

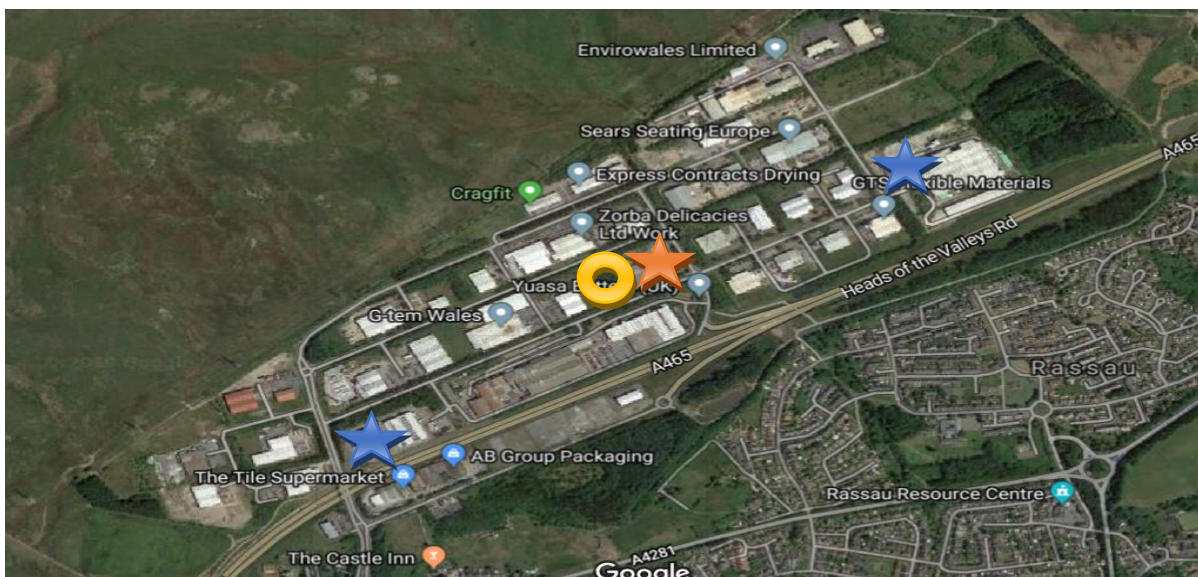
<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>The Chair and Members of Planning, Regulatory and General Licensing</b>
<b>Report Subject</b>	<b>Planning Applications Report</b>
<b>Report Author</b>	<b>Team Manager Development Management</b>
<b>Report Date</b>	<b>29<sup>th</sup> March 2021</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>15<sup>th</sup> April 2021</b>

### **Report Information Summary**

<b>1. Purpose of Report</b>
To present planning applications for consideration and determination by Members of the Planning Committee.
<b>2. Scope of the Report</b>
Application Address No.
C/2020/0301 Unit 19, Rassau Ind Est, Rassau, Ebbw Vale
<b>3. Recommendation/s for Consideration</b>
Please refer to individual reports

## Planning Report

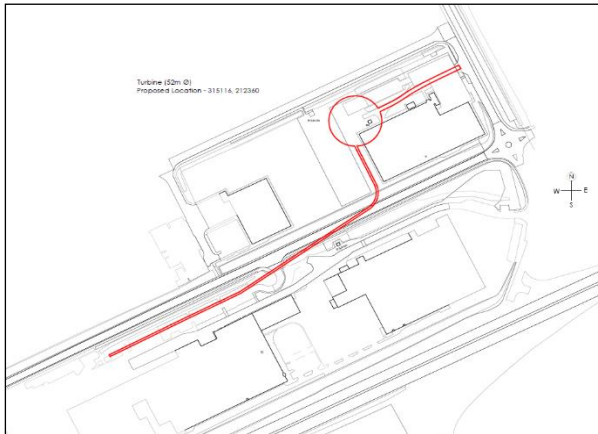
<b>Application No:</b> C/2020/0301	<b>App Type:</b> Full
<b>Applicant:</b> Infinite Renewable Group Ltd C/o Barton Willmore Studio 117 Unit 8a Cardiff CF10 1AF	<b>Agent:</b> Barton Willmore Mr Joe Ayoubkhani Studio 117 Unit 8a Cardiff CF10 1AF
<b>Site Address:</b> Unit 19 Rassau Industrial Estate, Rassau, Ebbw Vale, NP23 5SD	
<b>Development:</b> Erection of 1 wind turbine and associated infrastructure	
<b>Case Officer:</b> Steph Hopkins	



Blue stars = existing turbines

Yellow circle = Extant planning permission for single turbine: not constructed (Unit 18)

Orange Star = Unit 19: Proposed turbine being considered as part of this application



1.0	Background, Development and Site Context
1.1	<p>Members may be aware that in 2019 an application for the erection of a single wind turbine at Unit 18 (yellow circle on image above) was approved at Planning Committee.</p>
1.2	<p>Since the granting of this permission, a further planning permission has been granted for the erection of a Synchronous Condenser plant on the same site and is currently well under construction. Case law has held that overlapping consents are unable to both be implemented. As such the permission for the wind turbine at Unit 18 is not capable of being implemented alongside the permission for the Synchronous Condenser. There is also insufficient space to accommodate both developments.</p>
1.3	<p>The developer is now applying for planning permission for a single wind turbine at Unit 19, Rassau Industrial Estate. The cabling route is proposed to run from the turbine, transverse the highway below and connect to an existing substation within the site of Yuassa Battery UK (Ltd) (see image above showing red line boundary).</p>
1.4	<p>The application site is located within the yard area of Unit 19. The wider plot is bounded at the northern, western and southern boundaries by vegetation. The area where the access track, turbine and associated infrastructure is located comprises of a level hardstand.</p>
1.5	<p>The application site lies in the middle of Rassau Industrial Estate. Beyond the units to the north/north west lies open countryside which forms a buffer between the built up area and the boundary of Brecon Beacons National Park (approx. 800m away). The residential area of Rassau is located beyond to the south, southeast and southwest at a distance of approximately 400m away (to the nearest property) at a lower level than the estate and is separated by the recently realigned A465 and a tree belt. To the east of the</p>

	<p>industrial estate at approximately 1 km away is the settlement of Garnlydan which is on a similar elevation to the proposed turbine.</p>
<p>1.6</p>	<p>Two wind turbines 74m and 77m in height already exist on the estate approximately 550 metres to the south-west and 650m to the north-east respectively (positions marked as blue stars on map above). To the north of the industrial estate lies a line of high voltage electricity pylons running east-west that form a visual backdrop to the estate and the Heads of the Valleys corridor.</p>
<p>1.7</p>	<p>The LDP indicates the site is located within the settlement boundary and also within the employment protection area EMP2.2 Rassau Industrial Estate. The industrial estate also forms part of the wider Ebbw Vale Enterprise Zone, designated by the Welsh Government to provide optimum conditions for future growth in the manufacturing sector.</p>
<p>1.8</p>	<p>The proposed turbine has a three bladed horizontal axis, with a blade tip height of 80m, hub height 54m, rotor diameter of 52m and a rated capacity of upto 900kw. The turbine would comprise a tubular steel tower with fibreglass rotor blades. The Planning Statement confirms that the turbine would be subject to two or more regular maintenance visits per year. The proposed dimensions are the same as those previously approved at Unit 18.</p>
<p>1.9</p>	<p>The proposal includes a small building to house a transformer, associated switchgear and electrical protection equipment, no details have been submitted at this stage. This would be located close to the base of the turbine tower and connected to the grid connection point via underground cabling.</p>
<p>1.10</p>	<p>The proposed turbine will supply power directly to the nearby Yuassa Battery (UK) Ltd manufacturing facility. The agent has confirmed that the turbine will generate approximately 1993MWh of electricity per annum contributing directly towards the Government's regional and national targets of energy supply from sustainable energy sources.</p>
<p>1.11</p>	<p>The Transport Management Plan confirms that access to the site will be via the Heads of the Valleys (A465) Trunk Road and the main access road into the Rassau Industrial Estate. Some of the turbine components would be classified as Abnormal Loads in terms of their size and weight. Delivery of turbine components will follow the necessary procedures for abnormal loads, for example a police escort and the timing of deliveries where applicable. No new access road is required within Unit 19.</p>

1.12	The application is accompanied by a Planning Statement, a Landscape and Visual Impact Assessment, a Noise Study, a Shadow Flicker Appraisal, Ecological Assessments, Drainage Strategy and a Traffic Management Plan.		
1.13	<b>Environmental Impact Assessment</b> The application has been screened and EIA is not required.		
<b>2.</b>	<b>Site History</b>		
	Ref No	Details	Decision
2.1	C/2002/0128	Car park, fencing access & additional doors	Approved 05/06/02
2.2	C/2015/0372	Change of use from B1/B2/B8 to a sui generis use - recovery and recycling of tyres and provision of dust extraction and filtering system with associated 10m stack	Refused 11/04/16
<b>3. Consultation and Other Relevant Information</b>			
3.1	<b><u>Internal BG Responses</u></b>		
3.2	<b><u>Team Leader Building Control:</u></b> Not required.		
3.3	<b><u>Service Manager Infrastructure:</u></b> <b>Highways:</b> The delivery of large turbine components has previously been successfully undertaken at Rassau Industrial Estate. The type of vehicle movements associated with this application are very similar to those already transported to the industrial estate and therefore a trial run is not required.  The Transport Management Plan (TMP) complies with Welsh Government Guidance. The proposal complies with Policy DM1 (3a). No objections subject to conditions.		
3.4	<b>Drainage:</b> No objections in relation to surface water drainage.		
3.5	<b>Ground Stability:</b> Recommend that a site investigation be undertaken to ascertain the ground conditions of the site to ensure they are suitable for the proposed development.		
3.6	<b>Landscape:</b>		

	<p>The LVIA provides an accurate, robust assessment of the potential impacts of the proposal to which there are no objection in principle although the following observations should be a condition of planning:</p> <ol style="list-style-type: none"> <li>1. That the surrounding vegetation is maintained for its environmental benefits and local screen value.</li> <li>2. Where the service corridor impacts on the boundary vegetation, details should be provided to demonstrate that any vegetation loss is minimised and that any loss is mitigated for with replacement native species woodland planting.</li> </ol>
3.7	<p><b>Ecology:</b> Mitigation, compensation and enhancement measures are to be conditioned in respect of bats and birds. Advisory note also required regarding protection of wild birds and their nests and bats. In addition, a Habitat Management Plan is also required which includes biodiversity enhancements and a Construction Environment Management Plan (CEMP) which includes provision of a bio-diversity walk-over of the site.</p>
3.8	<p><b><u>Service Manager Public Protection:</u></b> Noise levels are within approved guidance levels. The assessment also covered the nearest noise sensitive residential property.  A noise survey has also been carried out in relation to any impact on the adjacent industrial units. This also concluded that noise levels would be within approved guidelines. Accordingly, there is no objection with regards to noise however conditions are proposed to ensure noise levels are controlled.  There is no objection in terms of shadow flicker however a condition is suggested to ensure any complaints regarding shadow flicker are assessed and mitigated for if necessary.</p>
3.9	<p><b><u>External Consultation Responses</u></b></p>
3.10	<p><b><u>Brecon Beacons National Park Authority (BBNPA):</u></b> Raise significant concern regarding the cumulative impact upon the special qualities of the BBNP.</p>
3.11	<p><b><u>Natural Resources Wales:</u></b> NRW advise that, whilst there would be some adverse effects of moderate significance on viewpoints within the BBNP and some adverse cumulative impacts, these effects would not have a significant adverse effect on the</p>

	<p>landscape character or visual amenity of the BBNP or have a significant adverse effect on the natural beauty or special qualities of the park. They advise that a condition be imposed to any subsequent approval to control the final finish colour of the turbine to ensure no significant adverse impacts on the natural beauty and special qualities of the BBNP.</p> <p>The information submitted in relation to impacts on bats is sufficient. Conditions are required to ensure that bat mitigation measures are adhered to and that post-construction monitoring and protection of bats is undertaken.</p>
3.12	<p><u>WG Department for Economy and Infrastructure:</u> Issued a <u>direction</u> that a condition must be applied to any approval which requires an updated Construction Traffic Management Plan to be submitted prior to transportation of any AIL components. The document must include details of AIL travelling vehicle weights/dimensions; definitive route; holding areas, passing areas and layovers; escort proposals and evidence that hauliers have surveyed key junctions.</p>
3.13	<p><u>Welsh Water:</u> The proposed site is crossed by a public sewer.</p>
3.14	<p><u>Coal Authority:</u> The application site does not fall within the defined Development High Risk Area.</p>
3.15	<p><u>Western Power:</u> Indicate position of apparatus.</p>
3.16	<p><u>W&amp;W Utilities:</u> Indicate position of apparatus.</p>
3.17	<p><u>CADW:</u> No objections. The modern landscape has changed significantly in recent years since the construction of the industrial estate comprising large buildings including two turbines. These changes have already had a very large adverse impact on the setting of scheduled monument Twyn Bryn March Round Cairn (MM344) and the addition of another wind turbine of a similar size to the existing turbines will have a very low additional impact.</p>
3.18	<p><u>GGAT:</u> It is unlikely that archaeological remains of significance would be encountered during the development and accordingly no mitigation is recommended. No objection.</p>

3.19	<p><u>JRC (Joint Radio Company) Windfarms:</u> No response received.</p>
3.20	<p><u>Defence Infrastructure Organisation:</u> No objection subject to the installation of accredited aviation safety lighting.</p>
3.21	<p><u>NATS Safeguarding (aircraft safety):</u> The proposed development has been examined from a technical safeguarding aspect and does not conflict with safeguarding criteria.</p>
3.22	<p><u>GTech Surveys Ltd (television signal):</u> No response received.</p>
3.23	<p><b><u>Public Consultation:</u></b></p> <ul style="list-style-type: none"><li>• 12 letters to nearby industrial units</li><li>• 16 site notices (72 Queensway, Garnlydan; Bus Stop at shops Queensway, Garnlydan; Bus Stop opposite 53 Prince Phillip Avenue; opposite entrance to Rowan Way, Rassau; mid-way through Rowan Way, Stonebridge Road junction, junction at Honeyfiled Road; green amenity area at Maple Way, Rassau; Premier Shop, near Rhondda Close, Nanty Melyn and Phillips Close Rassau; near junction to Pen y Bryn, Rassau; opposite Community Centre, Rassau; Castle Public House, Nantycroft, Rassau; Beaufort Wells; and around the application site.</li><li>• <del>press notice</del></li><li>• website public register of applications</li><li>• ward members by letter</li><li>• all members via weekly list of applications received</li><li>• <del>other</del></li></ul>
3.24	<p><u>Response:</u> One objection email was received from a Rassau resident on the basis the turbine would be directly behind her house and she has concerns regarding noise.</p>
3.25	<p>A letter was also received from the neighbouring unit who are in the process of constructing the synchronous condenser and raised a number of concerns which can be summarised as follows:</p> <ul style="list-style-type: none"><li>• Procedural matters with the redline plan. These have now been addressed.</li></ul>



<p>3.26</p>	<ul style="list-style-type: none"> <li>• Concerns that the cabling route may impact on landscape/ecology if trees/landscape features are removed.</li> <li>• Concerns whether the bat mitigation strategy is acceptable.</li> <li>• Health &amp; Safety concerns regarding the proximity of the turbine to the synchronous condenser. These include toppling of the turbine, ice throw from the blades hitting the plant that would have a catastrophic impact given the high voltage transformers operating on site; concerns that the synchronous condenser operates a Hot Zone earthing methodology which may impact on the control systems used in the turbine and subsequent issues with touch voltages.</li> <li>• Concerns that the foundations will be adequate for the turbine.</li> <li>• The author confirmed that whilst they are supportive of renewable energy they believe the proposed turbine is an unacceptable location for the above reasons.</li> </ul> <p>The health and safety concerns raised were very technical and specific to the two types of development involved and I do not have the expertise to assess the risk of those issues raised. Accordingly, additional information was requested from the agent which was sent on to the company developing the synchronous condenser. On receipt of the additional information and the assurance that conditions would be imposed to control ice throw and the foundation design of the turbine, the representative of the company confirmed he was satisfied that his concerns were addressed and that there were other regulatory bodies that would ensure the safety concerns he raised would be managed. He also confirmed he was satisfied the ecological issues raised would be satisfactorily addressed by the Local Planning Authority.</p>
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**4. Planning Policy**

<p>4.1</p>	<p><u>Team Manager Development Plans:</u> Broadly support the proposal subject to the following being addressed:</p> <ul style="list-style-type: none"> <li>- Acceptability of the Landscape and Visual Impact Assessment/Noise Report/Shadow Flicker Appraisal/ Preliminary Ecology Appraisal/Traffic Management Plan/Drainage Strategy</li> <li>- Impact on Users of Rights of Way</li> <li>- Impact on the setting of Scheduled Ancient Monuments</li> <li>- Potential effects of the development on aviation and telecommunications</li> <li>- Proposed lifespan of the turbine</li> </ul>
<p>4.2</p>	<p><u>LDP Policies:</u> SP6 Accessibility</p>

<p>4.3</p> <p>4.4</p>	<p>SP7 Climate Change          SP8 Sustainable Economic Growth          SP10 Protection and Enhancement of the Natural Environment          SP11 Protection and Enhancement of the Historic Environment          DM1 New Development          DM3 Infrastructure Provision          DM4 Low and Zero Carbon Energy          DM10 Use Class Restrictions – Employment          DM14 Biodiversity Protection and Enhancement          SB1 Settlement Boundaries          EMP2 Employment Protection Areas</p> <p><u>FW, PPW &amp; TANs:</u></p> <ul style="list-style-type: none"> <li>- Future Wales – the National Plan 2040 (February 2021)</li> <li>- Planning Policy Wales (PPW) Edition 11, Chapter 5 (Feb 2021)</li> <li>- Planning Implications of Renewable and Low Carbon Energy (February 2011)</li> </ul> <p><u>Supplementary Planning Guidance:</u></p> <ul style="list-style-type: none"> <li>- Heads of the Valleys – Smaller Scale Wind Turbine Development – Landscape Sensitivity and Capacity Study (June 2015)</li> <li>- Planning Guidance for Smaller Scale Wind Turbine Development – Landscape and Visual Impact Assessment Requirements (Sept 2015)</li> </ul>
<p><b>5.0</b></p>	<p><b>Planning Assessment</b></p>
<p>5.1</p> <p>5.2</p>	<p><b>Principle of the development/policy context</b></p> <p>Future Wales - the National Plan 2040 was published on the 24<sup>th</sup> February 2021, and therefore is relevant to this application as it now forms part of the Development Plan. The publication of this Plan also resulted in the cancellation of Technical Advice Note (TAN) 8: Planning for Renewable Energy.</p> <p>Generating renewable energy is a key part of Welsh Governments commitment to decarbonisation and tackling the causes of climate change. The Plan sets the following ambitious targets for the generation of renewable energy:</p> <ul style="list-style-type: none"> <li>• For 70 per cent of electricity consumption to be generated from renewable energy by 2030.</li> <li>• For one gigawatt of renewable energy capacity to be locally owned by 2030.</li> <li>• For new renewable energy projects to have at least an element of local ownership by 2020.</li> </ul>

5.3	<p>The Plan identifies two categories of energy development with large scale development classed as Development of National Significance (which are determined by the Welsh Ministers) and proposals below this being the second category and being determined by local planning authorities. This application is 0.9 MW and therefore not large scale.</p>
5.4	<p>Policy 18 of Future Wales identifies 'Pre-Assessed Areas for Wind Energy' where the Welsh Government have already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way. There is a presumption in favour of large-scale wind energy development (including repowering) in these areas. Whilst Blaenau Gwent does have a Pre-Assessed Area, this is located in the south of the Borough and is therefore not relevant to this application.</p>
5.5	<p>Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure of this document states that the Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. In determining planning applications for renewable and low carbon energy development, decision-makers must <u>give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.</u></p>
5.6	<p>Planning Policy Wales Edition 11, Chapter 5 deals with renewable energy. The Welsh Government has identified targets for the generation of renewable energy and states that the planning system has an active role to help ensure the delivery of these targets in terms of new renewable energy generating capacity. To assist in the achievements of energy and decarbonisation targets, local and regional authorities must take an active, leadership approach at the local or regional level, by setting out their vision for decarbonisation and energy for their areas. Using Local Area Energy Planning or other development plan evidence, local authorities should identify challenging, but achievable targets for renewable energy in local/regional plans.</p>
5.7	<p>The current Renewable Energy Assessment for Blaenau Gwent assessed the capacity of potential renewable electricity in Blaenau Gwent. The study identified that in terms of electricity, Blaenau Gwent's projected demand for electricity by 2020 was 284 Gwh/yr. The current position (Jan 2021) identifies that there is 52.84Gwh/yr of installed capacity which is 18.6% of Blaenau Gwent's projected demand. PPW identifies that the target for Wales is to</p>

	<p>generate 70% of its electricity from renewable energy by 2030, <u>therefore there is a local authority wide need for this energy</u>. The application involves the erection of one wind turbine with the potential to generate 0.9 MW of energy on Rassau Industrial Estate.</p>
5.8	<p>The local policy context for the development is set out in the Blaenau Gwent LDP. Policy SP7 seeks to address the causes of climate change through encouraging more of the County Borough's electricity to be generated by renewable and low/zero carbon technologies.</p>
5.9	<p>Accordingly, there is no policy objection to the principle of the development, which would contribute towards meeting local and national targets of energy generation from onshore wind.</p>
5.10	<p><b>Principle of the development on a Primary Employment Site</b></p>
5.11	<p>Rassau Industrial Estate is identified as a Primary Employment site which means development will only be permitted if it is: within use class B1, B2, B8; an appropriate Sui Generis uses; or provides an appropriate ancillary or service to the existing employment use.</p>
5.12	<p>What is key in this case is whether the wind turbine can be considered an appropriate ancillary use or service to the existing employment use. This issue is addressed in the submitted Planning Statement where it states that the proposed turbine will supply power directly to the nearby Yuassa Battery (UK) Ltd manufacturing facility. I accept that this is considered to be an appropriate ancillary service to the existing employment use, Planning Policy share this view.</p>
5.13	<p><b>Landscape and visual impact</b></p>
5.14	<p>Wind turbines are tall structures that will inevitably have an impact on the landscape and on views. The landscape and visual effects of wind turbines has the potential to be far reaching. It is therefore imperative that the landscape and visual effects of the development are assessed in a robust manner to ensure that the nature and significance of the impacts are identified, considered and, where appropriate, mitigation measures proposed. The planning application includes a Landscape and Visual Impact Assessment (LVIA).</p>
5.15	<p>The proposed development site falls within the Heads of the Valleys area covered by the adopted Supplementary Planning Guide (SPG) 'Heads of the Valleys Smaller Scale Wind Turbine Development – Landscape Sensitivity and Capacity Study, April 2015' (HOV Study). As the proposed turbine is not</p>

	located in a pre-assessed area as defined by Future Wales, this SPG is of relevance in determining this application.
5.16	The study identifies that the proposed development is considered large scale, being 80m or more in height and comprising just one wind turbine.
5.17	The Study is divided into various units and the associated impacts arising from wind turbines within each unit is assessed. The study identifies that this is a large to medium scale landscape which is dominated by development. It acknowledges that there are a large number of residential receptors within the unit and that there is some intervisibility with the southern edge of the BBNP. The study concludes that this landscape unit has a medium to high sensitivity to medium scale development due to the medium scale landscape with a high level of enclosure.
5.18	<p>The landscape objective within Landscape Unit 19 is 'to maintain landscape character' and the study sets out a number of objectives in relation to the siting of proposals. The study considers that new wind turbine development within this unit should:</p> <ul style="list-style-type: none"> <li>• Consider the effects of development on views to and from the BBNP;</li> <li>• Maintain the integrity of Tredegar Conservation Area;</li> <li>• Protect the settings of designated and other important cultural heritage features and the key views to and from these features;</li> <li>• Avoid cumulative effects with other large scale infrastructure;</li> <li>• Avoid the loss of trees and woodland in this area which overall has limited tree cover; and</li> <li>• Consider woodland and tree planting mitigation for smaller scale development where appropriate.</li> </ul>
5.19	Whether or not the development can meet the above objectives of the Heads of the Valleys study is a key consideration in assessing the landscape and visual impact of the proposed development.
5.20	<p><i>Impact on wider landscapes and landscapes of national/international importance:</i></p> <p>The submitted LVIA considers the potential visual effects of the development upon the National Park which is the only designated site likely to be affected by the development. The National Park (approx. 800m away) designation affords the area the highest status of protection in landscape terms and the LPA must have due regard to the statutory purpose to conserve the natural beauty, wildlife and cultural heritage of the area.</p>

5.21	The LVIA concludes that the special qualities of the National Park would not be affected by the development. I do not agree with this conclusion.
5.22	I have also considered the objection received from BBNP Authority.
5.23	The National Park has sweeping, extensive views in all directions. Given the close proximity to the Park boundary from this location the turbine will be visible, increasing the number of industrial features in a number of views south of the Park which will inevitably have some effect on this special quality.
5.24	However, it will be seen between the existing turbines at Rassau Industrial Estate and the transmission pylons that run east-west along the Heads of the Valleys. As the proposed turbine would sit between the two existing turbines (albeit slightly taller) it represents an infill rather than an extension of the already industrialised character of the landscape in this location which would be likely to have a more significant visual effect on the landscape of the character of the National Park.
5.25	In my opinion within broader panorama of the National Park the proposal is considered to represent a minor component and the magnitude of change is considered low. This gives rise to an effect of moderate adverse significance, which is considered acceptable and will not materially affect people's enjoyment of the BBNP. Overall it is considered that the proposal can be integrated without significant harm to the setting of, or views into and out of, the BBNP.
5.26	NRW consider that there would be some adverse effects of moderate significance on receptors within the National Park, however the effects are not considered to so significant to make the proposal unacceptable.
5.27	On balance the proposed turbine is not considered to have such a significant adverse impact on the nationally significant landscape of the BBNP to warrant refusal of planning permission.
5.28	<i>Local landscape and visual impact assessment.</i>
5.29	The application site is located within the settlement boundary and within the boundary of an existing industrial estate that lies on the edge of the open countryside.
5.30	The development will be clearly visible from numerous receptors, including the sensitive receptor of the Brecon Beacons National Park to the north (addressed above). However, locally the development will be viewed in the

	<p>context of an industrial land setting in between two existing turbines of a similar height and whilst adding to the local character setting, is not considered to be of significant magnitude in terms of landscape impact in itself.</p>
5.31	<p>The submitted LVIA/addendum concludes that the significant visual effects of the development will be highly localised as a consequence of local topography and above ground features (built form/trees). The turbine will be seen within the context of the existing turbines on the industrial estate and will appear as a natural addition to the existing group and not a new alien component into these views. Accordingly, the LVIA states that the proposal is not considered to represent an effect so great as to significantly harm the qualities or amenities of these views. In summary it states that overall, the proposal is located in an urban landscape context and can be integrated without adversely affecting those characteristics that positively contribute to the local landscape. The proposed turbine would represent a positive green energy within the context of the regenerated urban landscape in which it is proposed.</p>
5.32	<p>The proposal doesn't comply with the HOV Study as it states that "there is no capacity for large and very large scale development in this unit". However, at 80m in height the proposed turbine only just tips into the 'large scale' development category (defined as being 80m or more in height and comprising just one wind turbine). Given the fact that it will sit between two turbines measuring 74m and 77m, when viewed in context over a distance it is not considered that the turbine will appear excessively taller than the existing turbines. Having regard to the fact that this landscape has already changed as discussed above, that the turbine will be viewed as an infill and that there will be no direct irreversible impacts on statutorily protected sites and their setting, I am satisfied that in this case the HOV Study does not need to be slavishly adhered to.</p>
5.33	<p>I am satisfied that the conclusions of the LVIA together with the addendum robustly demonstrate that the effects of the wind turbine on the local landscape would be acceptable.</p>
5.34	<p><i>Cumulative visual impact.</i></p>
5.35	<p>For the purposes of assessing cumulative impact the LVIA identified 24 turbines within a 15km radius study and examined the combined and sequential impact on users within the study area. The study concludes that the principle of wind turbine development is established in this landscape setting and that turbines form a characteristic component within the upland landscapes to the south. It is acknowledged in the assessment that the</p>

	<p>proposals will introduce a new component to some views; however, it will not significantly increase the perceived presence of this type of development within the wider landscape setting and can therefore be integrated without detriment.</p>
5.36	<p>The applicant therefore considers that the proposal will not result in a significant cumulative effect. He contends the scheme is set relatively low down within the surrounding landscape context, within the context of an existing group of turbines. The applicant is of the opinion that the turbine can be integrated without detriment to the character or qualities of the wider landscape context and visual environment.</p>
5.37	<p>Whilst there is potential for cumulative visual effects the LVIA provides a reasonable argument and demonstrates that the cumulative visual effects are within acceptable parameters. The Service Manager Green Infrastructure accepts the findings of the assessment, and I agree with his opinion. NRW also confirms that from the perspective of the impact on the National Park the proposal would not add significantly to the cumulative effect from other operational and consented wind turbines in the heads of the valleys corridor.</p>
5.38	<p>One of the objectives of the HOV Study for Landscape Unit 19 is to avoid cumulative effects with other large scale infrastructure to maintain landscape character. The LVIA study and the statutory consultees concur that the proposed wind turbine would have cumulative effects but that these would be within acceptable parameters and that existing landscape character would be maintained. I share their opinion and consider that the cumulative visual effects of the proposed development are not significant enough to warrant refusal of planning permission.</p>
5.39	<p><i>Direct local visual impact.</i> I have given careful consideration to the direct visual impact of the wind turbines on the amenity of residential occupiers which borders the industrial estate and the wider area.</p>
5.40	<p>The edge of the Rassau residential area lies approximately 400m away to the south from the site of the proposed turbine and at an elevation between 25 - 50 metres lower than the application site. The residential area is separated from the industrial estate by a tree line that forms part of structural landscaping on the southern boundary of the estate and offers some screening of the estate from parts of the residential area.</p>
5.41	<p>In recent years Planning Inspectors have commonly used set distances from wind turbines to determine the significance of the impact of wind turbines on</p>



	<p>local communities, taking into account local conditions. The distance at which a wind turbine can be considered to have an overwhelming and overbearing impact is a distance equivalent to 8x the blade tip height. However, the impacts up to 10x the blade tip heights are also commonly taken into account and there is some disagreement as to whether the measurement for the multiplication should refer to only the visible part of the turbine rather than the whole structure.</p>
5.42	<p>In this case a large number of properties within the Rassau area are located both within 8 x the blade tip height distance from the turbine (640m) and within 10x the blade tip height distance from the turbine (800m). The residential area of Garnlydan, to the southeast, is also in close proximity, being sited between approximately 1200m – 1300m of the proposed turbine.</p>
5.43	<p>There is no specified minimum separation distance in national policy between turbines and residential properties. Whilst I appreciate the blade tip height distance has been used as a guide in other cases, in respect of visual amenity, in the absence of any specified distances each case needs to be assessed on its individual merits and context.</p>
5.44	<p>There is no dispute in terms of assessing visual sensitivity to the development those ‘receptors’ living within view of the scheme are usually regarded as the highest sensitivity group (along with those engaged in outdoor pursuits for whom landscape experience is the primary objective). However, the significance of visual effects relies to a great extent on professional judgement and local circumstances.</p>
5.45	<p>I note that no viewpoints within the LVIA have been taken from within the Rassau residential area. However, I did not feel that it was necessary to request these, it is evident from my own observations and wider viewpoints that the turbine and its blades will be visible from some vantage points within Rassau residential estate.</p>
5.46	<p>Given the rising topography, separation distance substantial tree belt and intervening development I am of the opinion that those residential properties that are closer to the turbine are more effectively screened from the development than those further away and would generally be restricted to a partial view of the turbine. The wind turbine would not be considered to be overbearing in terms of scale, massing and general effect.</p>
5.47	<p>In terms of those residential properties further away from the turbine (not restricted to Rassau) it is accepted that the turbine would be more visible. However, given the distances involved and it being viewed in the context of</p>

	<p>other turbines, large buildings and pylons I do not consider that the turbine would have an overbearing impact on the occupiers of these properties.</p>
<p>5.48</p>	<p>This position has also been shared by the Planning Inspectorate in 2015 in relation to the appeal against the refusal of planning permission for the wind turbine at Tech Board Site, Rassau Industrial Estate which is slightly closer to residential properties.</p>
<p>5.49</p>	<p>Accordingly, I am satisfied that none of the visual effects would be so adverse to cause significant harm to the levels of residential amenity enjoyed by the occupiers of these properties.</p>
<p>5.50</p>	<p>In summary consideration of the landscape and visual impact of the proposed development on the landscapes of Blaenau Gwent, surrounding landscapes and the amenity of the local residential area has been carefully assessed. It is concluded that the proposal would not have a significant adverse impact on local views and landscapes or on wider landscapes of national significance. It is acknowledged that, in combination with other similar developments, the proposal would have a sequential, cumulative impact along the Heads of the Valleys corridor, but the degree of impact is within acceptable parameters. Similarly, whilst the development would have direct visual impacts on residential receptors in the vicinity of the site, site conditions between those areas and the turbine dictate that the degree of impact would be within acceptable limits in terms of the impact on residential amenity.</p>
<p>5.51</p>	<p><b>Noise and vibration</b></p>
<p>5.52</p>	<p>Welsh Government Practice Guidance (2011) advises that wind turbine developments should be located so that any increases in ambient noise levels around noise sensitive developments are kept to acceptable levels. This will normally be achieved through good design of wind turbines and through allowing sufficient distance between the turbines to any existing noise sensitive development.</p>
<p>5.53</p>	<p>In examining the issue of noise the following matters of significance are considered: background noise levels, predicted noise levels, separation distances with noise sensitive receptors, elevation, wind speed, low frequency noise and vibration issues.</p>
<p>5.54</p>	<p>Policy DM1.2.h of the LDP requires that there would be no unacceptable risk of harm to health and /or local amenity from unacceptably high levels of noise. Policy DM4.d is also relevant and requires that technology should not have an unacceptable adverse impact on local amenity by reason of noise.</p>

5.55	To assess the noise impact from the proposal the applicant has carried out a desk-top study and a full noise impact assessment using government approved guidance ETSU-R-97 and the Institute of Acoustics Good Practice Guides. This is regarded as an accepted industry standard.
5.56	The assessment was undertaken to determine appropriate noise limits at noise sensitive receptors, including the adjacent industrial units. The proposed wind turbine model used in the assessment was the 900kw turbine sited with a hub height of 54 metres. The nearest noise sensitive properties were identified as being; adjacent units 18 and 19 Rassau Industrial Estate and a residential property on Stonebridge Road at approximately 400m distance.
5.57	The Noise Assessment concludes that noise levels are such that the turbine will not have an unacceptable detrimental impact on residential dwellings in the nearby vicinity or adjacent Units 18 and 19.
5.58	The EHO concurs with the conclusions of the Noise Assessment and raises no objections in this regard but does advise that monitoring, compliance and enforcement conditions are imposed to ensure that the development complies with these noise levels for the lifetime of the development. It is my opinion that these conditions are necessary to ensure that the noise parameters of the development are complied with and can be properly enforced if problems arise. This approach would be consistent with other consented wind turbines within the Borough.
5.59	<p><b>Shadow flicker</b></p> <p>Shadow Flicker can occur when the sun passes behind the rotors of a wind turbine, which casts a shadow over neighbouring properties that flicks on and off as the blades rotate. However, this only occurs under particular circumstances, having regard to the distance between wind turbines and neighbouring properties, the position of the turbine rotor blades relative to the sun, the orientation of properties to wind turbines, the time of year, weather conditions and the size of windows. The effects are seasonal last for only a few minutes or hours per day. It is acknowledged that shadow flicker can cause a disturbance for affected residents of nearby properties and can have potentially harmful impacts on sufferers of photo-sensitive epilepsy. Careful choice of blade colour and surface finish needs to be considered to stop flashes of reflected light.</p>
5.60	To assess the potential for shadow flicker it is accepted by the industry that properties 130 degrees either side of north and within 10x the rotor diameter, relative to the turbines can be affected at these latitudes in the UK; turbines

	<p>do not cast long shadows on their southern side. Shadow flicker can be mitigated by siting wind turbines at sufficient distance from residences likely to be affected.</p>
<p>5.61</p>	<p>Policy DM1.2.h is applicable as is Policy DM4.d. Both policies require the proposal should not have an unacceptable adverse impact on local amenity by reason of shadow flicker.</p>
<p>5.62</p>	<p>The applicant has submitted an assessment of shadow flicker. The turbine proposed in the application has a blade diameter of 52 metres. The assessment assessed shadow flicker at seven locations within 520 metres (generally, the impacts of shadow flicker are not considered to adversely impact properties which are greater than 10 rotor diameters away from a turbine) and 130 degrees either side of north of the proposed turbine. No residential properties were assessed, this is because the residential properties are located south of the proposed turbine and would not be affected by shadow flicker. Environmental Health confirmed that this justification is acceptable on the previous application for the turbine at Unit 18.</p>
<p>5.63</p>	<p>The Shadow Flicker Assessment does acknowledge that there will inevitably be some impact on receptors within the industrial estate however the levels are not considered to be unacceptable. Residential properties will not be affected as they are located south of the turbine. Environmental Health have confirmed they have no objection in respect of shadow flicker, but that a condition should be imposed so that any complaints of shadow flicker can be adequately assessed and mitigated for if necessary.</p>
<p>5.64</p>	<p>I am satisfied that the proposed development has been assessed against current government guidance and accept that there is a low potential for residential properties in the vicinity to be affected by shadow flicker. However, a condition is proposed to ensure that mitigation measures can be enforced in the event unacceptable shadow flicker effects arise following the implementation of the development.</p>
<p>5.65</p>	<p><b>Ecology</b>          Welsh Government Practice Guidance (2011) advises that the main ecological impacts resulting from wind turbines, either individually or as larger groups, are associated with site infrastructure, i.e. the access roads, construction compounds and the turbines themselves. The key ecological and ornithological impacts that may occur include:</p>

5.66	<ul style="list-style-type: none"><li>• Direct and indirect impacts of wind turbine construction on ecological receptors, e.g. habitat disturbance, fragmentation and loss and, loss of plant or animal species.</li><li>• Direct and indirect impacts of the operation of wind turbines on ecological receptors, e.g. disturbance of habitats and birds/bats colliding with the turbine blades during operation.</li></ul>
5.67	Many potential impacts can be mitigated by the careful design and layout of developments and through habitat enhancement where appropriate.
5.68	Policy DM4.a is relevant and requires that development will not have any unacceptable adverse impact on nature conservation.
5.69	The site is located within 1km of several SINC's and within 2km of two LNRs. Policy DM14.2 states that in close proximity to SINC's development proposals will only be permitted where either: it maintains or enhances the ecological or geological importance of the designation and species, or the need for the development outweighs the nature conservation importance of the site/species, and it can be demonstrated that the development cannot be reasonably be located elsewhere and compensatory provision will be made equivalent to that lost as a result of the development.
5.70	Policy DM14 states that development proposals within 10km of the Usk Bat Sites SAC that would have an impact on connectivity corridors or cause direct or indirect disturbance to its features to be subject of a project level Habitat Regulations Assessment. The site is on the edge of the Usk Bat SAC however neither NRW or the Councils Ecologist requested a Habitat Regulations Assessment (HRA) to assess the impact of the development on the SAC, but both have given due consideration to the likely impact on bats.
5.71	One of the main considerations is the impact of the proposed turbine, in combination with the existing turbines on the Rassau Industrial Estate, on the integrity of the Usk Bat Special Area of Conservation (SAC). This is a site of European importance designated due to its importance for the lesser horseshoe bat.
5.72	In support of the application an Ecological Assessment (December 2020) and a Winter & Spring/Summer Vantage Point Bird Surveys & Bat Activity Transects report (April 2019) were submitted. The Council Ecologist and NRW have reviewed the information and found it to be robust.

5.73	The assessments acknowledge that there are bat activities around the turbine location. However, the report suggests that providing that curtailment measures <sup>1</sup> are put in place during the operational phase of the turbine during the bat active season, this will reduce adverse impacts to bats. Post-construction monitoring of the impact on bats is also advised.
5.74	Whilst there is a likelihood that the development will cause some disruption to the foraging behaviour of bats, and cause some casualties, subject to mitigation measures the impact is not deemed to be significant enough by NRW or the Councils Ecologist to warrant refusal of the planning application subject to curtailment and monitoring measures being conditioned.
5.75	An assessment was also carried out in relation to the impact on birds. The Councils Ecologist has confirmed that the risk to Schedule 1 birds is low and therefore they have no objection in relation on such basis. It was noted that the most common species of bird was Gulls. The assessment suggests that monitoring of gull activity post-construction should be undertaken. The Councils Ecologist recommends this should be conditioned. The request to carry out post-construction bird monitoring has been identified in the applicants assessments and is considered to be reasonable and related to the development.
5.76	The agent has confirmed that there will be no loss of any trees to facilitate the cabling route. The route will be installed by a directional drilling method known as 'moling'. This is a trenchless method of laying pipes/cables underground, where a pneumatically driven machine forces a path through the ground, displacing soil rather than removing it.
5.77	Based on the ecological information submitted as part of the application it is considered that the issue of the impact of the development on features of ecological interest has been satisfactorily addressed. The development is considered to have no unacceptable significant adverse impacts on the Usk Bat SAC or on protected species, subject to the attachment of necessary conditions.
5.78	<p><b>Traffic and transport</b></p> <p>Welsh Government Practice Guidance (2011) advises that traffic movements during the construction and operation of wind energy developments depend on the number of wind turbines and the length of the construction period. Potential impacts on the road network during the construction phase include:</p>

<sup>1</sup> The operating speeds of the wind turbine will be restricted during certain wind speeds during the night time.

5.79	<ul style="list-style-type: none"> <li>• Driver delay on the local road network;</li> <li>• Increased vehicle movements on local roads; and</li> <li>• Accidents and compromised safety on local roads.</li> </ul>
5.80	<p>The potential highways impacts are less significant in relation to proposals for individual turbines as fewer vehicle movements will be required during the construction and decommissioning stages of the development. A single turbine also requires less maintenance during their lifetime.</p>
5.81	<p>Given the size of the turbine components using the highway network, the nature of the local highways network and the increased traffic movements during construction and decommissioning, traffic and transport is a material consideration of this development proposal.</p>
5.82	<p>The applicant has submitted a Transport Management Plan (TMP) as part of the application. The Highway Authority confirms that the TMP is acceptable from a Blaenau Gwent County Borough Highway standpoint and demonstrates that the proposed turbine can be safely transported to the site.</p>
5.83	<p>WG Department for Economy and Infrastructure have issued a direction that a condition must be applied to any approval which requires an updated Construction Traffic Management Plan to be submitted prior to transportation of any AIL components. The document must include details of AIL travelling vehicle weights/dimensions; definitive route; holding areas, passing areas and layovers; escort proposals and evidence that hauliers have surveyed key junctions.</p>
5.84	<p>From a highway standpoint the development raises no objections in relation to the likely traffic generated through the construction period, including abnormal indivisible loads, long loads, HGVs and cranes.</p>
5.85	<p><b>Impact of users in the vicinity of the turbine and Health and Safety</b> Policy DM1.3.a requires development proposals to have regard for the safe, effective and efficient use of the transportation network.</p>
5.86	<p>Properly designed, erected and maintained wind turbines are a safe technology. Members should note that the developers of all wind turbines have statutory duties under the UK Health and Safety legislation regarding the safe operation of wind turbines which must be adhered to and which would reduce all of these risks to a minimum.</p>

5.87	Members may also recall that an appeal decision for a single, 74m high wind turbine on the Rassau Industrial Estate, which was dismissed by the Planning Inspector by reason of its potential impact on users of the surrounding industrial area in the event of a catastrophic failure of the turbine, was challenged by Judicial Review and the decision quashed by the High Court.
5.88	Under icing conditions, all exposed parts of the turbine are liable to ice build-up which can lead to ice throw. This could cause a particular issue for the safe operation of the adjacent synchronous condenser and any other buildings/vehicles or persons in close proximity to the turbine. In order to mitigate the risk of ice build-up on the turbine an Ice Detection system will be fitted to the turbine. Under icing conditions the system will automatically shut down the turbine. The turbine will remain shut down until the turbine has been visually inspected by a competent person to check that the blades and any other components are clear of any ice and the ice detection system is manually reset at the turbine site and the start button reactivated. The agent has agreed that an appropriately worded condition can be imposed to ensure an ice detection system is installed.
5.89	The impacts associated with noise and shadow flicker arising from the development have been considered elsewhere in this report.
5.90	Having considered the impact of the development on users in the vicinity of the application site it is considered that the development poses negligible risks and that these can be satisfactorily managed through health and safety regulations regarding the safe operation of wind turbines and appropriately worded conditions.
5.91	<p><b>Hydrology and hydrogeology</b></p> <p>A Drainage Strategy has been submitted with this application. The Council's Drainage Engineer has raised no objections regarding surface water drainage. It is considered that the proposal raises no significant issues with regard to hydrology or hydrogeology.</p>
5.92	<p><b>Historic environment</b></p> <p>The applicant has considered the impact on the historic environment within the LVIA. The report has been reviewed by CADW and GGAT who confirm that, on the basis of the report, known historical data and the significant change on the landscape since the construction of the Rassau Industrial Estate the addition of another wind turbine of a similar size to the existing ones will have a very low additional impact on the historic environment. It has also been noted that it is unlikely that archaeological remains of significance would be encountered within the site.</p>



5.93	<p><b>Aviation</b></p> <p>Consultations have been undertaken on the application with NATS and the MOD. NATS confirm no objection to the proposed development. MOD has no objection to the proposal however it has requested that the turbine be fitted with MOD accredited safety lighting. This is a reasonable request to ensure that the turbine does not create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations and can be conditioned.</p>
5.94	<p><b>Telecommunications</b></p> <p>No assessment has been carried out by the applicant to date in relation to the impact of the development on telecommunications. No responses have been received following the consultations undertaken on this application with the relevant statutory undertakers. However, they did confirm on the application for Unit 18 that they had no objections with regard to the impact of the development on radio signals but they did identify that there could be a potential impact on television networks.</p>
5.95	<p>In this regard I am of the opinion that given that the approved turbine at Unit 18 is only 60m away, the issue is likely to be still relevant. Accordingly, I am of the view that a desktop-based study to identify any areas at risk of interference and a baseline signal survey should be submitted prior to the start of construction to locate any sensitive receptors and to provide the baseline TV reception conditions should be required. Should interference occur at any residential dwelling identified during the baseline survey, mitigation should be suggested and implemented (once verified to have been caused by turbine operations) to restore reception conditions to the baseline level.</p>
5.96	<p><b>Associated Infrastructure and Grid connection</b></p> <p>In order to install the wind turbine it will be necessary to install a temporary crane pad, foundations, and a switchgear building.</p>
5.97	<p>None of these works are considered to have any unacceptable visual impact due to their position and scale within the grounds of an existing industrial unit. Details of the position of the temporary crane pad have been submitted which are acceptable. However, a condition is required regarding the foundation design and full details of the switchgear building.</p>
5.98	<p>The application proposes for the cabling route to travel southwards through the site, estate road and into a sub-station within the grounds of Yuassa Battery. No objections have been received in this respect from Estates, the</p>

	<p>Highway Authority, Statutory Network Operators or relevant landowners. Welsh Water has however noted the position of a public sewer that crosses the route of the cabling route. The agent is aware of this and is in discussions with Welsh Water.</p>
<p>5.99</p>	<p><b>Geotechnical</b> A condition will be required for the submission of a Site Investigation to assess ground conditions and details of the foundation design for the turbine to ensure they are suitable for the proposed development.</p>
<p>5.100</p>	<p><b>Decommissioning and site restoration</b> The applicant has not stated the anticipated lifespan of the turbine. Between 20 and 25 years is the industry standard and for the purposes of this application I will assume 25 years to be the case. Following the termination of the use it is important that the decommissioned infrastructure is removed and the site reinstated to its former condition. To ensure that this is adequately controlled a condition should be attached to any future permission requiring the cessation of the use after 25 years. Given the scale of the development and the environmental constraints identified in this report, a further condition should also be attached requiring the prior approval of a Decommissioning Management Plan to enable the environmental effects of the decommissioning process to be minimised and controlled at an appropriate time.</p>
<p>5.101</p>	<p><b>Conclusion</b> In determining this planning application Members are advised to give <u>significant weight to the contribution this proposal could make towards meeting identified National, UK and European targets for renewable energy</u>, as well as giving weight to each material planning consideration when making the final decision.</p>
<p>5.102</p>	<p>My report has outlined in detail how the material planning issues associated with the development can be addressed and the impacts mitigated. It is considered that the principle of the proposed wind turbine with associated infrastructure is acceptable in the proposed location and conforms with national and local policy. Furthermore, it would contribute to meet Welsh Government targets for energy provision from onshore wind. Accordingly, I recommend that planning permission be granted subject to conditions.</p>
<p><b>6. Legislative Obligations</b></p>	
<p>6.1</p>	<p>The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise.</p>

6.2	<p>The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.</p> <p>The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.</p>
<b>7. Conclusion and Recommendation</b>	
7.1	<p>Planning permission be <b><u>GRANTED</u></b> subject to the following condition(s):</p> <ol style="list-style-type: none"><li>1. The development shall be completed in full accordance with the following approved plans and documents: <u>Approved Plans:</u><ul style="list-style-type: none"><li>- Proposed Location Plan, Drg No IR-U19-201 Rev A, stamped received 15/02/2021</li><li>- Proposed Site Plan, Drg No IR-U19-203, stamped received 21/12/2020</li><li>- Turbine Elevations, Drg No IR-U19-902, stamped received 21/12/2020</li></ul> <u>Documents:</u><ul style="list-style-type: none"><li>- Transport Management Plan (Acstro November 2020), stamped received 21/12/2020</li><li>- Bird monitoring programme set out in 6.1.1 and <i>Appendix 7 Winter &amp; Spring/Summer Vantage Point Bird Surveys &amp; Bat Activity Transects</i> (Acer Ecology April 2019), stamped received 15/02/2021</li><li>- Surface Water Drainage Statement (Ramboll January 2021), stamped received 08/01/2021</li></ul><p>Unless required by conditions listed below. Reason: To clearly define the scope of the permission.</p></li><li>2. This planning permission shall endure for a period of 25 years from the date when electricity is first exported from the wind turbines to the electricity grid ('First Export Date'). Written notification of the First Export Date shall be provided by the developer to the Local Planning Authority no later than 1 calendar month after that event. <u>Reason:</u> This is a temporary development with a maximum duration of 25 years.</li></ol>

3. If the wind turbine generator hereby permitted ceases to export electricity to the grid or directly to a business for a continuous period of 12 months, a scheme shall be submitted to the Local Planning Authority for written approval within 3 months of the end of the 12 month period, for the repair or removal of the turbine. The scheme shall include, as relevant, a programme of remedial works where repairs to the turbine are required. Where removal is necessary the scheme shall include a programme for removal of the turbine and associated above ground works approved under this permission, details of the depth to which the wind turbine foundations will be removed and for site restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

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

4. Not later than 12 months prior to the end of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for, the removal of the wind turbine and associated above ground infrastructure approved under this permission and details of the depth to which the wind turbine foundations will be removed. The approved scheme shall be fully implemented within 6 months of the expiry of this planning permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that obsolete structures do not adversely affect the environment in the interests of the character of the area.

5. Prior to the commencement of development details of the proposed wind turbine model and its specification including specification of curtailment apparatus, ice detection system and technical ability shall be submitted to and approved in writing by the Local Planning Authority. The turbine model shall not exceed the parameters hereby approved (blade tip height 80m, hub height 54m, rotor radius 26m, 900kw). In the event that the proposed turbine model for installation differs from the machine utilised in the Noise Survey, prior to installation of the turbine a revised noise impact assessment report shall be submitted, demonstrating that predicted noise levels indicate likely compliance with the noise condition levels stated in Table 1 of condition 18. The development shall be implemented, operated and maintained thereafter in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure the turbine model is capable of curtailment measures for the protection of bats, ice shed

and in the interests of residential amenity by ensuring an acceptable noise level for the occupants of noise sensitive properties.

6. Prior to the commencement of development details of the external finish of the turbine towers, nacelle and blades, shall be submitted to and approved in writing by the Local Planning Authority. The approved colour and finishes shall be implemented prior to the turbine becoming operational and thereafter retained in accordance with these details.

Reason: In the interests of visual amenity of the surrounding area and landscape and to ensure no significant impacts on the natural beauty and the special qualities of the National Park.

7. Prior to transportation of ALL components an updated CTMP shall be submitted for approval that identifies:

- ALL travelling vehicle weights/dimensions
- Definitive route with regard to any structure weight limits
- Holding areas, passing places and layover locations on route
- Escort proposals
- Evidence that any appointed hauliers have surveyed key junctions (1.3 of TMP)

Reason: In the interests of highway safety.

8. No development shall take place until an assessment of the stability of the land (and the surrounding area) has been carried out in accordance with a methodology which must first be submitted to and approved in writing by the Local Planning Authority. The results of such an assessment (and any intrusive site investigation works identified as being necessary) shall be submitted to the Local Planning Authority before works commence on site. If any land instability issues are the site investigation, a further report specifying the measures to be taken to remediate the site to render it suitable for the development hereby approved shall also be submitted to and approved in writing by the Local Planning Authority before works commence on site. The development shall not be brought into use until all the measures identified as necessary in any reports that are approved by the Local Planning Authority are implemented and the Local Planning Authority is provided with a validation report, signed by a suitably qualified person that confirms that such measures and/or works have been fully implemented.

Reason: The Local Planning Authority is aware that the site may be affected by land instability and considers that this should be addressed prior to development.

9. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 8, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures which shall be retained (for the period agreed in the remediation scheme/in perpetuity).

Reason: To ensure that any unexpected land stability issues are adequately dealt with and that ground stability issues are appropriately addressed.

10. Prior to the commencement of development the developer shall submit to the Local Planning Authority details of the foundations for the wind turbine including a structural design certificate completed and signed by a Chartered Engineer.

Reason: To ensure the stability of the development in view of prevailing ground conditions.

11. Prior to the installation of the substation/switchgear building details of its appearance and location shall be submitted to and approved in writing by the Local Planning Authority. The substation/switchgear building shall be implemented in full accordance with such details as may be approved.

Reason: In the interest of visual amenity.

12. Prior to the turbine becoming operational, the turbine shall be fitted with MoD accredited aviation safety lighting in the form of a 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. The aviation safety lighting shall be maintained in perpetuity.

Reason: In the interest of aviation safety.

13. Prior to the erection of the wind turbine a desk-top study and baseline signal survey to identify any areas at risk of TV interference from the development and appropriate mitigation (if necessary) to restore reception conditions to the baseline level shall be submitted to and

agreed in writing by the Local Planning Authority. Any necessary mitigation shall be implemented in full accordance with such details as may be approved prior to the turbine becoming operational.

Reason: In the interest of maintaining baseline level TV reception conditions.

14. Within 21 days from receipt of a written request from the Local Planning Authority following a justified complaint to it from an occupant of a property within the vicinity of the development alleging TV interference from the development, the wind turbine operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the TV interference from the wind turbine at the complainant's property. Where the Local Planning Authority is satisfied TV interference is being caused by the wind turbine at a receptor premises, upon notification of this by the Local Planning Authority in writing to the wind turbine operator shall within 21 days propose a scheme of remediation for the written approval of the Local Planning Authority. The remediation shall be designed to mitigate the TV interference and to prevent its future recurrence, and shall specify the timescales within it. The remediation as implemented shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of maintaining baseline level TV reception conditions.

15. No part of the development shall display any name, logo, sign advertisement, other than those required to meet statutory health and safety requirements, or means of illumination.

Reason: In the interests of visual amenity.

16. Prior to the commencement of development a detailed Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority to include the following matters:

- a) Wheel cleaning;
- b) Dust prevention and control;
- c) Disposal of waste materials, including contaminated materials;
- d) Detailed method statement for the construction of the turbine, crane hard-standing, lay-down area, access tracks and any associated drainage;
- e) Detailed method statement for the construction of the site compound;
- f) Mitigation measures to avoid impacts on protected species during the construction period;

- g) Details of the proposed method of and timescales for the reinstatement/restoration of the area occupied by the temporary crane hard standing/lay down area, and site compound; and
- h) Site monitoring of the above.

The development shall be implemented in accordance with the approved details.

Reason: To safeguard local amenity interests and to ensure that the impacts of the construction phase, including the protection and mitigation of the ecological interests of the site, are appropriately and adequately addressed.

17. Construction work on the site shall be confined to the hours of 0700 - 1900hrs on Monday to Friday inclusive, 0900 - 1600hrs on Saturday with no working on a Sunday or national public holiday, unless otherwise first agreed in writing by the Local Planning Authority; save for the delivery of abnormal loads which may be scheduled following police advice outside these hours.

Reason: In the interest of safeguarding amenity.

18. The rating level of noise emissions from the combined effects of the wind turbine (including the application of any tonal penalty), shall not exceed the values for the relevant integer wind speed set out in, or derived from, Table 1 attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission.

- a) The wind turbine operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d)<sup>2</sup>. These data shall be retained for a period of not less than 24 months. The wind turbine operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- b) No electricity shall be exported until the wind turbine operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.
- c) Within 21 days from receipt of a written request from the Local Planning Authority following a justified complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind turbine

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<sup>2</sup> Guidance Notes will be attached separately to the Decision Notice if planning permission is granted.



operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

- d) The assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.
- e) Where a dwelling to which a complaint is related is not listed in the table attached to these conditions, the wind turbine operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Table to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise emissions resulting from the combined effects of the wind turbine when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.
- f) The wind turbine operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority

for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise emissions.

- g) Where a further assessment of the rating level of noise emissions from the wind turbine is required pursuant to Guidance Note 3(c), the wind turbine operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

<b>Location</b>	<b>Table 1 – At any time - Noise limits expressed in dB LA90, 10-minute as a function of the measured wind speed (m/s) at 10 meter height as determined within the site averaged over 10 minute periods.</b>									
	<b>Measured wind speed at 10 m height, m/s</b>									
	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	
Stonebridge Road (Single)	25	29	34	36	37	37	36	35	35	
Stonebridge Road (Cumulative )	26	30	35	37	38	38	37	37	37	

*(The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies).*

Reason: In the interests of residential amenity by ensuring an acceptable noise level for the occupants of noise sensitive properties.

- 19. Should the wind turbine be identified as operating above the parameters specified in condition 18, the wind turbines will be modified, limited or shut down as required to ensure compliance with this condition. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified.

Reason: In the interests of residential amenity by ensuring an acceptable noise level for the occupants of noise sensitive properties.

20. Once the Local Planning Authority has received the independent consultant's noise assessment required by condition 18f , including all noise measurements and any audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limits set out in Tables 1 attached to condition 18, upon notification by the Local Planning Authority in writing to the wind turbine operator of the said breach the wind turbine operator shall within 21 days propose a scheme of remediation for the written approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence, and shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity by ensuring an acceptable noise level for the occupants of noise sensitive properties.

21. Within 21 days from receipt of a written request from the Local Planning Authority following a justified complaint to it from an occupant of a dwelling within the vicinity of the development alleging shadow flicker at that dwelling from the development, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the shadow flicker from the wind farm at the complainant's property. Where the Local Planning Authority is satisfied shadow flicker is being created at a receptor premises, upon notification by the Local Planning Authority in writing to the wind farm operator of the existence of shadow flicker, the wind farm operator shall within 21 days propose a scheme of remediation for the written approval of the Local Planning Authority. The scheme shall be designed to mitigate the shadow flicker to a level approved by the Local Planning Authority and to prevent its future recurrence, and shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of the amenity of nearby occupiers.

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| 22. | <p>If any trees on the southern boundary of the site are required to be removed to facilitate the cabling route, prior to the installation of the wind turbine details of replacement trees (including a timescale for planting) shall be submitted to and approved in writing by the Local Planning Authority. The replacement planting shall be completed in full accordance with such details as may be approved.<br/>Reason: In the interest of visual amenity.</p>   |
| 23. | <p>Prior to commencement of development a Habitat Management Plan which includes biodiversity enhancements shall be submitted to and approved in writing to the Local Planning Authority. Any enhancements identified within the Plan must be fully implemented in accordance with such details as may be approved prior to the turbine becoming operational.<br/>Reason: To maintain and enhance biodiversity benefits from the development.</p>   |
| 24. | <p>The development will operate in accordance with the following bat mitigation measures:</p> <ul style="list-style-type: none"><li>- The turbine is feathered at idle</li><li>- A cut in speed of 5m/s during the bat active period of April to October (inclusive)</li><li>- Wind speed shall be measured at the nacelle not at ground level</li></ul> <p>These bat mitigation measures shall be maintained for the lifetime of the development, unless alternative curtailment measures are agreed in writing by the LPA following a review of the bat survey and monitoring data/.</p> <p>Reason: To ensure the development does not detrimentally affect Bats (European Protected Species).</p>  |
| 25. | <p>Prior to commencement of development a detailed Bat Monitoring and Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Bat Monitoring and Protection Plan will include details of the following matters:</p> <ul style="list-style-type: none"><li>- Fatality searches using dogs in each month between April – mid October inclusive and a minimum of five consecutive days are searched in each month (following a sweep search to remove any existing corpses).</li><li>- The searches are accompanied by a searcher efficiency and scavenger removal trials, the collection of data using a weather station and the deployment of static datalogger.</li><li>- A timetable for the commencement of monitoring and submission of the findings of the monitoring.</li></ul> |

The post commencement Bat Monitoring and Protection Plan shall be submitted to the Local Planning Authority by the first of December in the same year the development becomes operational. The Post commencement Bat Monitoring and Protection Plan shall include an assessment on the need for further monitoring and will be used to inform the Local Planning Authority whether cut in speeds can be altered or alternative curtailment implemented for periods of the spring and summer.

Reason: To ensure the development does not detrimentally affect Bats (a European Protected Species).

26. The bird monitoring programme set out in 6.1.1 and *Appendix 7 of Winter & Spring/Summer Vantage Point Bird Surveys & Bat Activity Transects, April 2019 (Acer Ecology)* shall be undertaken for a minimum of one year from the first date that electricity is exported from the turbine at Unit 19 and the findings shall be submitted to the local authority no later than one month following cessation of the monitoring programme.

Reason: To increase the knowledge of the relationship between wind energy schemes and the impacts on birds.

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

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

Informatives:

1. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. No operational development shall be carried out within 3m either side of the centreline of the sewer. The applicant is advised to contact Dwr Cymru Welsh Water on 0800 085 3968 to discuss this matter in more detail as this may affect the cabling route.
2. Prior to the commencement of development the applicant is advised to inform the Ministry of Defence (Safeguarding Officer Wind Energy) of the date construction starts and ends, the maximum height of construction equipment and the latitude and longitude of the turbine. This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid the area.
3. The applicant may require Temporary Traffic Regulation Orders (TRROs) for each section of the route where the police may need to stop or hold traffic to allow the transportation of all Abnormal Indivisible Loads (AILs) vehicles to pass (this may involve applying to multiple

	<p>Highway Authorities). This requirement must be agreed with the relevant Police and Highway Authorities prior to any AIL movements.</p> <ol style="list-style-type: none"> <li>4. The haulier will be required to indemnify each Highway Authority against any damage caused to any road, bridge or other structure. Details of haulier and AIL transport dates must be provided to the Highway Authority prior to any AIL movements being made.</li> <li>5. The developer is advised to liaise with the relevant statutory undertakers (Welsh Water, Western Power Distribution, Wales &amp; West Utilities) to discuss their requirements in detail with regard to the location of existing infrastructure and the provision/connection of services to the site.</li> <li>6. The applicant should be aware that all British Birds, their nests and eggs (with certain limited exceptions) are protected under section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside Rights of Way Act 2000. This makes it an offence to intentionally or recklessly kill, injure or take any wild bird, damage or destroy the nest of any wild bird whilst it is in use or being built or take or destroy the egg of any wild bird.</li> <li>7. All British bat species are protected under the Conservation of Habitats and Species Regulations 2010 (as amended), known as the Habitats Regulations, it is an offence if you; deliberately capture, injure or kill any wild animal of an European Protected Species, deliberately disturb wild animals of any such species or damage or destroy a breeding site or resting place of such an animal.</li> <li>8. The developer is respectfully requested to utilise local labour and supply chains in the construction and decommissioning of the development in the interest of the local economy.</li> <li>9. Guidance Notes for Noise Conditions to be attached.</li> </ol>
<b>8. Risk Implications</b>	
8.1	None

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