photomontage was requested but not submitted with the application. The provision of the photomontage would have facilitated a full assessment of the impact and possibly mitigation, but on balance it is not a matter on which objection is raised.

8. Recommendation

That planning permission is granted subject to the following conditions:

(01) The development hereby approved shall commence not later than five years from the date of this approval.

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

(02) The turbine hereby approved shall be of a 3 bladed configuration and shall not exceed:

72 metres	maximum tip height *(to the upright vertical tip of an attached blade)
44 metres	maximum hub height
56 metres	maximum rotor diameter
500 kw	maximum rated power

(03) The turbine blade shall rotate in the same direction as the turbines on the "Rhyd y Groes Wind

Farm” (or any subsequently re-powered, re-configured or changed wind farm in any respect).

Reason: To ensure the satisfactory appearance of the development

(04) No development shall take place until details of the external finish of the turbine hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development

(05) Within 12 months of the wind turbine hereby permitted ceasing to be used for the generation of electricity, it shall be permanently removed from the land and the site restored in accordance with details to be submitted to and approved in writing by the local planning authority prior to these works being carried out.

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

(06) All cabling in connection with the development hereby approved shall be installed underground.

Reason: In the interests of amenity.

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

- 1) The date construction starts and ends.**
- 2) The maximum extension height of any construction equipment.**
- 3) The latitude and longitude of the turbine.**

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

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

(08) No development shall take place until the details of the location; construction and site/storage compounds have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development

(09) No other part of the development shall commence, until the highway improvement works specified in the “Route Assessment Report and Traffic Management Plan” (August 2008) as amended by the Swept Path Access Route Details Sheet 2 (Reference 11087-03-011-0-), have been implemented and completed, unless otherwise approved in writing by the local planning authority.

Reason: To minimise danger and inconvenience to highway users.

(10) No part of the development shall display any name, logo, sign or advertisement or means of illumination (save for that required for aviation safety purposes).

Reason: In the interests of the amenities of the area.

(11) No development shall commence until a written baseline domestic television and radio reception study in the area has been undertaken by a qualified television and domestic radio engineer and submitted to the local planning authority. A written mitigation scheme ('the mitigation scheme') setting out the details of work necessary to mitigate any adverse effects to domestic television and radio signals in the area caused by the development shall also be submitted to and approved in writing by the local planning authority before development begins. The mitigation scheme shall include provision for investigating and dealing with any claim by any person for domestic loss or interference at their household within 12 months of 'the commissioning' of the wind farm, and any mitigation works must be carried out in accordance with the approved mitigation scheme.

Reason: To safeguard the amenity of the area.

(12) Prior to the commencements of the development hereby approved, a written scheme to alleviate the incidence of shadow flicker ('the alleviation scheme') at any affected residential property shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved alleviation scheme.

Reason: To preserve the amenities of the occupants of the adjacent dwelling.

(13) Prior to the commencement of development a scheme of illumination of the turbines ('the illumination scheme') identified on the planning application plans by 200 candela lighting on the top of the nacelles of the said turbines shall be submitted to and approved in writing by the local planning authority and any illumination on or of the turbines shall only be undertaken in strict accordance with the details in the approved illumination scheme.

Reason: To ensure that military aircraft avoid the area to prevent collision.

(14) (1) The level of noise emission from the development hereby approved shall be measured in accordance with and shall not exceed the levels set out in the noise emission scheme ('the noise monitoring scheme') as set out in this condition (14)below.

(14) (2) The level of noise emission resulting from the wind farm shall be assessed using the procedures described in 'The Assessment and Rating of Noise from Wind Farms, ETSU-R_97' published by ETSU for the Department of Trade and Industry, specifically the Section entitled 'Supplementary Guidance Notes to the Planning Obligation'.

(14) (3) The level of noise emission from the the wind turbine generator at Tai Hen shall not exceed:-

(a) As to the dwelling listed in Table 1 of Schedule 1 the levels set for that property in that table (at the wind speeds indicated within the Table).

(b) As to all other dwellings lawfully existing at the time of the planning consent and not associated with the development the levels set in Table 2 of Schedule 1(at the wind speeds indicated within the Table).

(14) (4) The level of noise emission referred to in paragraph (14) (3) above shall be measured using an LA90 index over a minimum of 20 periods each of 10 minutes duration, using a sound level meter of at least Class 1 quality (Incorporating best current practice) incorporating a ½ inch diameter microphone in free field conditions 1.2 metres above ground level and at least 3.5 metres from any wall, hedge or reflective surface (using a fast time weighted response).

(14) (5) If the level of noise emission measured in accordance with paragraph (14)(4) exceeds the relevant levels referred to or specified in paragraph (14)(3) above or Schedule 1 attached, then the contribution of background noise to the level of noise emission shall be measured.

(a) Such background noise levels shall be measured using an LA90 index over a minimum of 6 periods each of 10 minutes duration in accordance with the requirements of paragraph (14)(4).

(b) Such measurements shall be made during a period of further measurements of noise from the wind turbine generator at Tai Hen (made in accordance with the requirements of paragraph (14)(4).

(c) A correction using best current practice shall be applied to the measured noise level to determine the contribution of background noise to the overall levels measured when the wind turbines are operating.

(14) (6) The measurements made in accordance with paragraphs (14)(4) & (14)(5) shall be correlated with wind speeds measured at 10 metres over the periods referred to in paragraph (14)(4) & (14)(5). The LA90 noise level shall be derived using a best fit curve of the measured noise levels for data points corresponding to 10 metre wind speeds between 0 & 12 metres per second.

(14) (7) Compliance with paragraph (14)(3)(a) and (14)(3)(b) using the methods defined in paragraph (14)(4) to (14)(6) shall be demonstrated to the satisfaction of the Local Planning Authority and at the expense of the Developer within 3 months following the first generation of electricity or at any time at the written request of the local planning authority and, thereafter, at least once every 20 calendar months. Compliance with the noise monitoring scheme shall be demonstrated to and approved in writing by the local planning authority by the submission to it of a written report. The local planning authority may require information from the applicant in writing in respect of any of the matters falling within the ambit of the noise monitoring scheme. The local planning authority may also request that any breaches of or evidenced by the noise monitoring scheme are addressed within a set timetable which timetable shall have been submitted to and agreed in writing by the local planning authority before the development commences and written confirmation of having implemented such proposals to address any breaches shall be sent to the local planning authority within a set timescale such timescale also to be submitted to and agreed in writing by the local planning authority before the development commences. The requirements of the noise monitoring scheme shall apply throughout the life of the development.

(14) (8) Tonal noise shall be measured by the operator of the wind farm at its expense at the reasonable request of the Local Planning Authority in accordance with the procedures described in 'The Assessment and Rating of Noise from Wind Farms, ETSU-R-97' published by ETSU for the Department of Trade and Industry.

(14) (9) If, at any dwelling lawfully existing at the time of the Planning Consent, the tonal noise from the wind turbine at Tai Hen exceeds the threshold of Audibility:-

(i) by more than 2.0dB but less than 6.5dB a penalty of $(5/6.5) \times \text{Audibility}$ dB shall be added to the noise level derived for that property in accordance with the ETSU-R-97 tonal assessment procedure;

(ii) by more than 6.5dB a penalty of 5dB shall be added to the noise level derived for that property in accordance with the ETSU_R-97 tonal assessment procedure.

(14) (10) The Developer shall supply wind speed and direction data to the Local Planning Authority on its request to enable the Council to check compliance by the Developer with the provisions of

paragraphs (14)(1) to (14)(9) above.

(14) (11) Interpretation of some of the terms used within this condition are outlined in Schedule 2 attached.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings.

(15) No development shall take place within the site until the implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority.

Rheswm : I gofnodi a gwarchod unrhyw dystiolaeth archeolegol a all fod yn bresennol ar y safle.

(16) Prior to the commencement of development, a Construction Method Statement ('CMS') describing the works to be undertaken and pollution prevention measures to be implemented during the construction phase, shall be submitted in writing to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved CMS.

Reason: To prevent pollution of the environment.

(17) No construction work shall be undertaken outside the hours of 0730 - 1800 hours on weekdays (Monday – Friday) and 0730 – 1200 hours on Saturdays and at no time on bank holidays and Sundays.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings.

(18) No development shall commence until a landscaping & reinstatement scheme for the application site and areas of land associated with the approved development, including highway works has been submitted to and approved by the local planning authority: the approved scheme shall be carried out in the first planting season after the completion of the construction works or its bringing into operation, whichever is sooner. Any trees or plants that, within a period of five years of the implementation of the approved scheme, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and same species, unless the local planning authority gives written consent to any variation.

Reason: In the interests of the amenities of the area.

Informatives

1. The applicant is advised to contact Colin Edwards (Chief Engineer) 01248 752350 to discuss the requirements of a condition survey of the highway network before commencement of any development on the site. The survey will be useful for all parties to provide a record of the condition of the public highway prior to the completion of the development.
2. The developer is advised to contact the council's Highway Section to agree a traffic management scheme including their agreement to any compound location, hours and days of operation and operation of any construction vehicles and any wheel washing facilities.
3. The turbine should be installed by a suitably qualified person, in accordance with the manufacturer's instructions and the site survey and should be serviced in accordance with the manufacturer's recommendations.

9. Other Relevant Policies

Gwynedd Structure Plan

FF11 (Traffic)
D32 Landscaping Schemes

Ynys Mon Local Plan
32 (Landscape)
35 (Nature Conservation)

Stopped Anglesey Unitary Development Plan
TR3 (Highway Design)
EN4 (Biodiversity)
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

SCHEDULE 1.

Table 1: Dwellings Associated with Development.

Tai Hen (238258, 391699)

Wind Speed at 10m height (m/s).	Below 3	3	4	5	6	7	8	9	10	11	12
Noise Limit L_{A90} dB	43	43	43	43	43	43	43	43	43	43	44

Table 2: Dwellings not Associated with Development.

Wind Speed at 10m height (m/s).	Below 3	3	4	5	6	7	8	9	10	11	12
Noise Limit L_{A90} dB	35	35	35	35	35	36	38	39	41	42	44

SCHEDULE 2

“Audibility” means the audibility of the Tonal Noise as defined in (and to be measured in accordance with) the recommended method in “The Assessment and Rating of Noise from Wind Farms, ETSU-R-97” published by ETSU for the Department of Trade and Industry, specifically paragraph 2.1 of the Section titled “Supplementary Guidance Notes to the Planning Obligation”.

“Background Noise Level” means the ambient noise level present within the environment in the absence of noise generated by the Development.

“Best fit curve” means a best fit linear regression curve expressing the noise level as a function of wind speed derived from measured noise levels for data points extracted in accordance with the recommendations of Section 1.2 of the Section titled “Supplementary Guidance Notes to the Planning Obligation” in ETSU-R-97.

“dB(A) LA90, 10min” means the dB(A) level exceeded 90% of the time and measured over a period of 10 minutes.

“ETSU-R-97” means “The Assessment and Rating of Noise from Wind Farms, ETSU-R-97” published by ETSU for the Department of Trade and Industry (Final Report September 1996).

“Free-field Conditions” means an environment in which there are no reflective surfaces (except the ground) affecting the measurements within the frequency range being measured.

“Reasonable Request” means following a complaint to the Council relating to noise emissions from the Wind Farm.

“Tonal Noise” means noise containing a discrete frequency component.

“10 metre wind speed” means (unless the context otherwise demands) wind speeds measured at a height of 10 metres above ground level.

“Wind Turbines” means the wind turbine generators proposed to be erected as part of the development.

Rhif y Cais: **44C292** Application Number

Ymgeisydd Applicant

**Mr J H Jones
c/o Berwyn Owen
Owen Devenport
1st Floor
Metropolitan Buildings
25 High Street
Llangefni
LL77 7NA**

Codi un twrbin wynt gyda uchder hwb hyd at uchafswm o 44m, diamedr rotor hyd at uchafswm o 56m a uchder blaen unionsyth vertigol hyd at uchafswm o 72m ynghyd a codi gorsaf newidydd a tai cyfleustodau, trac mynedfa a man caled a creu ffordd cyswllt ger y cyffordd gyda'r B5111 ar

Erection of one wind turbine with a maximum hub height of up to 44m, rotor diameter of up to 56m and a maximum upright vertical blade tip height of up to 72m together with the erection of a transformer station and utility housing, formation of a new access track and hard standing and formation of a new link road near the junction with the B5111 on

land associated with Llety, O.S field numbers 0268 and 6366, Rhosybol

**<<<Safe/Site>>>
Graddfa/Scale 1:5000**



Planning Committee: 05/12/2012

Report of Head of Planning Service (DPJ)

Recommendation:

Refuse

Reason for Reporting to Committee:

The application is reported to the committee as it has been decided that delegated powers will not be used in connection with wind turbine developments.

A site visit was convened in August 2012.

At the time of writing the applicants have submitted an appeal against non-determination but this is yet to be validated. Should the appeal be validated prior to the consideration of the application by the planning committee the local planning authority is not able to determine the planning application as per the recommendation of the report. In such circumstances members will only be able to make a resolution on the local planning authority's position in the appeal.

1. Proposal and Site

The application site comprises an agricultural field, there are existing National Grid pylons in the vicinity.

The application is made for a single wind turbine with a maximum height to the tip of the blade of 72 meter, maximum height to hub of 44 metres and a maximum rotor diameter of 56 meters. The maximum rated power of the turbine being applied for is 500 Kw.

The proposal also includes ancillary structures including a control building, access roads/hard standings and transformer buildings.

The planning application is supported by the following:

- Landscape and Visual
- Assessment including Photomontages.
- Individual Property Assessment.
- Planning Support Statement.
- Ecological Assessment.
- Swept Path Analysis for delivery of wind turbines to the site.

2. Key Issue(s)

- Principle of the development
- Landscape and Visual Impact
- Residential Amenity.

3. Main Policies

Gwynedd Structure Plan

C7 Renewable Energy

D1 AONB

D3 Landscape Conservation Area

Ynys Mon Local Plan

1 (General)

30 Landscape
31 Landscape
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

Planning Policy Wales Edition 5 (February 2012)

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

Technical Advice Note 8 Renewables (2005)

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 Wind Energy Developments (January 1994).

4. Response to Consultation and Publicity

Local Member Called the application to the planning committee on the basis of the impact on adjacent dwellings, visibility with other turbines which are clustered around the village of Rhosybol.

Community Council Refuse.

Highways The Traffic Management Plan "TMP" is satisfactory & an informative as regard a survey of the public highway prior to commencement of the development.

An informative is also recommended making clear that all works within the highway can be carried out via a section 278 agreement and section 38 agreement on land in private ownership. These agreements can take 3 months to complete.

Drainage No objections.

Environmental Services Conditional permission.

Environmental Advisor Is content that there is sufficient distance from the turbine to the hedge (Natural England: Technical Information Note 051). Some issues were raised by the council's Ecological Adviser in relation to restoration of features affected by highway improvements to facilitate construction of the development.

Built Environment Not able to support the current proposal on the grounds that there would be a significant adverse local visual impact; a cumulative landscape and visual impact and a new and adverse impact on the coastal AONB landscape at Traeth Dulas.

National Grid No objection to the above proposal on the understanding that a minimum safety clearance of 125.5m is maintained from our high voltage transmission overhead line – Pentir – Wylfa.

Arqiva No objections on the grounds of the effect on television reception.

Welsh Water No comments.

Environment Agency Low environmental risk.

Countryside Council for Wales

Protected Sites

The application will not affect, either directly or indirectly, the features, functionality or integrity of any statutory protected sites of ecological, geological or geomorphologic interest.

Protected Species

The application site has been subject to survey and assessment in respect of statutory protected species. We consider the assessment has been completed to a satisfactory standard for the purpose of informing the decision making process, but wish to make the following comments:

(i) As with wind energy developments we advise that the turbine is sited such that a 50 meter buffer is maintained around linear features such as woodlands, river corridors, large hedgerows or agricultural dwellings. This is due to areas being utilised by bats for foraging, commuting or roosting purposes and follows current guidance. (Natural England: Technical Information Note 051).

(ii) Associated infrastructure works are to avoid any habitats which may be of ecological value. Provided these recommendations are fully implemented the proposals are unlikely to be detrimental to the favourable conservation status of any populations of statutory protected species present in their natural range.

Landscape

The application site is not located within or immediately adjacent to the boundaries of any statutory protected landscapes, nor areas that are classified as having outstanding qualities on LANDMAP. CCW has not assessed the proposal in respect of its potential landscape and visual impact. However please note that as a development in the open countryside, we have not given consideration to local or regional landscape interests. Furthermore, in assessing the potential impact of the proposed development, we advise that consideration should be given to the cumulative impacts of this wind energy development along with others in the area (either existing or currently within the planning process).

Local & Regional Interest

To comply with your authority's general duty under the NERC Act consideration should be given to possible adverse effects on such interests.

To conclude, CCW does not object to the proposals.

In relation to the Traffic Management Plan "TMP" CCW have indicated that they do not wish to comment on the proposals. They have indicated that to comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests.

Ministry of Defence Conditional permission.

Response to Publicity

427 Letters received objecting to the planning application on the following grounds:

- Construction of a new link road near the junction with the B5111 would be prejudicial to highway safety due to increasing the speed of vehicles, road is not gritted in winter, it is already an accident “hot spot” and there is a blind spot.
- The road is not suitable for heavy Large Goods Vehicles & machinery.
- In constructing & taking down the existing wall and hedges to improve the junction would also mean that wildlife would be affected.
- Turbine would be far larger than existing turbines on Anglesey. It would dominate the landscape and be a major visual intrusion, causing unacceptable effect on the landscape character.
- Visible from the AONB, Traeth Dulas.
- Introduce a massive industrial structure into a previously unspoiled area.
- Cumulative impact with existing turbines.
- The nearest dwelling would be 330m from the turbine and effect on the residents within the immediate vicinity would be totally unacceptable. It would have a substantial adverse effect on the visual amenity and residential amenity of these properties.
- The principal of the development should be re-addressed in view of the recent High Court Judgement (Sea and Land Power Energy Ltd v SOS for Communities and Local Government Great Yarmouth Borough Council). Equal weighting should be given to all policies; renewable policies should not take precedent over all other such as landscape into consideration.
- LPA are referred to a planning appeal in Pembrokeshire where in that instance the Planning Inspectorate state that the impact of the turbine is significantly adverse and that the LPA were right to take the stance from the outset in stating this.
- There would be a “backclothing” effect against the backdrop of Snowdonia.
- Result in a distraction to motorists at the crossroads of the B5111.
- Quality of the photomontages is poor and misrepresentative.
- Agent should be requested to produce a new LVIA.
- Noise
- Health Effects/existing ailments would be exacerbated.
- The proposal would prevent the owners of an existing property using it as a bed and breakfast in the future.
- Visual residential amenity from an adjacent property (photographs of views supplied), proposal is too close.
- Proposal does not adhere to policies in relation to requisite distances from residential properties.
- Copy of the House of Lords Bill on erecting wind turbines (Minimum distances from residential properties) enclosed.
- Astonished that the agent had offered Rhosybol Community Council £5,000.
- Ownership issues as regards the forms.
- Choice of location, applicant’s property not affected by the proposal.
- Shadow Flicker.
- Contended that the applicant is canvassing support by people not affected by the proposal.
- Effect on house prices.
- Turbine is over the acceptable height for micro generation.
- Effect on tourism.
- Turbine would be one and half times higher than pylons.
- Such structures in higher wind speed areas elsewhere are shut down for long periods due to the excessive wind speed.
- Anglesey does not want to end up like the Isle of Skye which has been ruined by turbines.
- The amount of concrete required would destroy a valuable resource.
- Effects on Mynydd Bodafon which is within the AONB & Mynydd Parus and its walks.
- A number of letters query various aspects of statements/reports submitted with the planning application.
- Effect on wildlife & migrating birds.
- Turbine too close to hedge.
- Turbine out of scale.
- Ynys Môn is a small island, relatively flat with extensive views. Turbines of the proposed height are quite inappropriate in a rural landscape.
- Developer should be required to record the height of the proposed structures in feet as well as

metres to ensure local people understand the sheer scale of these industrial turbines.

- Cumulative effect with existing turbines.
- There are other forms of renewables which are more suited to Anglesey.
- Proposal will not create local employment.
- Effect on radio/television communications.
- Precedence.
- Token gesture for low carbon electricity.
- Fail to see how the income will assist local choirs etc.
- Landownership plans are misleading/incorrect.

176 Letters received supporting the planning application on the following grounds:

- Turbine will supply electricity for some 280 homes a year., offsetting carbon dioxide production and contributing to meeting renewable energy targets.
- Assist with climate change /global warming.
- Reduce dependence on fossil fuels.
- Visual impact need to be put in context environmental damage climate change causes.
- Noise will be within agreed planning guidelines.
- Transport and access to the site will be a short term issue.
- Upgrades to the road will benefit the wider area.
- Turbine supports Anglesey Agenda 21 theme.
- Development is in accord with Planning Policy.
- Turbine will have no effect on tourism nor residential amenity.
- Contribute to farm diversification.
- Economic benefits of the turbine will result in enhanced management of farm activities supporting sustainable land management.
- Community benefit of over £100,000 over the projects life will support the community.

5. Relevant Planning History

44C292A/SCR Screening Opinion for the erection of one wind turbine with a maximum hub height of 44 m, rotor diameter of up to 56m and a maximum upright vertical blade tip height of up to 72m together with the erection of transformer station and utility housing, formation of a new access track and hard standing and formation of a new link road near the junction with the B5111, EIA not required 02.02.12.

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.

Since the last Planning Committee Planning Policy Wales was updated to Edition 5 in November. The most significant change was the clarification and strengthening of the presumption in favour of sustainable development. 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 (5th Edition November 2012) 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 500KW the turbine subject to this report is categorised as "Sub Local Authority" in Planning Policy Wales which includes developments of between 50KW & 5MW according to figure 12.3. Practice Guidance – Planning Implications of 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 "Medium" category with a typical rating of 500Kw, though the height is slightly larger to the blade tip than a typical installation of 65 meters. 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 as detailed below.

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

12.10.1 In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts (see 4.5);
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

Technical Advice Note 8 Renewables (2005) (paragraph 14) states the Assembly Government has a target of 4TWh of electricity per annum to be produced by renewable energy by 2010 and 7TWh by 2020. In order to meet these targets the Assembly Government has concluded that 800MW of additional installed capacity is required from onshore wind sources.

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 applicants have confirmed in writing that they are willing to donate £5000 per annum to Llanbadrig Community Council towards sustainable community projects and are content for this to be subject to a legal agreement completed as part of any planning permission granted. Having regard to advice in paragraph 2.16 and Annex B of TAN this offer would not meet be justified as mitigation of development impacts through the planning process and is not necessary for the development to proceed. It is a matter for the developer if they wish to offer the benefits unilaterally or directly with any third parties but this is not a matter which has been weighted in the decision making process.

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 council's adopted Supplementary Planning Guidance: 'Wind Energy Development' (1994) is a material consideration in determining wind turbine applications. However, due to the age of the document, it is in the process of being replaced by an updated version called 'Onshore Wind Energy', which is currently at the 2nd post consultation stage and can only be attributed little weight.

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 though as described in the introduction of this report the turbine would have height to the tip of the blade of 72 meters and a maximum rotor diameter of 56 meters. Weight can also be attributed to the benefits to the rural economy. 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 proposal would be located within an area designated as a Special Landscape Area and also within approximately 2.6 km of the AONB at Mynydd Bodafon.

The application is supported by a Landscape and Visual Impact Assessment (LVIA) which includes photomontages, wireframes and maps which show the Zone of Theoretical Visibility (ZTV) and Cumulative ZTV (CZTV).

The overhead power line is a strong landmark crossing the island, while its influence from the viewer diminishes with distance and topography; it is locally prominent, significant and has an adverse impact when viewed against the borrowed landscape of Snowdonia.

The capacity of the pylons to mitigate the visual impact of turbines will depend on the size and quantity of the structures. Where turbines are greater in size there may be an adverse cumulative visual impact. As outlined above, the proposed turbine would be visible from a range of public sites including ones within and adjacent to the AONB. As stated in the LVIA the proposed turbine would have Substantial adverse Visual Impacts and a Significant Landscape Impact to the closest receptors which would include Public Footpaths and Highways, private residences. The radius of this individual impact will be greatest within 1km and diminish from 2km depending on local topography, built and landscape screening. The turbine may introduce a new visual and landscape element into some of the unspoilt parts of the coastal landscape and will have a cumulative visual and landscape impact particularly to the south of the site where its prominent combination with the overhead power line may add to the cumulative impact.

For the reasons above we are not able to support the current proposal on the grounds that there would be a significant adverse local visual impact; a cumulative landscape and visual impact and a new and adverse impact on the coastal AONB landscape at Traeth Dulas.

Residential Amenity

The application is accompanied by a detailed assessment of the impacts on the residential amenities of surrounding properties.

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 as regard 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 Wind Energy Development (1994) “SPG” states that the council will give favourable consideration to renewable energy projects in those cases where it can be clearly demonstrated that there would be no adverse impacts on the listed considerations which include “the standard of amenity enjoyed by residents and the tourist populations”. Under 7.3 “Public Safety, Shadow Flicker Disturbances, Visual Intrusion and Impact on Highway Safety” the “SPG” contains a recommended standard that no turbine shall be sited nearer than 400 metres from the nearest dwelling house, with a possible exception of dwellings occupied by the owners of land where it is proposed to locate turbines.

As indicated previously in the report little weight can be attributed to the draft SPG which is currently being prepared by the council.

Officers have also considered decisions made by Planning Inspectors in relation to residential visual

amenity. Such an analysis indicates that a common threshold criterion applied by Inspectors for assessing visual residential amenity is where the change in the view would affect the fundamental living conditions. Various terms are used to describe this threshold, e.g. 'overbearing', 'overwhelming', 'overpowering' or 'oppressive'.

The application is accompanied by a detailed assessment of the impacts on the residential amenities of surrounding properties including wireframes, with views of the turbine from the dwellings. There is a residential property at "Rhosydd Bungalow" where the impact on visual amenity has been identified as substantial by the applicant's. The property is around 346 metres from the proposed turbine

Officers have assessed the impact on "Rhosydd Bungalow" and consider that the residents visual amenity would be substantially affected to an "overbearing" or "overwhelming" degree for the following reasons:

- Proximity, at some 346 meters.
- Orientation, the turbine would be visible from the front elevation and garden.
- Full extent of the turbine would be visible, there are no intervening features.
- Scale, of the turbine, which would be a dominant moving feature with a rotor diameter of 56 m and with a maximum height to tip height of 72m it would be significantly higher than the existing pylons.

Given the proximity, siting, extent of the turbine visible and scale of turbine officers consider that the turbine would be "overbearing" or "overwhelming" in relation to the residential visual amenity of "Rhosydd Bungalow". The applicants were requested to comment and suggest mitigation if they deemed it appropriate but no response has been received.

There is a property at "Hafod y Plas" which is closer to the proposed turbine at some 342 meters. Due to the oblique view from the primary elevation of this dwelling the impact on residential visual amenity was considered substantial but maybe not overbearing.

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. There are residential properties within this area. The applicants have submitted a shadow flicker analysis indicating the degree of shadow flicker which would affect identified properties. The applicant's state that four properties in a predicted worst case scenario would experience shadow flicker. This varies from 8 hours 21 minutes to 3 hours 25 minutes in a calendar year. The applicants have indicated that proposals will be well within acceptable limits but if the local planning authority consider that there is an impact they should set out its reasoning for a condition, then the applicant would be agreeable to considering a suggested suitable condition.

There are no guidelines for the assessment of shadow flicker or set limits for duration in the United Kingdom. Inspector's appeal decisions indicate that it is possible to provide a mitigation strategy to prevent harm from shadow flicker and that a condition could be imposed that would require a scheme including remedial measures should they be necessary. The applicants have been requested to confirm the type of mitigation measures which could be incorporated in such a scheme but no response has been received. On balance no objections are raised on this basis but mitigation would be necessary via a planning condition.

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 has been recommended on the colour to mitigate impacts to mitigate the impacts.

Many of the objections received refer to health & noise concerns. The council's Environmental

Services Section has confirmed that they are content to grant approval subject to the conditions recommended in respect of noise,

Other Material Considerations

The National Grid originally objected to this application due to the proximity of their high voltage overhead line overhead line from Pentir to Wylfa, this objection was withdrawn on 28.08.12.

It is understood that a connection to the grid will be subject of a separate application by the statutory undertaker. The applicants have confirmed that investigation work with the statutory undertaker are on-going and initial feedback highlights that a connection point within reasonable distance of the site should be available.

The Ministry of Defence have no objections to the development subject to conditions.

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 council's Highways Section are satisfied with the proposal and the applicants have submitted a "Route Assessment Report and Traffic Management Plan".

In addition the applicant's have provided a "Swept Path Analysis Drawings" indicating that it is possible to deliver turbine components to the application site and provided details where works to the highway network are required. Improvements will be required to the junctions and sections of the unclassified road leading from the A5111 to the application site. A condition has been recommended requiring that these works are completed prior to the construction of the development subject to this report.

The Countryside Council for Wales are satisfied with the ecological information submitted with the application in so far as it relates to the turbines and their siting. Further ecological assessments were submitted in respect of the highway improvements required to provide access to vehicles in the construction process of the development. Some issues were raised by the council's Ecological Adviser which are on balance matters which can be dealt with via a restoration condition, which would require restoration/re-planting of any hedges/"clawdds" removed to facilitate construction access.

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 and in this instance the proposed development is considered unacceptable for the reasons provided below.

There would be a significant adverse local visual impact; a cumulative landscape and visual impact and a new and adverse impact on the coastal AONB landscape at Traeth Dulas.

Officers have assessed the impact on "Rhosydd Bungalow" and consider that the residents visual amenity would be substantially affected to an "overbearing" or "overwhelming" degree.

8. Recommendation

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

(01) The scale of the proposed development would result in a significant adverse local visual impact; a cumulative landscape and visual impact and an adverse impact on the coastal Area of Outstanding Natural Beauty at "Traeth Dulas". 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 5) (November 2012) and the Isle of Anglesey Council Supplementary Planning Guidance Wind Energy Development (1994).

(02) The proximity, siting, extent of the turbine visible and scale of turbine would be "overbearing" or "overwhelming" in relation to the residential visual amenity of "Rhosydd Bungalow". This would be contrary to the provisions of policies C7 of the Gwynedd Structure Plan, 1, 45 of the Ynys Mon Local Plan, GP1, EP18 of the Stopped Ynys Mon Unitary Development Plan, Planning Policy Wales (Edition 5) (November 2012) and the Isle of Anglesey Council Supplementary Planning Guidance Wind Energy Development (1994).

9. Other Relevant Policies

Gwynedd Structure Plan

FF11 (Traffic)

D32 Landscaping Schemes

Ynys Mon Local Plan

32 (Landscape)

35 (Nature Conservation)

Stopped Anglesey Unitary Development Plan

TR3 (Highway Design)

EN4 (Biodiversity)

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