

Application No.
P/15/0241

Date
24th July 2015

Determining Authority
MTCBC

Proposed Development

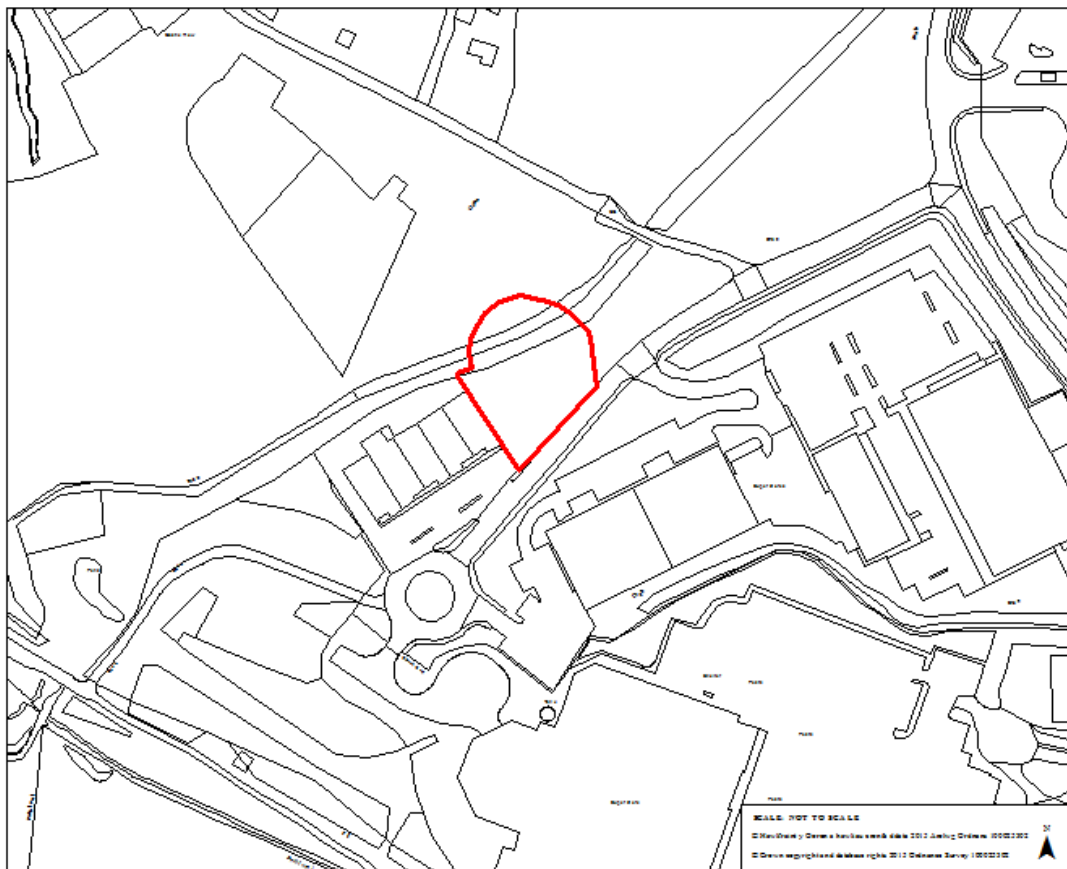
Location

Name & Address of Applicant/Agent

Erection of a single 500 kw wind turbine with a blade tip height of 77 m and associated hard standing area, sub station and transformer

Land Adjoining
Unit 3 Pengarnddu
Industrial Estate
Dowlais
Merthyr Tydfil

Mr S Lloyd
c/o MDA Renewables
F.a.o. Mr J Dacey
Bryn Y Coed
Load Of Hay Road
Crumlin



APPLICATION SITE

This application relates to a plot of vacant land, measuring approximately 0.27 hectares, located within the south-west part of Pengarnddu Industrial Estate. The site is largely characterised as an area of grass land with a number of small trees and shrubs along the northern and southern boundaries of the site. There appears to be little evidence of any historical use of the land.

The site is bounded to the north-west by vacant land and to the east is vacant scrub land, which also appears to form part of the Pengarnddu Industrial Estate. To the south-west is an industrial building accommodating three units, of which Unit 3 adjoins the application site. These industrial units are within the applicant's ownership. The application site is bounded to the south-east by the main highway that serves the site and the wider industrial

estate. Opposite the site to the south-east is the B & M retail unit and the Asda Superstore lies beyond. Further along the main highway to the north-east of the site are a number of large industrial units and recycling/salvage yards.

PROPOSED DEVELOPMENT

Members will note that two planning permissions have recently been granted for a single wind turbine (P/14/0050 and P/14/0324) within the same site, which have a blade tip height of 65.3m and 73.5m respectively. Full planning permission is now sought for a revised scheme, with the main differences being the change in the turbine model and an increase in the overall height of the turbine to 77m. This equates to a difference in the blade tip height of 11.7m and 3.5m when compared to the two previous permitted schemes.

This application relates to a single 500kw wind turbine (for a period of 25 years) that would measure up to 50m high to the hub of the turbine, with a three bladed rotor having a diameter of 54m. The wind turbine would have a maximum blade tip height of 77m.

To support the proposed turbine a concrete foundation would be required measuring approximately 10m wide by 10m in length. A hardstanding would also be required to serve as the access, crane set down area and turning facility during the construction of the proposed wind turbine. The hardstanding area would comprise a hardcore base and a gravel surface in a 'T' shape, with a maximum length of 45m and maximum width of 28m. It is proposed that this hardstanding area would remain for the life of the project to accommodate cranes that may be required for any repairs/maintenance and the eventual decommissioning of the wind turbine.

It is proposed that the application site would be directly accessed off the main highway serving the Pengarnddu Industrial Estate. No alterations would be required to the existing highway to enable cranes or other vehicles to enter the site.

A transformer would be necessary to link the proposed wind turbine to the national grid. This structure would be located adjacent to the wind turbine and would measure 3.1m wide by 2.3m deep and 2.3m high. The transformer would be connected to a sub-station to be located within a central part of the site next to the proposed hard standing area, via underground cabling.

Councillor Simon Williams has requested this application be reported to Committee due to the impact on surrounding residents.

PLANNING HISTORY

The following applications relate to the application site:

P/15/0252 - Erection of a single 228kw wind turbine with a blade tip height of 57.7m and associated hard standing area, sub-station and transformer.

This application appears on this Committee agenda.

P/14/0324 - Erection of a single 500kw wind turbine (up to 73.5m blade tip height) with associated hard standing area, substation/transformer and boundary fencing.

Permission GRANTED on 08.01.2015

P/14/0050 - A single 225kw wind turbine (up to 65.3m blade tip height) with associated hard standing area, substation/transformer and boundary fencing.

Permission GRANTED on 16.1.2014

P/12/0142 - Erection of storage/distribution warehouse.

Permission GRANTED on 01.10.2012

The applications listed below relate to other wind turbine developments within the vicinity of the site and are relevant to the determination of this application:

P/14/0117 - Land at Merthyr Industrial Services Ltd (Plot 1) Pengarnddu Industrial Estate.

Erection of a single 500kw wind turbine (up to 77m blade tip height) with associated hard standing areas, transformer station and access.

WITHDRAWN on 22.10.2014

P/13/0383 - Land to the North East of (0.3 Km) Blaen Morlais Farm Pengarnddu.

Erection of a single 0.5 mw wind turbine (up to 77m blade tip height) with associated access track, crane hardstanding, substation/ transformer and boundary fencing.

REFUSED permission on 16.10.2014

P/12/0078 - Plot 5, Pengarnddu Industrial Estate.

Erection of a single 0.5MW wind turbine (up to 77m blade tip height) with associated access, road, hardstanding area and 2 No. transformer buildings.

Permission GRANTED on 13.12.2012

P/06/0573 - Land at Merthyr Common, Pengarnddu Industrial Estate, Dowlais.

Wind farm comprising 5 wind turbines, wind monitoring mast, switch station, access tracks and ancillary works.

REFUSED permission on 15.12.2008

The decision on this application was later appealed to the Planning Inspectorate but later withdrawn before any appeal decision was made.

P/04/0361 - Land at Merthyr Common, Pengarnddu Industrial Estate, Dowlais.

Wind farm comprising of 10 wind turbines, wind monitoring mast, switch station, access tracks and ancillary works.

REFUSED permission 06.12.2005.

CONSULTATION

The following bodies were consulted as part of this planning application. A summary of their responses are provided below:

Internal Consultees

- | | | |
|--|---|--|
| Engineering & Highways Manager | - | No objection subject to conditions relating to drainage and ground investigation. |
| Town Planning Division's Policy & Implementation Group Leader | - | No objection. |
| Town Planning Division's Design, Heritage and Conservation Officer | - | No objection. |
| Town Planning Division's Countryside Officer | - | No objection subject to a condition relating to the clearance of scrub land. |
| Town Planning Division's Landscape Architect | - | No objection subject to a condition relating to landscaping. |
| Environmental Health Manager | - | No objection subject to conditions relating to noise, construction hours and imported materials. |

Other Local Authorities

- | | | |
|--|---|---------------|
| Brecon Beacons National Park | - | No objection. |
| Caerphilly County Borough Council | - | No response. |
| Rhondda Cynon Taf County Borough Council | - | No objection. |

External Consultees

- | | | |
|-------------------------------|---|---------------|
| Health & Safety Executive | - | No response |
| Natural Resources Wales (NRW) | - | No objection. |

Glamorgan Gwent Archaeological Trust (GGAT)	-	No objection.
Cadw	-	No objection.
RSPB	-	No response.
Welsh Water	-	No objection.
Western Power Distribution	-	No response.
Wales & West Utilities	-	No objection.
Ofcom	-	No objection.
Arqiva	-	No response.
Ministry of Defence (MOD)	-	No response.
Orange Telecommunication	-	No response.
Cable and Wireless	-	No response.
T-Mobile UK	-	No response.
O2	-	No response.
One 2 One Telecommunication	-	No response.
Vodafone Telecommunication	-	No response.
Crown Castle UK	-	No response.
Joint Radio Company	-	No response.
CSS Spectrum Management Services Ltd	-	No response.
TRANSCO	-	No response.
Civil Aviation Authority	-	No objection.
National Air Traffic Services	-	No response.
Mercury Communications	-	No response.
Department of Trade and Industry Radio Communications Agency	-	No response.
BBC Research Department	-	No response.
NTL	-	No response.
BT Wholesale Radio Solutions Unit	-	No response.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) Order 2012, a total of 14 site notices were displayed within the vicinity of the application site and in the residential areas of Dowlais and Pant on the 7th August 2015. Letters were sent to neighbouring occupiers on the 31st July 2015 and 10 letters were also hand delivered to existing properties within the Pengarnddu Industrial Estate on the 7th August 2015.

As a result of this publicity exercise 9 letters of objection and a copy of a petition with 44 signatures submitted as part of previous turbine applications at the same site were received which raised the following concerns:

- The development would have a visual impact on the landscape of the open countryside.
- The erection of more turbines in the area will impact on house prices.
- Concerns that the turbine will impact on health, especially those with epilepsy and depression.
- There would be an adverse effect on the natural environment.
- The development would cause disruption during construction, which will impact on the roads and businesses.
- Result in shadow flicker.
- Unacceptable noise pollution.
- Impact on Brecon Beacon National Park.
- The development would result in physical dangers.

POLICY CONTEXT

The following national and local planning policies within the statutory documents listed below are relevant to the determination of this planning application:

National Planning Policy

Planning Policy Wales 7th edition, July 2014:

Section 3.7 – Planning obligations and the Community Infrastructure Levy.

Para 3.7.6 sets of the tests that should be applied when considering planning obligations in conjunction with the advice set out in Welsh Officer Circular 13/97 – Planning Obligations.

Section 4.5 - Planning for climate change.

Para 4.5.2 sets out the Welsh Government's commitment towards a low carbon economy to tackle future climate impacts through a number of key areas, which includes energy generation.

Para 4.5.7 recognises the need to proactively reduce the demand for energy and facilitate the delivery of new and more sustainable forms of energy provision at all scales as a means towards a low carbon economy.

Section 5.5 - Development management and the conservation and improvement of the natural heritage.

Para 5.5.1 highlights the importance of biodiversity and landscape considerations in the determination of planning applications and the need to take reasonable steps to safeguard or enhance the environmental quality of land.

Para 5.5.2 acknowledges that regard should be given to the environmental impacts of development proposals and the need to avoid any adverse effects. Where there are potential impacts, this should be balanced with other material considerations and the Local Planning Authority should seek to minimise any effects and where practicable enhance features of nature conservation.

Section 6.5 - Development management and the historic environment.

Para 6.5.1 emphasises the importance of preserving an ancient monument and its setting and the presumption in favour of preserving in situ archaeological remains of national importance. In cases that involve an impact on lesser archaeological remains, regard should be given to the importance of those remains against other factors, including the need for the proposed development.

Para 6.5.25 highlights the need to protect historic landscapes and to consider the implications a development may have on that landscape, which may be of more than local importance.

Section 8.7 – Development management and transport.

Para 8.7.1 sets out the criteria that should be taken into account when considering development proposals that have potential transport implications.

Para 8.7.2 identifies the importance of Transport Statements as a mechanism for assessing anticipated highway impacts of a development proposal.

Section 12.10 - Development management and renewable and low carbon energy.

Para 12.10.1 sets out the criteria that should be considered in the assessment of applications for renewable and low carbon energy development and associated infrastructure.

- 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, the Coast and the Historic Environment;
- 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;
- 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 Notes (TAN):

TAN 5: Nature Conservation and Planning, 2009.

Para 4.1.1 sets out the measures that should be followed in delivering the protection and enhancement of nature conservation required by PPW.

Para 4.6.1 – 4.6.2 supports the use of appropriate conditions that may contribute to biodiversity conservation.

TAN 8: Planning for Renewable Energy, 2005.

Para 2.12 – 2.13 encourages smaller onshore wind farm schemes (generally less than 5 Mega Watts) in areas outside of Strategic Search Areas (SSA) and advises that this should be balanced against potential effects on the environment, landscape and cumulative impacts.

Annexe C, Para 2.14 – 2.34 provides guidance on a variety of matters associated with wind turbine developments including ecology, cultural heritage, noise, shadow flickering and visual impacts etc.

TAN 11: Noise, 1997

Para 8 identifies the need to ensure noise generating development proposals do not cause an unacceptable degree of disturbance.

TAN 18: Transport, 2007

Para 9.1 sets out the importance of transport assessments to provide the necessary information to assess the suitability of an application in terms of travel demand and impact.

Para 9.19 supports the use of conditions to secure transport measures and facilities as part of a development proposal, which may include details of deliveries to the site and mitigations to offset any highway implications.

Local Planning Policy

Merthyr Tydfil Local Development Plan (LDP) 2006-2021:

- Policy BW4 - Settlement boundaries/locational constraints.
- Policy BW5 - Natural heritage.

- Policy BW6 - Townscape and built heritage.
- Policy BW8 - Development and the water environment.
- Policy BW12 - Development proposals and transport.
- Policy AS4 - Historic landscape.
- Policy TB7 - Renewable energy.
- Policy TB11 - Access, parking and accessibility.

Section 2.2.11 of the LDP identifies the need to combat climate change through the promotion of energy efficiency and renewable energy technologies to assist in the reduction of CO2 emissions. This is reinforced by the vision and primary aim of the LDP, as set out in its Strategic Objectives.

Supplementary Guidance

In addition to the above mentioned policies the following documents are also a material consideration:

- Supplementary Planning Guidance 2 - Planning Obligations, March 2012.
- Supplementary Planning Guidance 5 – Nature and Development, May 2015.
- Welsh Office Circular 13/97 - Planning Obligations
- The Welsh Assembly Government, Energy Policy Statement, ‘*A Low Carbon Revolution*’, March 2010.
- Welsh Government - Study into the Potential Economic Impact of Wind Farms and Associated Grid Infrastructure on the Welsh Tourism Sector, February 2014

PLANNING CONSIDERATIONS

Strategic Location & Land Use

The application site does not fall within a Strategic Search Areas (SSA) identified within TAN 8, where large scale onshore wind farm developments (over 25 Mega Watts) are encouraged, nor has such an area been identified within the County Borough of Merthyr Tydfil.

However, it is noted in Section 2.11 of TAN 8 that opportunities for the development of wind farm or other renewable energy schemes on urban/industrial brownfield sites up to 25 Mega Watts should be encouraged within Wales. This is further supported by Policy TB7 of the LDP, where development proposals that contribute to meeting national and local renewable energy targets, will be favourably considered, particularly on industrial ‘brownfield’ sites.

The proposed 500kw wind turbine would be located on previously undeveloped land within the Pengarnddu Industrial Estate adjoining existing industrial units. Furthermore, permission has recently been granted (Ref P/14/0050 & P/14/0324) for a single wind turbine in the same location to this proposal. Therefore, the principle of the development is considered to be acceptable.

Environment

An Ecological Survey (ES) has been submitted in support of the proposed development. The ES identifies two Sites of Importance to Nature Conservation (SINC) within the vicinity

of the site, being Blaenmorlais and Merthyr Common. Additionally, within 5km of the site are two Sites of Special Scientific Interest (SSSI) being Cwm Taf Fechan Woodlands and Cwm Glo and Glyndyrys. The ES concludes that the proposed development would not have any impact on the SSSI's and that many of the special features within the SINC's do not occur near the proposed site. In this regard, the ES considers the area around the application site to support a range of different habitats, but these are generally common and widespread species. The proposed development would mostly have a direct impact on species-poor grassland and scrub with negligible value for nature conservation.

The ES identifies the potential for scrubby habitats along the northern and southern boundaries of the site, particularly for foraging bats. However the potential impact on the small number of bats likely to be present within the vicinity of the site is considered to be low. Furthermore, the ES considers the potential impact on reptiles, birds and small mammals to be low. In this regard it is noted that NRW have not raised an objection to the proposal.

The Town Planning Division's Countryside Officer agrees with the conclusions of the report that the development would have a negligible impact on potential habitats or protected species. A suitably worded condition is suggested to be attached to any permission granted relating to the clearance of long grass and scrub before works commence on site.

It is considered that the proposed development would not have an adverse ecological impact. Accordingly, the proposal would comply with Policy BW5 of the LDP.

Landscape and Visual Impact

A Landscape and Visual Appraisal (LVA) has been submitted in support of this application and is accompanied by a series of figures and photomontages to inform the assessment of the development. The LVA and supporting documents are considered to provide a comprehensive assessment of the likely impacts on the landscape character and the receptors within the landscape.

It is noted that this application is essentially a re-submission of previously approved wind turbines (P/14/0050 with blade tip height of 65.3m and P/14/0324 with a blade tip height of 73.5m). The main differences with this application, which would impact on the landscape character and visual amenity, would be the increased blade tip height of the turbine to 77m and the change of the turbine model to match the existing operational turbine within the industrial estate.

The overall conclusion of the LVIA, which is essentially the same as that identified in the previous applications (P/14/0050 and P/14/0324) states, *'the profile, context and character of the site and the surrounding landscape lends itself to a small turbine scheme of the form and scale proposed...the site represents an opportunity to accommodate the Pengarnddu wind turbine without unacceptable change to landscape character and visual amenity experienced within the surrounding landscape and associated communities, whether in isolation or cumulatively with other wind energy schemes within the study area'*.

The Town Planning Division's Landscape Architect has indicated that the increased height of the proposed turbine would increase the presence of the slightly larger turbine within the landscape. However, the Town Planning Division's Landscape Architect does not consider

the changes in effect on the landscape character are of such a magnitude to differ to the conclusions drawn in the previous applications P/14/0050 and P/14/0324.

It is considered that the location and height of the proposed turbine would not give rise to a significantly greater impact on the landscape character or visual amenity than the previously approved schemes (P/14/0050 and P/14/0324). Furthermore, it is noted that the proposed turbine would be of a same size and model to the existing turbine, in close proximity of the application site, which has a blade tip height of 77m.

For the above reasons the proposal is considered to comply with Policies BW5, AS4 and TB7.

Residential Amenity

To assess the potential impact of the proposed development on the surrounding residential areas, additional viewpoints were considered as part of the LVA. This was submitted as part of an Additional Residential Viewpoint Appraisal (ARVA) Report Addendum.

The nearest residential property is Castle Row which is approximately 0.2km away from the site. This property is financially involved with the project and is therefore not considered to be a sensitive property. The residential properties within the Dowlais and Pant areas are located approximately 0.45km to the south and 0.7km to the west of the proposed turbine respectively.

The difference in the blade tip heights of the previously approved turbines P/14/0050 and P/14/0324 and the current proposal is 11.7m and 3.5m respectively. Given the separation distances between the residential areas and the application site, it is considered that the increased size of the turbine blades would not result in a greater impact on the amenities of nearby residential properties i.e. overbearing impacts or oppressive visual impacts.

Therefore the proposal complies with PPW and Policy TB7 of the LDP.

Archaeological & Cultural Heritage

The application site and much of the main settlement of Merthyr Tydfil are located within the Landscape of Historic Interest as defined on the LDP Proposals Map. This landscape designation also forms part of the Register of Landscapes of Outstanding Historic Interest in Wales. To assess the potential impact of the proposed development on the historic landscape and any other historic designations, an Assessment of the Significance of the Impact of Development on Historic Landscapes (ASIDOHL) was submitted in support of the application.

The conclusions of the ASIDOHL state: *The effects of the proposed project on the Merthyr Tydfil historic landscape falls largely within its north and north-eastern parts. Here there is an extremely small loss of land within the Dowlais Top HLCA, within reclaimed ground that is archaeologically non-significant. There will be views of the proposed turbine from within parts of the Dowlais Top HLCA, but the nearby high-value HLCA's (e.g. Dowlais; Ivor Iron Works) generally will not have views of the turbine. The turbine will be visible from upland character areas at approximately 2.5km distant and greater, but at this distance it will appear as a minor element in the landscape and will not introduce a significant change. The*

proposed project will not degrade the historic landscape characteristics of the Merthyr Tydfil historic landscape’.

Having regard to the previously approved wind turbines at the site (P/14/0050 and P/14/0324), it is noted that Cadw, Natural Resources Wales, GGAT and the Town Planning Division’s Design, Heritage and Conservation Officer have not raised an objection to the proposed development. The increased height and change in model of the turbine would be more consistent with the existing turbine which would have a slight visual improvement.

Policy BW6 of the LDP supports development proposals where it can be demonstrated that the architectural quality, character and setting of the townscape and built heritage would be preserved or enhanced. Policy AS4 of the LDP also states that there is a presumption in favour of the protection, conservation and enhancement of the historic landscape and development should only be permitted where it maintains or enhances the character and integrity of the landscape. In this instance, it is considered that the increased blade tip height of the proposed turbine would not cause significant harm (cumulatively or otherwise) on the historic landscape or historical assets to any greater extent than the previously approved schemes (P/14/0050 and P/14/0324).

Noise

To determine the potential impact that the proposed development would have on the surrounding area, a Noise Feasibility Assessment was submitted in support of the application. The study area has identified three groups of residential properties that would be affected by the noise generated (35db and above) by the proposed wind turbine. The properties are referred to as Pengarnddu (Castle Row), Coedcae Row Terraces and 13-24 Station Terrace.

The worst affected property would be Castle Row, which is situated approximately 222m north of the proposed development. Whilst the noise levels at this property would be expected to be within the higher limit of 45db, the occupiers are financially involved with the development. Therefore, it would not be deemed to be a noise sensitive property.

The terraced properties along Caedcae Row and Station Terrace would be approximately 463m and 483m away respectively from the proposed development. It is predicted that the noise level from the proposed wind turbine experienced at the nearest dwelling, should not exceed 36.8db. The proposed development is not expected to exceed the existing background noise by 5db, which is likely to be greater than 35db in this area most of the time. In this regard it is noted that the Environmental Health Manager has raised no objection, subject to appropriately worded conditions being imposed on any permission granted, to ensure noise levels do not exceed acceptable limits.

Given the above, the proposed turbine would not be considered to be a source of unacceptable noise and disturbance that would compromise residential amenity and would comply with the advice set out in TAN 8 and TAN11.

Shadow Flicker

A shadow flicker assessment has been submitted in support of the application comprising a statement from the agent and a 1:5000 scale Shadow Flicker Zone plan. The assessment

considers the potential impact of shadow flickering on nearby properties located within a 540m radius of the wind turbine base (10 times the length of the rotor diameter).

The assessment only identified the dwelling at Castle Row to be potentially affected by the shadow flickering as a result of the proposed development. However, this property has a financial involvement with the project. Nevertheless, the agent states that the situation would be monitored during the first year of operation. If an issue was subsequently established, the principle method of mitigation available would be to close down the wind turbine at particular times where shadow flicker effects would be predicted.

Therefore the proposal is not considered to result in unacceptable nuisance to nearby residential properties and complies with Policy TB7 of the LDP.

Ground Conditions

An on-site investigation to determine the ground conditions in the location of the proposed wind turbine and hard standing area has not been carried out. However, the Coal Authority records indicate that the application site lies within an area at low risk to past mining activities. It is noted that the Engineering and Highways Manager has not raised any objection subject to a condition requesting foundation details and calculations to be submitted and approved before works commence on site. Furthermore, it is acknowledged that the Environmental Health Manager has raised no concerns in respect of any potential ground contamination, given the nature of the proposed development with the construction of a hard standing area across a large part of the site.

Highways

The greatest impact on the highway infrastructure would be during the construction phase of the wind turbine. A Transport Management Plan (TMP) has been submitted in support of this application, which identifies that the components of the wind turbine development would be transported by road using a combination of strategic and local highway networks. It is anticipated that the construction traffic would travel north along the A470 trunk road and then head east along the A465 trunk road until it reaches the roundabout adjacent to the Asda superstore, where it would turn into the Pengarnddu Industrial Estate and utilise the local roads leading to the site.

The existing access road serving the application site is currently used in connection with a number of large commercial and industrial type uses that are frequently visited by heavy goods vehicles on a daily basis. It is considered that this access road is of a suitable standard and construction to accommodate the necessary construction traffic associated with the proposed development. In this respect, the TMP concludes the proposed development would not have an adverse impact on the highway network and would not require any highway improvement works. Furthermore, the proposed hardstanding area to be utilised during the construction of the wind turbine is also considered to be of a sufficient size to accommodate two cranes with associated turning facilities for large vehicles. It is acknowledged that the Engineering and Highways Manager has not raised any objection to the proposed development.

Therefore the proposal is considered to be acceptable in terms of highway safety and complies with Policy BW12 of the LDP.

Communication Network/Aviation Impact

The erection of a wind turbine has the potential to create electromagnetic interference to telecommunications apparatus and can affect the operation of civil and military activities. It is acknowledged that the Civil Aviation Authority and Ofcom have not raised any concerns with the proposal. Therefore, the increased blade tip height of the proposed turbine is not anticipated to have an impact on the telecommunication or civil/military operations in the area.

CONCLUSIONS

The proposed turbine would be situated within an existing industrial estate in similar locations to previously approved schemes (P/14/0050 and P/15/0324). This proposal essentially seeks permission for a revised turbine design with larger rotor blades, which increases the blade tip height to 77m.

Given the previous permissions, the principle consideration in the determination of this application relates to the increase in the blade tip height and the revised turbine model to match the existing operational turbine within the vicinity of the site.

Whilst the proposal would have a slightly greater impact on the landscape, the effect of this impact is not considered to be significant and would not differ greatly from that of the previously approved scheme.

The proposal would run contrary to Policy BW6 (Townscape and Built Heritage), given that it would neither preserve nor enhance the setting of the built heritage. It is however considered that the development would reasonably maintain the character and integrity of the historic landscape, therefore, it would comply with Policy AS4 (Historic Landscape) of the LDP, which deals more specifically with the impact on the landscape of historic interest.

It is considered that the harm caused by this development does not outweigh the objectives of Policy TB7, which looks favourably upon development proposals that meet national and local renewable energy targets. This is further supported by the commitments set out in PPW, as part of the Welsh Governments vision for future renewable energy production.

For clarity, Committee should be aware that whilst there are extant permissions and a pending application to construct different wind turbines at the same site, if this application were to be approved only one of the permissions could be developed.

Accordingly, the following recommendation is made:

RECOMMENDATION: **BE APPROVED** subject to the following **CONDITIONS:-**

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The permission shall be for a period of 25 years from the date when electricity is first generated to the grid. This date shall be notified in writing by the developer to the Local Planning Authority. Not later than 12 months before the expiry of this 25 year

timescale the following schemes shall be submitted to and approved in writing by the Local Planning Authority:

- a) the removal of all surface elements of the wind farm and the foundations of the wind turbines to 300mm below ground level.
- b) the restoration and aftercare, following consultation with such other parties as the Local Planning Authority considers appropriate.

The approved schemes shall be implemented within 12 months of the expiration of the 25 year timescale.

Reason - To ensure derelict and obsolete structures do not adversely affect the environment.

3. **Before the wind turbine hereby approved is erected on site** its external finish and colour shall be submitted to and approved in writing by the Local Planning Authority and all works undertaken shall be completed in accordance with such approved details.

Reason - To minimise any flashes of reflected light and in the interest of visual amenity, particularly in relation to other nearby wind turbine developments, in accordance with Policy TB7 of the Merthyr Tydfil Local Development Plan.

4. **No development shall commence** until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the wind turbine being connected to the grid and retained for the duration of the development.

Reason - To ensure adequate surface water drainage in accordance with Policy BW8 of the Merthyr Tydfil Local Development Plan.

5. At wind-speeds between 0m/s and 12m/s, the maximum cumulative wind turbine noise level experienced at nearby noise sensitive properties shall not exceed, either:

- a) LA90,10 mins of 5dB(A) above the existing background noise level at any time,

Or

- b) LA90, 10 mins of 35dB(A) between 07:00 and 23:00 BST and 43db(A) between 23:00 and 07:00 BST, whichever value is the greater.

At noise sensitive properties with a financial involvement in the turbine the noise level experienced shall not exceed LA90,10mins of 45dB(A).

The cumulative wind turbine noise level shall include the noise generated by other turbines within the surrounding area. The background noise level shall exclude the noise generated by other wind turbine developments in the area.

Reason - In the interests of amenity and to ensure the operation of the turbine is not a source of nuisance to nearby residential properties in accordance with Policy TB7 of the Merthyr Tydfil Local Development Plan.

6. At the reasonable request of the Local Planning Authority and following a complaint to the Local Planning Authority, the developer or any subsequent owner(s) of the turbine, shall measure at its expense, the level of noise emissions from the turbine, inclusive of existing background noise, using a LA90, 10mins index over a minimum of 20 periods each of 10 minutes duration.

At least 10 of these measurements shall be carried out between wind speeds specified by the Local Planning Authority. Measurements shall be made in consecutive 10 minute periods provided they fall within the wind speeds requested by the Local Planning Authority. Measurements shall be made available to the Local Planning Authority at their request.

Reason - In the interests of residential amenity by ensuring an acceptable noise level for the occupants of noise sensitive properties, in accordance with Policy TB7 of the Merthyr Tydfil Local Development Plan.

7. During the operational use of the wind turbine hereby approved, the blade rotation shall move in a clockwise direction at all times.

Reason - To ensure that the wind turbine blades rotate in the same direction as any other wind turbine in the area in the interest of visual amenity, in accordance with Policies TB7 of the Merthyr Tydfil Local Development Plan.

8. **No development shall take place** until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out.

9. **Before works commence on site**, a management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details for the appropriate clearance of any scrub or long grassed areas affected by the development hereby approved, together with the removal of any fly tipping, in accordance with the recommendations set out in Section 5 of the Ecology Survey, dated November 2014.

Reason - To ensure any reptiles within the site have opportunity to move to neighbouring suitable habitats and reduce the height of vegetation under the

proposed turbine, further limiting the proximity of airborne protected species, in accordance with Policy BW5 of the Merthyr Tydfil Local Development Plan.

10. **No development or site clearance shall take place** until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.

12. **Before the wind turbine hereby approved is erected on site** a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall be completed as approved prior to the wind turbine being connected to the grid.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.
