

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017-2018:

**PLANNING & DEVELOPMENT
COMMITTEE
5 OCTOBER 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 5
APPLICATIONS RECOMMENDED FOR APPROVAL	

1. PURPOSE OF THE REPORT

Members are asked to determine the planning applications outlined in Appendix 1.

2. RECOMMENDATION

To approve the applications subject to the conditions outlined in Appendix 1.

1. Application No: 17/0429 Domestic double garage and associated works (Amended Plans Received 14/08/17), Land off Broadfield Close, Penygraig, Tonypandy
2. Application No: 17/0493 A single wind turbine of maximum 126m to blade tip, along with associated infrastructure including a crane pad, access track and electrical housing. (Application accompanied by an Environmental Statement dated April 2017), Graig Fatha Farm, Coedely, Tonyrefail

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 17/0429/10 (GW)
APPLICANT: Mrs Karen Webb
DEVELOPMENT: Domestic double garage and associated works
(Amended Plans Received 14/08/17).
LOCATION: LAND OFF BROADFIELD CLOSE, PENYGRAIG,
TONYPANDY
DATE REGISTERED: 14/08/2017
ELECTORAL DIVISION: Penygraig

RECOMMENDATION: GRANT

REASONS:

The garages would provide beneficial off-street parking on a site located within the settlement boundary. The use would be compatible with the surrounding residential area.

This amended proposal would not have a significant detrimental impact on the character of the area, residential amenity or highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the erection of a domestic double garage and associated works at a piece of land at the end of Broadfield Close in Penygraig. Originally the plans showed the garage to the north of the site. However the applicant has subsequently amended the plans, moving the proposed position of the garage to the opposite end located behind and at a lower level to an existing garage, which faces onto Vicarage Road.

The works also include a replacement retaining wall located to the rear of the existing garage and this has already been constructed. It should also be noted that some minor alterations to the ground profile have also been carried out. A boundary wall 1.8m high would be erected to the side and end of the site along the boundary with the access steps from Vicarage Road and facing Broadfield Close. This would wrap around the end of the site, at a height of 2m, along part of the side boundary with 5 Vicarage Close. Gates (1.8m high) would be provided at the entrance onto Broadfield Close. A wooden boarded fence would be erected inside the boundary with the property to the west (Llwyncelyn). The plans detail the lower part of the site to the north would be used as an allotment.

SITE APPRAISAL

The application site comprises an area of sloping, unused land, within the built up area of Penygraig. The plot is situated immediately to the east of the residential property known as Llwyncelyn, a semi-detached property with large rear annexe that is situated on the northern side of Vicarage Road.

To the immediate east of the site is a stepped, pedestrian walkway that provides a link from Vicarage Road to properties along Broadfield Close that sits further to the east of the application site. An electrical substation exists to the rear, northeast of the application site.

A garage at a higher level to the site and associated retaining wall are located to the south. This garage opens onto Vicarage Road.

PLANNING HISTORY (Relevant to application)

15/0797/10	Land off Vicarage Road (Adjacent no. 11/12 Broadfield Close), Penygraig	Construction of detached dwelling with off street parking and detached garage	Refuse 30/09/2016
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PUBLICITY

The application has been advertised via the erection of site notices and by direct neighbour notification. Originally 3 objections were received and the comments are summarised below:

1. Concerned that drainage would run on to his property.
2. The path between the sites may be affected.
3. Applicant doesn't live in Broadfield Close and it will cause parking issues for residents of the street.
4. The street is already congested and has restricted parking. Many families live on the street and there would be highway safety issues from the increased use. Drivers already drive fast on the street and visibility is not very good. More residents would be forced to park on Vicarage Road. Due to number of residents parking on street a fire engine can't get down the street in an emergency.
5. Building works have commenced.
6. The agent for the application was gifted the land from his daughter (the applicant) and has been prohibited from conducting building work or lighting fires or playing music outside 9-5 Monday to Friday. He is also not allowed to carry out repairs or maintenance on his neighbour's property. Examples of the agent's anti-social work practices and behaviour are provided. It is detailed this has resulted in the neighbour feeling vulnerable and unable to use their outside garden space.
7. It would increase crime in the area of the steps as it is already isolated and dark and the construction of the wall would make this worse.

Following the amended plans being submitted the application was again advertised. 2 objections were received at the time of writing this report. The issues raised are broadly the same as in the comments above.

CONSULTATION

Dwr Cymru/Welsh Water – we take surface water entering the public sewerage system very seriously and will look to improve, where possible, the performance of the sewerage system and reduce flooding and other associated incidents. We believe that surface water can be suitably controlled on virtually any development via the integration of one of the many forms of SUDS (Sustainable Urban Drainage) techniques available. A very good justification would be required not to incorporate a sustainable approach for this garage.

As a result we are unable to permit surface water to communicate with the public combined sewer at this time and suggest that alternative methods of disposal should be explored further. All forms of sustainable drainage should be investigated and implemented or discounted as appropriate.

Flood Risk Management – the principle of connecting to Welsh Water’s system is acceptable, however due to their current policy for not allowing surface water connections a condition for drainage details is required.

Public Health and Protection – no objection subject to conditions on the demolition of dwellings, hours of operation during construction, noise, dust and waste.

Structural Engineer – no objection.

Transportation Section – no objection. There is some concern with regards the sub-standard visibility from Broadfield Close to Vicarage Road. However, taking into account that the use of Broadfield Close is for secondary off-street car parking only which will remove some on-street car parking the proposal is acceptable.

Wales & West Utilities – our pipes are in the area and maybe at risk during construction works. These must not be built over or enclosed. General guidance is provided for the applicant.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

Policy CS1 - sets out criteria for achieving strong sustainable communities including: promoting residential development in locations which support the role of principal towns and settlements and ensuring the removal remediation of dereliction by promoting the re-use of under used and previously developed land and buildings.

Policy AW2 - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

Policy AW5 - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must be sustainable, have safe access and provide car parking in accordance with the Council’s Supplementary Planning Guidance (SPG).

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

Supplementary Planning Guidance

Access Circulation and Parking

Design and Placemaking

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development; and
Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Principle of the proposed development.

The site is located inside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan in what is primarily a residential area. Domestic garages and an allotment are normally considered suitable land uses within such areas. Whilst objections with regard to the agent's behaviour have been made these are not considerations that should materially affect the determination of this planning application. Members are also advised that the Council's Public Health Community Safety Section are aware of the situation.

Taking the above into account, it is considered that the principle of the development of the site would be acceptable subject to the following material planning considerations, which are discussed below.

Impact on the character and appearance of the area and on residential amenity.

The garage would be similar in scale and design to the existing garage facing Vicarage Road and would be sited mainly between the side elevations of the adjacent dwellings. It is considered this would be acceptable in these terms.

The proposed boundary wall is detailed as being bare block. It is however considered that this would not result in an acceptable visual impact and it should be finished to match the proposed render of the garage. The applicant's agent has agreed to this and a suitably worded condition would be appropriate.

Turning to the boundary fence detailed along and inside the boundary with the neighbouring property, it is considered this would be necessary to reduce the impact of the use of the garages in close proximity to the outside amenity space of the dwelling. A suitably worded condition would be appropriate to require this to be provided before the first use of the garage.

Taking the above into account it is considered the proposal would not result in a significant detrimental impact on the character of the area or on residential amenity.

Access and highway safety

The end of Broadfield Close (a cul-de-sac) would be used to access the site. It is noted there has been some objection from local residents however these mainly point to the existing situation being poor. Whilst this is appreciated, it is considered that the proposal, due to its small scale, would not significantly add to the impact. Members are advised that no objection has been raised by the Council's Transportation Section. As such it is considered the impact on highway safety would be acceptable.

Other issues

Drainage

The applicant has detailed drainage would be to a combined sewer. Dwr Cymru/Welsh Water, as detailed above, currently object to this method and look the applicant would have to investigate an alternative method of disposal. As such it is considered a suitably worded condition requiring details are submitted would be appropriate.

Retaining Structures

One concern raised by the neighbour is that the applicant has impacted on the boundary wall between the sites. The Structural Engineer has seen the retaining wall works behind the existing garage and by the neighbouring wall and raises no objection. A gap between the neighbour's wall and the garage would be maintained to allow for maintenance. This would be a matter for the two land owners to resolve and would not be a material consideration in determining the application.

Public Health and Protection Comments

With regard to the issues raised by the Public Health and Protection Section it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning dust issues.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on residential amenity, the impact on the character and appearance of the area and parking and highway safety (Policies AW1, AW2, AW5, AW6 and NSA12).

RECOMMENDATION: Grant

1. The development hereby approved shall be carried out in accordance with the approved plan(s)

- Proposed Site Plan received 14th August 2017
- Proposed Section, Side and Front Elevations received 14th August 2017
- Proposed Floor Plan, Side and Front Elevations received 14th August 2017

and documents received by the Local Planning Authority on 25th April 2017, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

2. The use of the garages hereby approved, shall at all times be restricted to purposes normally associated with a domestic use and no trade or business shall be carried out therein.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users.

3. Notwithstanding the submitted plans and within 56 days of the date of permission drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be used until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the first beneficial use of the garage hereby permitted the boundary treatment identified on plan shall be provided. Thereafter it shall be maintained as such in perpetuity.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the first beneficial use of the garage hereby permitted, the concrete block boundary wall identified on the submitted plans shall be finished and painted in materials to match the approved garage.

Reason: To ensure that the ¹⁷external appearance of the proposed

development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the submitted plans and prior to the first beneficial use of the garage hereby approved, a vehicular footway crossing and tie in detail with existing footway shall be provided on Broadfield Close in accordance with RCTCBC Standard Detail 111 Vehicular Crossover – Residential Streets.

Reason: In the interests of highway safety and to prevent damage to the public highway and utility services in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Surface water run-off from the proposed development shall not discharge onto the public highway or be connected to any highway drainage system.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 17/0493/10 (EL)
APPLICANT: CleanEarth
DEVELOPMENT: A single wind turbine of maximum 126m to blade tip, along with associated infrastructure including a crane pad, access track and electrical housing.
Application accompanied by an Environmental Statement dated April 2017.
LOCATION: GRAIG FATHA FARM, COEDEL, TONYREFAIL, CF39 8EX
DATE REGISTERED: 02/05/2017
ELECTORAL DIVISION: Tonyrefail West

RECOMMENDATION: Approve

REASONS:

The principle of the development is considered acceptable, being, in policy terms, a small scale single turbine wind development that would contribute to the Welsh Government’s commitment to optimising renewable energy generation. Furthermore, it is considered that the proposed development can reasonably be accommodated within the landscape without significant harm to the existing landscape character of the area and visual amenity. In addition, no objections have been raised by statutory consultees with respect to the potential impacts upon either the amenity of nearby residential properties, highway safety or ecology.

The development, however, does present challenges in relation to the management of aviation risk, which at the time of compiling this report remain to be satisfactorily resolved. Otherwise, the development is acceptable in principle and subject to this outstanding matter being resolved then approval is recommended.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to Service Director Planning;

APPLICATION DETAILS

Full planning permission is sought for a wind energy development comprising the erection, 25-year operation and subsequent decommissioning of a single wind turbine with a maximum overall tip height of 126m, with a 3-bladed rotor design, together with a 20m radius micro-siting allowance, and associated infrastructure including a crane pad, access track and electrical housing. Supplementary elements include: a permanent switchgear housing unit (approx. 5m x 4m x 3m), underground cabling, a short access track and a temporary crane hard standing area (approx. 45m x 25m).

The proposed site location is on land currently used for agriculture, located around 2.6km south of Tonyrefail. It is located within a rural setting, but lies adjacent to the operational Mynydd Portref Wind Farm Extension, which consists of 6 wind turbines of 110m to tip, and the Mynydd Portref Wind Farm, which consists of 11 wind turbines at 75m and 86m to tip height.

The planning statement refers to the importance of renewable energy generation as part of the response to climate change and refers to wind generation as a viable form of substantive renewable energy production for the short to medium-term. The proposed single wind turbine will generate electricity from a renewable source, with the installed capacity of the project being in the region of up to 2.5MW. The site has a viable wind speed, as calculated by Virtual Met Mast (VMM) data; from this, the applicant predicts the turbine will generate over 7,900,000kWh per year. This is enough electricity generation to power approximately 2,114 Welsh homes. The electricity generated by the turbine would be exported to the local distribution network and sold to a licensed electricity supplier.

Access to the site would utilise existing highways, specifically the M4 and A4119, until reaching the Coedely Roundabout. From the Coedely Roundabout, the turbine would travel along an alternative route, utilising an existing (former Colliery) track, owned by Welsh Government, before heading west, up to the site, following the Council-owned track which runs along the north of the site boundary. The Environmental Statement confirms that sections of these existing tracks will require some upgrading, along with a short stretch of new access track to connect the two tracks; however it is commented that as discussions with landowners are still on going, a separate planning application for these improvements would be submitted at a later date, should planning permission for the turbine be approved.

The development is likely to occur over a 6 month period, with the construction phase lasting approximately 2 weeks. Delivery of some of the components would constitute abnormal loads. Once the turbine is operational it is envisaged that the amount of traffic associated with the scheme would be minimal, with occasional visits for maintenance checks.

The application is accompanied by a number of documents including a Landscape and Visual Impact Assessment (LVIA), an Environmental Statement, which includes amongst other things; a series of ecological assessments, a noise report and a shadow/light flicker analysis and Traffic and Transport Report.

SITE APPRAISAL

The application site consists of a small parcel of land situated within the landholding of Graig Fatha Farm, Coedely, Tonyrefail. The proposed turbine would be situated on land that is currently used for agriculture, located around 2.6km south of the main settlement of Tonyrefail and 1.2km west of the main settlement of Coedely. The turbine would be located on a shallow knoll on Graig Fatha Farm, on the upper east-facing slopes of Mynydd Portref. Whilst being located within a rural setting, the site lies adjacent to the operational Mynydd Portref Wind Farm Extension, which consists of 6 wind turbines of 110m to tip, and the Mynydd Portref Wind Farm, which consists of 11 wind turbines, 75m and 86m in tip height. The nearest operational wind turbines are located approximately 0.5km to the west of the site and sit at 244m AOD, and (the next) at 267mAOD, therefore between 10-30m higher in the landscape than this proposal.

The closest settlements are those of Coedely and Thomastown, which lie to the east of the proposed site. A small number of individual properties are situated in the vicinity of the site, the closest of which are Graig Fatha Farmhouse and Tynycoed Villas. The site lies within special landscape area Mynydd Hugh and Llantrisant Forest and also lies within a sandstone resources area. For the purposes of the proposed delivery of the turbine, it is proposed that access be achieved via a series of tracks (one of which is a former Colliery track) that connect with the adopted highway at the Coedely roundabout. However, it is noted that the site may also be accessed via a network of lanes which connect with Ely Valley Road (to the north east). The wider area is crossed by a series of Public Rights of Way these being RAN/6/7 and RAN/23/2/and RAN23/3.

Whilst not strategic scale development, it is noted that the proposal lies outside the TAN 8 Annex D Strategic Search Area [SSA] F.

PLANNING HISTORY

There is no relevant planning history on the site in question, although, as noted above, the land to the west of the site has been developed by the Mynydd Portref wind farm development.

PUBLICITY

The application has been advertised by means of neighbour notification, site notices and press notice. 28 letters of support have been received which are summarised as follows:

- Wind turbines are a clean form of energy
- They are a far cleaner form of energy production than the former Colliery that operated from Coedely or nuclear power.
- This form of energy will help to reduce the impacts of global warming and climate change.
- The turbine would be situated in a landscape which already accommodates wind turbines.
- Residents do not consider the turbines to be visually intrusive.
- The proposed community fund will help benefit community projects in the area.
- The scheme proposes a positive diversification in farmland.
- The scheme would provide power to approximately 2000 homes.

1 letter of objection has been received which is summarised as follows:

- The letter questions why there is such a need for further wind turbine development when there are already so many in the area.

CONSULTATION

Transportation Section - no objections raised, conditions suggested.

Land Reclamation and Drainage – no objections, condition requiring the submission of a drainage strategy recommended.

Dwr Cymru/Welsh Water – no objections raised

Public Health & Protection – no objections raised, conditions recommended.

National Grid – no objections raised.

Council's Ecologist – considers that the ecological survey/assessment work is adequate, raises no objections. Condition requiring the submission of a Species and Habitat Protection and Mitigation Plan for construction recommended.

Natural Resources Wales – no objections raised.

Public Rights of Way Officer – no objections raised.

Glamorgan Gwent Archaeological Trust – no objections raised. Whilst it is possible that the proposal will encounter palaeoenvironmental remains in the form of peat deposits, the impact would be limited in scale and it is unlikely that significant archaeological remains will be encountered.

Cadw – no objections raised, their response confirms that there would not be any significant damage to the setting of any Registered Historic Park and Garden.

Cardiff Airport – holding objection raised. Their observations identify that the proposed turbine would impact upon primary radar returns, as such the proposal would have an impact upon current air traffic control operations at Cardiff Airport. The applicant is yet to finalise an appropriate scheme of mitigation to manage these impacts.

Defence Infrastructure Organisation– no objections raised.

Wales & West Utilities – no objections raised.

Tonyrefail Community Council – no objections raised.

Bridgend CBC – no objections raised.

Cardiff CBC – no objections raised.

British Telecom– no response received.

Joint Radio Company – no response received.

O2 – no response received.

T-Mobile – no response received.

Cable & Wireless – no response received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan (LDP)

The site is located outside of settlement limits, within a sandstone resources area.

Policy CS2 outlines how the emphasis on building strong, sustainable communities will be achieved in the Southern Strategy Area.

Policy CS10 defines safeguarding areas for mineral resources.

Policy AW5 supports development proposals where amenity and accessibility matters are addressed.

Policy AW6 supports development proposals where certain design and place making criteria are met.

Policy AW10 does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of a number of matters including light and noise pollution.

Policy AW12 permits renewable energy schemes including small/medium sized wind turbines where there is no unacceptable effect upon the interests of certain matters including agriculture, nature conservation, cultural heritage, landscape importance, public health and residential amenity. Minimisation of resource use should also be included. For this policy small clusters of no more than 3 larger wind turbines (up to 1.5 MW) and community based schemes of no more than 5MW capacity are treated as small wind turbine developments.

Policy AW14 safeguards the resources of sandstone from any development which would unnecessarily sterilise or hinder their extraction.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 3 (Making and Enforcing Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), and Chapter 12 (Infrastructure and Services) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted

PPW Technical Advice Note 5: Nature Conservation and Planning

PPW Technical Advice Note 8: Renewable Energy: The site is located outside of TAN 8 Strategic Search Area F.

PPW Technical Advice Note 11: Noise; This provides advice on the assessment and management of noise impacts for different types of proposals. It refers to advice in TAN 8 regarding the assessment of noise impacts of wind turbines.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

At UK and Welsh Government level there is strong support for renewable and low carbon energy, with specific targets set for the reduction in green house gases and energy generation from on-shore wind development. The exploitation of wind power is promoted at all policy levels.

The application involves a wind turbine of up to 2.5MW and is therefore classed as a small scale wind development in policy terms, being a "sub local authority" scale of development, at under 5MW, within PPW. This scale of development is not required, within PPW, nor TAN 8 to be sited within the boundary of SSA F. Para 12.9.9 of PPW advises that such "sub-local authority" scale renewable energy projects are applicable in all parts of Wales and development plans should encourage such development and clearly set out the local criteria against which such proposals will be evaluated." Paragraph 12.10 of PPW sets out the key matters to be taken into account in determining applications for renewable and low carbon energy development.

Whilst TAN 8 states in Para 2.2 that "large scale (over 25MW) onshore wind developments should be concentrated into particular areas defined as Strategic Search Areas (SSA)", guidance is also provided for the development of smaller wind developments outside of these areas. In particular paragraph 2.12 states that "The Assembly Government expects local planning authorities to encourage, via their development plan policies and when considering individual planning applications, smaller community based wind farm schemes (generally less than 5MW)." However, TAN 8 also identifies the need for authorities to consider the cumulative impact of small schemes in areas outside of the SSAs and the need to strike a balance between "the desirability of renewable energy and landscape protection" (2.13).

There is some concern that the site lies outside of SSA F, on Greenfield land; as TAN8 makes no provision for large turbines outside the strategic search areas on green field sites which are not community based projects. It is acknowledged that the wider landscape setting is broadly rural; however it must be noted that the site itself lies adjacent to a number of operational turbine developments. The closest of these is the Mynydd Portref extension, which (alone) extends to 6 turbines measuring 110m to blade tip. Further west of these is the original Mynydd Portref scheme and Taff Ely turbines. As such, whilst the site itself forms part of Graig Fatha Farm and is greenfield in nature, it clearly lies in close proximity to a number of existing wind turbines and as such would be viewed in context of this landscape.

It is concluded that this is a smaller wind power scheme and there is national and local planning policy support for the principle of this proposal, subject to the assessment of a criteria, which includes the contribution a proposal will play in

meeting identified targets and potential for renewable energy; the impact on the landscape, natural heritage and the Historic Environment; the need to minimise impacts on local communities; and effects on the transportation network.

Impact on the landscape character of the area and the impact on visual amenity.

Regarding this main issue Policy AW12 of the LDP, which deals with renewable energy development, states that small scale wind turbines will be permitted where it can be demonstrated that there would be no unacceptable effect on, amongst other matters, landscape importance.

In order to inform the consideration of this aspect of the scheme, the application is accompanied by a Landscape and Visual Impact Assessment (LVIA) for the proposed turbine. In this case, the Zone of Theoretical Visibility (ZTV) study area for the appraisals extends to a 15km radius, it is accepted that receptors located over 15km away from a single turbine will not experience significant effects. The LVIA identifies the methodology, including defining the extent of the study area and the detailed technical approach. The 'main' study area is a 15km radius measured from the location of the proposed development. An additional search area of 23km radius measured from the location of the proposed development is used for the cumulative assessment, this identifies operational, under construction, consented and 'in planning' wind energy schemes.

The LVIA describes the existing landscape character and makes reference to previously published landscape character assessments at a national and local scale, including LANDMAP, as well as identifying landscape relevant designations, which include areas recognised for their landscape value, at a national, regional and local scale.

The LVIA also identifies visual amenity receptors and their views. Views from settlements (towns, villages and hamlets), individual residential properties and farms, country parks, recreational routes, national cycle routes, local public rights of way, bridleways and cycleways, open access areas, major and minor roads, including motorways and railway lines are assessed. The assessment then describes the magnitude of impact and the significance of effect on the existing landscape character and visual amenity receptors and their views as a result of the proposed development.

The LVIA also includes a 'viewpoint assessment', eight viewpoints have been selected on the basis that they help to illustrate the potential impacts of the proposed development. The viewpoints represent the most 'exposed' publicly accessible views of the proposed wind turbine, from the most 'sensitive' receptors, broadly surrounding the proposed wind turbine from all directions of view.

Having reviewed the LVIA it is considered that the report is a thorough assessment taking into account all of the various issues associated with landscape and visual assessments. It is also noted that the LANDMAP aspects have also been assessed which is positive.

A summary of the conclusions of each of the sections of the LVIA are set out as follows:

Landscape assessment effects

The proposed development site is within the Mynydd Hugh and Llantrisant Forest Special Landscape Area (SLA) and will have both direct and indirect influence on this recognised landscape. However, the SLA is already influenced by wind energy schemes and contains the large-scale Mynydd Portref and its adjacent extension as well as the medium-scale Taff Ely wind farm (this scheme has consent to be replaced by Headwind Taff Ely scheme, which represents fewer turbines at a greater height).

Whilst it is recognised that the proposed development will add an additional single vertical element to the SLA, the assessment comments that it will always be perceived adjacent to or amidst the existing nearby wind energy schemes and pylons (as shown in Viewpoints 1, 2 and 3 of the LVIA). The LVIA concludes that, at worst, the magnitude of impact will be medium, the significance of effect will be moderate, although it should be acknowledged that the proposed development will only add an additional single vertical element to a landscape already influenced by other similar sized wind turbines.

The LVIA identifies that there are 3 landscapes of Historic Interest within the study area. The closest being the Rhondda Landscape of Historic Interest 4km north. However, it is noticeable that the majority of the Rhondda Valley is largely excluded from the ZTVs, with only the selected elevated locations on the ridges between the developed valleys with the potential to perceive the proposed wind turbine (this is illustrated in Viewpoint 8 of the LVIA which provides a view from a bridleway in Rhondda Golf Club). In reality, a combination of distance as well as the screening provided by existing development, infrastructure and mature vegetation would ensure that the proposed development would be difficult to perceive and would go unnoticed in such views. The landscape is already directly and indirectly influenced by numerous wind energy schemes, the assessment concludes that the addition of the proposed development, always perceived adjacent to or amidst other numerous and similar sized wind turbines, would not significantly detract from the industrial and cultural landscape for which the Rhondda is recognised. The LVIA concludes that the magnitude on this landscape, as well as the other landscapes of Historic Interest within the study area will be no more than low, the significance of effect being minor on the nearest, and negligible on those further afield.

In terms of LANDMAP landscape character, the LVIA comments that the main impacts and effects of the proposed wind turbine will be on the aspect areas in close proximity, which are largely of moderate (medium) and low (medium-low) sensitivity. It is noted however that the development is situated within the north-eastern fringes of the high (medium-high) sensitivity *Mynydd Gaer aspect area*, which extends over the upland ridge, broadly from east to west.

The proposed wind turbine would introduce a single vertical element to this aspect area, which is described as an undulating ridge landform with a distinct upland character. However, large-scale wind energy schemes and pylons are also present in this landscape; the assessment comments that this prominent ridge with good views has a strong sense of place (in part due to the presence of the existing wind farm), and therefore the LVIA finds that the proposed wind turbine would have a limited direct impacts on this area. As illustrated in Viewpoint 5 of the LVIA, from the open expanses of the ridge, the addition of the proposed wind turbine set amidst the large-scale wind farm would be difficult to ascertain and at worst, the magnitude of impact would be medium and the significance of effect would be moderate, although the influence of the proposed development would very quickly diminish with distance.

The majority of the Registered Parks and Gardens within the study area, including the closest Registered Park and Garden, Llanharan House, approximately 2.1km to the south, are focussed within the lower valley sides and within the undulating landscape and as such are excluded or largely excluded from the ZTVs. They would experience no indirect influence on their setting as a result of the proposed development. The magnitude of impact would be no change, the significance of effect would be neutral. This same conclusion has also been reached for the conservation areas within the study area. In order to aid in the assessment of this aspect of the scheme consultation was undertaken with Cadw, their assessment concludes by agreeing with the findings of the LVIA and raises no objections to the scheme.

Visual assessment and amenity effects

The LVIA identifies a series of visual amenity receptors and their views. Views from settlements (towns, villages and hamlets), individual residential properties and farms, country parks, recreational routes, national cycle routes, local public rights of way, bridleways and cycleways, open access areas, major and minor roads, including motorways and railway lines are assessed. The significance of the effects on visual amenity receptors is determined by balancing the sensitivity of the receptor and the magnitude of impact as a result of the construction, operation and de-commissioning of the proposed development

The closest settlements to the proposed development are Tonyrefail located approximately 2km north, Thomastown, approximately 1.1km to the north and Coedely, approximately 1km to the east of the proposed location of the turbine. These settlements are largely within the ZTVs and have the potential to perceive the proposed development. The proposed development has the potential to be perceived on the upper slopes and ridges surrounding the settlement of Tonyrefail, although mature vegetation, development and subtle variations in landform would obscure and limit many views. As illustrated in Viewpoint 3 of the LVIA, from a park in the centre of Tonyrefail, the proposed development would be viewed as an additional single vertical element, adjacent to an existing windfarm and a line of pylons.

Similarly, from the fringes of Coedely, adjacent to Ely Valley Road, it will generally only be from gaps in enclosures surrounding the housing that sits along the valley floor, that exposed views of the proposed wind turbine will be possible. Nevertheless, again, the proposed turbine would always be viewed in combination with other vertical elements including wind turbines and the prominent line of pylons that bisects the valley. At worst, for these settlements, the magnitude of impact would be medium, and the significance of effect would be moderate.

Gilfach Goch, in particular Hendreforgan, approximately 3.5km to the north-west at its closest point, would have views in which the proposed development will be perceived as an additional single vertical element, adjacent to an existing wind farm, this is illustrated in Viewpoint 4 of the LVIA. At worst, the magnitude of impact will be medium-low, the significance of effect will be moderate-minor. The majority of Gilfach Goch however, is excluded from the ZTVs and would experience no views of the proposed development.

Elsewhere in the study area, the majority of the linear towns and villages, particularly to the north, are largely situated within the valleys or lower slopes of the undulating landscape and are excluded from the ZTVs and would experience no potential views of the proposed development. The surrounding undulating landform of ridges and

valleys would restrict the influence of the proposed development on the majority of the high sensitivity settlements. As such, for these, the magnitude of impact would be no change, and the significance of effect would be neutral.

It would only be from the fringes of the settlements, as they rise up the lower valley slopes (within the ZTVs) where there would be the potential to see the proposed turbine. For example, as illustrated in Viewpoint 7, from the elevated fringes of Trebanog, it would be possible to view the proposed wind turbine. However it would be perceived as an additional single vertical element on the distant ridgeline, adjacent to an existing wind farm. As such, the LVIA considers the magnitude of impact to be, at worst, medium-low, with the significance of effect will be moderate-minor. The majority of the Rhondda however would experience no potential views towards the proposed development.

The LVIA also notes that a combination of undulating landform and enclosure by development and vegetation would also help restrict the visibility of the proposed development from the scattered settlements, set within the undulating landform, broadly to the south of the proposed development. Even the hill-top settlement of Llantrisant, approximately 3.5km to the south-east, is largely excluded from the ZTVs.

It is noted that a number of individual residential properties and farms are widely scattered on the ridges and slopes above the more developed valleys within the study area, becoming sparser on the higher, elevated ridges and hills. Situated on the slopes, open views towards the proposed development would be possible, although these would occasionally be restricted by a combination of vegetation enclosing many properties, screening provided by adjacent development, as well as subtle variations in landform and vegetation in the wider landscape. Therefore, for the majority of high sensitivity individual residential properties and farms within the study area, direct visibility of the proposed development would be extremely limited and the magnitude of impact would be 'no change' and the significance of effect would be neutral.

In terms of views from recreational routes and footpaths, it is noted that most of those that cross the study area follow the valley bottoms and lower valley sides. A combination of sloping landform, as well as screening by development and woodland vegetation would help to restrict views of the proposed development.

More expansive views towards the proposed development would be possible from the recreational routes that cross the elevated and more exposed ridges, including from the closest recreational route, the Ridgeway (approximately 475m to the south). From this route expansive views would be possible towards the proposed development, including over the scattered wind energy schemes that are present on the upper slopes and ridges. Subtle variations in landform would help to restrict the influence of the proposed development in close proximity and when perceived, furthermore, the proposed development would always be viewed in combination with the adjacent wind farm.

Cumulative assessment effects

Cumulative visual effects may be described as *“effects that can be caused by combined visibility, which occurs where the observer is able to see two or more developments from one viewpoint, and/or sequential effects which occur when the observer has to move to another viewpoint to see different developments”*.

In this case, cumulative visual effects consider the addition of the proposed Graig Fatha turbine in combination with the operational, permitted (not constructed) and in planning schemes.

The LVIA identifies 30 wind energy schemes within the 23km radius search area; 10 are operational, 9 consented and 11 in planning. The majority of wind energy schemes in the cumulative search area are single, or small clusters of very large-scale turbines, with 15 over 109m in height to blade tip.

The closest wind energy scheme to the proposal is the operational Mynydd Portref Extension consisting of 6 turbines at 110m to blade tip, approximately 0.55km to the west at its closest point. Beyond this, is the original Mynydd Portref Wind Farm consisting of 11 turbines, of 86m and 75m in tip height, and the operational wind farm at Taff Ely of 20 turbines at 53.5m in height to blade tip. It is noted however that this is expected to be re-powered and replaced with the 7 no. 110m height to blade tip turbines (known as Headwind Taff Ely) further to the west.

The view points which accompany the LVIA illustrate that the proposed development would largely be perceived as adjacent to and in combination with other similar sized and close proximity operational and consented wind energy schemes, as well as pylons, set and focussed on the elevated upper valley slopes and ridges. These vertical elements already influence the landscape relevant designations and landscape character of the area, therefore, even when perceived in combination with other wind energy schemes, it is not considered that the proposed single addition would dominate the view.

Furthermore, the LVIA finds that the addition of the proposed development would not dramatically change the characteristics of the landscape relevant designations, or landscape character, although it would very slightly increase the perception of wind energy in this area. The LVIA therefore finds that the addition of the proposed wind turbine would have minimal additional cumulative effects to the setting of any landscape relevant designations, and the landscape character of the area.

Sequential views of wind energy schemes would be possible from the transport corridors including the adjacent motorways, major and minor roads as well as recreational routes, national cycle routes and public rights of way. However, the screening surrounding many of the transport corridors, largely focussed along the well-vegetated valley floors or set within an undulating and developed landscape, would ensure that many views of wind energy schemes would be glimpsed and quickly vanish due to a combination of enclosure by mature vegetation and the undulating landform.

Overall, the LVIA finds that the large-scale, undulating landscape appears to have the capacity to absorb the proposed wind turbine even in combination with the other operational, consented and in planning wind energy schemes without creating a 'wind farm' landscape.

Landscape and Visual impact conclusions

Having assessed the documents, it is considered that the complete LVIA, which accompanies the application, provides sufficient information and an adequate assessment upon which to base a decision on the acceptability of the proposed wind turbine.

The assessment confirms that the proposed development site is within the Mynydd Hugh and Llantrisant Forest Special Landscape Area (SLA). The SLA has been designated at a local level to protect areas of fine landscape quality and is recognised for its prominent ridge of hills with extensive rounded tops, with forestry to the east, forming part of the east/west ridge that marks the border between the Vale and Valleys. It is however, already influenced by wind energy schemes and contains the large-scale Mynydd Portref and its adjacent extension as well as the medium-scale Taff Ely wind farm, due to be replaced by the consented and large-scale Headwind Taff Ely scheme.

In the case of the proposed turbine, the LVIA comments that mitigation measures employed during the design stage ensured that the proposed development would have minimal direct effects on landscape elements. Furthermore, its design and location have minimised the wider impacts on landscape character, landscape relevant designations and surrounding visual amenity receptors. However, the proposed development, due to its scale, would inevitably result in some impacts upon both landscape character and visual amenity receptors and their views during construction, operation and de-commissioning.

The proposed wind turbine, due to its scale, would be visible as a prominent vertical element, but would always be viewed as adjacent or amidst the large-scale Mynydd Portref wind farm and its extension, as well as the nearby prominent line of pylons. It is considered that the addition of the proposed development to this landscape, already influenced by vertical structures including wind energy schemes would be difficult to 'pick out.' The majority of effects on landscape character, landscape relevant designations and visual amenity receptors and their views would be neutral largely because of the enclosure provided by the surrounding undulating landform of valleys, ridges and hills and dense screening vegetation focussed in the valleys around settlements and transport corridors.

In summary, the proposed wind turbine would add an additional single vertical element to the existing landscape, already influenced by numerous vertical elements including wind turbines and pylons. The proposed wind turbine would not affect the majority of the landscape character areas, landscape relevant designations or visual amenity receptors. The proposed turbine would, at worst, have moderate effects on landscape character areas, moderate effects on landscape relevant designations and moderate effects on very few of the close range visual amenity receptors.

Overall, any potential adverse effects need to be balanced against the benefits of clean energy, and in this case, on balance, it is considered that the benefits outweigh the effects and the proposal complies with the provisions of Policies AW6 and AW12 of the LDP and Para 12.10.1 of Planning Policy Wales.

OTHER ISSUES

The following other material considerations have been taken into account in considering the application:

Residential amenity - Noise Impact and Shadow Light Flicker

Noise

The impacts on adjacent residential uses as a result of noise and visual disturbance due to shadow flicker/reflected light also need to be considered. The application is accompanied by a noise report which has assessed the potential noise impact of the

proposed turbine. The report details the predicted noise levels at the nearest receptors, and therefore assesses the proposed wind turbine's impact these properties. The assessment has been carried out according to the recommendations of ETSU-R-97, 'The Assessment and Rating of Noise from Wind Farms'. Detailed sound calculations have also been undertaken to predict wind turbine sound levels at the closest noise-sensitive receptors.

There are a number of other wind turbines in the surrounding area, therefore a full cumulative assessment has been completed. In order to determine a set of noise limits applicable to the development, it is necessary to first identify the proportion of the noise limits currently being utilised by the other wind energy developments in the area, detailed above. From this, the remaining 'apportioned' noise limits can then be established. Noise due to the development is then assessed against this set of apportioned limits. This ensures that total cumulative noise levels remain below the cumulative noise limits. The comprehensive cumulative noise assessment concludes that the wind turbine noise level is below the criteria given in ETSU-R-97. The findings of this report were re-enforced by the observations of the Council's Public Health & Protection Section, who raise no objection to the application. It is noted however, that they do recommend a condition which would limit the noise of the turbine to LA90,10min of 35 dB(A) up to wind speeds of 10 m/s at 10 m height.

Shadow Flicker

Shadow flicker occurs when a particular combination of conditions coincide in specific locations at particular times of the day and year. It happens when the sun is low in the sky and shines on the window(s) of a building from behind a wind turbine rotor. If the turbine is rotating, this can cause the shadow to appear to flick on and off as the turbine rotates. When the moving shadow is experienced in this way through a window, it is known as shadow flicker. The flickering caused by shadow flicker may have a negative effect on the amenity of affected residents.

The potential for Shadow Flicker has also been assessed as part of the Environmental Statement that accompanies the planning application. It is generally accepted that only properties within 130 degrees either side of north in the UK would be affected at the proposed latitude of the site, and that shadow flicker assessment should be carried out if there are any residential properties within 10 rotor diameter distance of the proposed wind turbine. The assessment therefore identifies whether shadow flicker is likely to occur at any neighbouring properties within 10 rotor diameters of the wind turbines and, if so, to predict approximate times of day and year, and duration of these effects.

The report states that the software used calculates a maximum effect scenario assuming:

- The sun is always shining with the ability to cast clear shadows at all times of the day throughout the whole year.
- There is no screening through intervening vegetation or built structures.
- The wind direction is always parallel to the wind turbine-sun-receptor alignment, casting the widest shadow.

Consequently, the assessment models a theoretical maximum; when considering common UK winter weather conditions and un-modelled screening effects, the potential impacts would be greatly reduced compared to those forecasted within the full report. In total, two houses (Ty'n-y-coed Villas) fall within the test area. Two other houses, just beyond the periphery of this area were also included in the assessment to demonstrate that no significant impacts would occur beyond the

1000m test area. The model confirmed that Rhiw (House 3) and Ty'n-y-coed (House 4) which fall just outside the test area will indeed not experience any shadow flicker impacts.

Ty'n-y-coed Villas (house 1 and 2) could experience a theoretical maximum of up to 30.8 and 29.3 hours of flicker respectively over the course of a year. These effects could theoretically only occur from 13:53hr to 14:45hr for house 1 and 13:55hr to 14:46hr for house 2 during January, November and December. This is the maximum amount of shadow flicker potentially experienced at the assessed properties from the proposed turbine.

However, it is important to note that during the winter months, when shadow flicker is potentially predicted to occur, climatic conditions such as mist and fog obscuring the sun, are likely to play a significant factor in reducing this potential. According to Met Office data, the average percentage of bright sunshine hours are lowest for the months of January, November and December. As a consequence it is likely that the potential impacts upon the two properties at Ty'n-y-coed Villas would be significantly less than what has been modelled. Furthermore, it should also be noted that these properties appear to be well screened by existing vegetation and do not appear to have any windows that face directly towards the turbine. This will further reduce the potential shadow impact on these properties from that predicted in the assessment.

The assessment also comments that the nearby existing Mynydd Portref wind farm extension which consists of six 110m turbines does not incur any shadow flicker on any of the nearby properties. Therefore, there is no resulting cumulative shadow flicker impact with the addition of this proposed turbine. Therefore, whilst it is accepted that some residential properties may experience some limited incidence of shadow flicker, it is not considered that any significant impacts would result.

However, the agent's report indicates that should shadow flicker be found to occur in practice following commissioning of the turbines, and is considered to have a detrimental effect on the occupiers of any of the assessed properties then mitigation measures may be put in place to limit such adverse impacts. Operational mitigation may include fitting screening in the first instance or if these measures are not suitable then automatic turbine control systems can be fitted to the turbine to fully mitigate this. A more detailed assessment could be carried out to predict the exact time of day and conditions during which the phenomenon could occur and the turbine fitted with a solar sensor to monitor the light intensity, and in turn trigger a turbine shut down during these periods.

Overall, whilst shadow flicker is theoretically predicted to occur at various properties within the vicinity of the development site, this would only be for relatively short periods of time. Furthermore, in practice, the magnitude of shadow flicker effect will be less than that theoretically calculated, due to a number of factors, including cloud cover, times when turbines are not turning, and orientation of the hubs and rotors. Additionally, no cumulative effects (from the existing operational turbine at Mynydd Portref) are predicted to occur. Given the above and the fact that the agents have indicated a willingness to accept a planning condition, to ensure that any complaints will be investigated in a reasonable timescale and the rectification of any shadow flicker problem that is substantiated will be implemented, no objections have been raised by the Council's Public Health & Protection Section.

Ecology/agricultural land quality

An Ecological Appraisal, Bat Survey Report and an Ornithological Assessment have been undertaken by Western Ecology and accompany the planning application. In order to aid in the assessment of this aspect of the scheme, consultation has been undertaken with the Council's Ecologist and Natural Resources Wales. The assessment concludes that no local, national, or internationally designated sites will be affected, in terms of its conservation status. In terms of habitat, the site itself as comprising an area of grassland managed to provide grazing for sheep, enclosed by a mix of hedgerows and fencing with occasional drainage ditches.

The ecological appraisal comments that managed habitats within the proposed turbine site and along the access route have little potential for amphibians, and no known water bodies within 500m are deemed suitable for Great Crested Newt. The site also showed no sign of badger activity.

In terms of bats and birds, it is considered that an appropriate level of bat survey work based on recognised methodologies and guidance documents has been provided. Western Ecology has undertaken site specific survey assessment and rationales related to the likely impacts of the turbine on birds and bats. For a variety of reasons, based on stated rationales (which include habituation of species to the pre-existing neighbouring turbines) the assessments conclude (in summary) that minimal impacts to birds and bats will be experienced by this turbine location. It is noted that Serotine (a species with relatively few RCT records) and Noctule (a bat assessed as having high sensitivity to turbines) have both been recorded together with Soprano Pipistrelle roost in the adjacent woodland. However, the assessment rationales (which based on bat foraging habitat preference of different species, and low levels of bat activity) reaches a conclusion of minimal bat impact with no requirement for mitigation. The bird assessment work also recorded relatively low bird usage, and in particular relates bird impact to pre-existing changes in bird usage of the area in relation to the existing wind farms. Again, no significant impact is identified and no mitigation recommended.

Overall, having assessed the reports provided the Council's Ecologist has confirmed that the survey work and assessment rationales are reasonable, and on balance, accept that the conclusion that no significant adverse impacts to birds and bats are likely to result. Furthermore, Natural Resources Wales' assessment reaches the same conclusion and raises no objections to the planning application. As such, it is not considered that the proposed development is likely to significantly adversely affect the existing habitat or protected species. However, it is recommended that conditions be attached to any permission granted, which would require the submission of a Species and Habitat Protection and Mitigation Plan for Construction, prior to commencement of any works on site and the agreement of a formal process for the reporting incidental bat and bird strikes to the Local Planning Authority. As such, it is considered that this aspect of the development accords with the requirements of policy AW8 of the Local Development Plan.

In terms of agricultural land quality the site is described as 'agricultural improved grassland' managed to provide grazing for sheep. Whilst this issue is not considered in great detail, given that sheep grazing is extensive on this area it is not considered that the development of the proposed turbine would present a significant issue in this regard.

Highway Safety

The information which accompanies the application indicates that the wind turbine would be delivered starting from the M4 junction 34, heading north along the A4119.

The route will continue along the A4119 until reaching Coedely Roundabout. From the Coedely Roundabout, the turbine would travel along an alternative route, utilising an existing (former Colliery) track, owned by Welsh Government, before heading west, up to the site, following the Council-owned track which runs along the north of the site boundary. The Environmental Statement confirms that sections of these existing tracks will require some upgrading, along with a short stretch of new access track to connect the two tracks; however it is commented that as discussions with landowners are still on going, a separate planning application for these improvements will be submitted at a later date, should planning permission for the turbine be approved.

For the installation of the proposed turbine, there will be a total number of 16 HGV movements for the main components and a small number of normal construction vehicle movements. The Environmental statement also comments that the proposed route has been utilised for the delivery of other currently operational wind turbines, such as those of the Mynydd Portref Wind Farm Extension.

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. The developer has submitted a swept path analysis for the route; this indicates that at certain points there may be the need to temporarily remove certain items of street furniture to facilitate delivery. However, as a whole, the route is considered acceptable in principle. As such, no objections are raised subject to the imposition of a condition which would require the submission of a comprehensive Traffic Management Plan prior to any development on site, to ensure that the route of abnormal loads, and any mitigation measures, would satisfactorily address highway safety, the free flow of traffic and protection of street furniture and services.

Public Rights of Way

It has been identified that the wider site is crossed by a Public Rights of Way, those being PROW RAN/6/7 and RAN/23/2 & 3. Whilst the scheme does not propose to stop up or divert the PROW it is noted that the existing access track intersects with the PROW at various points. As the applicants intend to use the existing track to access the site, they would need to make adequate provision to ensure during the construction period, that users of the PROW are aware that construction traffic will be crossing the route. Similarly, any damage caused to sections of the PROW as a result of the development would need to be rectified. As there is separate legislation that relates to the maintenance and management of PROWs, an informative note, drawing the applicant's attention to these issues and the need to consult with the Council's Public Rights of Way Officers is suggested, should Members be minded to approve planning permission.

Cultural Heritage

In order to aid in the assessment of the proposal, in terms of cultural heritage, consultation has been undertaken with Glamorgan Gwent Archaeological Trust (GGAT). Their response identifies that the supporting information, which accompanies the application, includes an Environmental Statement and associated Desk-based Assessment, Walkover Survey and Historical Visual Impact Assessment (South West Archaeology report no. 170426, dated April 2017).

GGAT comment that the assessment concludes that the proposed wind turbine would be located on a shallow knoll on Graig Fatha Farm, on the upper east-facing slopes of Mynydd Portref, overlooking the valley of the River Ely. The field is

crossed by a leat and a canalised stream, which runs from a pool to the south; the proposed access track would cross this canalised stream, and peat may be present in the base of the valley. The archaeological potential of the site is judged to be low, but the potential for Palaeoenvironmental remains is medium. It also assesses the impact on the setting of a number of Scheduled Monuments, as well as Llanharan House Registered Park and Garden. It concludes that the impact will be relatively minor and GGAT acknowledge Cadw's letter confirming there will be no significant effect. They comment that whilst it is possible that the proposal will encounter Palaeoenvironmental remains in the form of peat deposits, the impact will be limited in scale and it is unlikely that significant archaeological remains will be encountered.

As a result, GGAT consider there is unlikely to be an archaeological restraint to this proposed development and consequently, confirm that they have no objections to the positive determination of the application.

Economic Benefits

The importance of renewable energy generation as part of the response to climate change is recognised at a UK Governmental level and wind generation is acknowledged as a viable form of substantive renewable energy production for the short- to medium-term. Furthermore, renewable energy from wind supports the national economic objective to diversify energy supply and to lessen dependence upon the importation of fossil fuels. PPW and the LDP require the economic considerations of any proposed wind turbine to be considered. As set out above, whilst in this case the turbine would be classed as a small scale wind development in policy terms, being a "sub local authority" scale of development, at under 5MW, all energy generation would be sold to the National Grid, so it would still help in the delivery of renewable energy targets. The applicant has advised there would be no grid connection problems as the connection would take place via underground cable connections to the existing electricity network. The employment generation of short term jobs from the construction of the wind turbine and its maintenance over the lifetime of the project is recognised and is also considered an economic benefit of the scheme.

It is also noted that as part of the project, a Community benefit fund would be established. The applicant has indicated that £8,000 a year (index-linked) would be made available to the local community. This equates to over £200,000 over the lifetime of the project.

Aviation

As part of the assessment of the planning application, consultation has been undertaken with Cardiff Airport and National Air Traffic Services (NATS). Having assessed the application their response confirms that the primary radar returns that the controllers may see on their radar displays would have an impact on the current air traffic control operation at Cardiff Airport.

They comment that the location of the proposed turbine is close to a change in airspace boundaries. In this portion of controlled airspace there is historical evidence of airspace infringements, it interacts with approaches to the easterly runway from the East, West and North. With a spurious return in this area controllers would experience a significant increase in workload until they could ascertain that the return is in fact spurious. In light of the increased complexity, capacity would be reduced in order to manage workload₃₄ successfully. Their observations also comment that, where continuous spurious returns are visible in this location it may

result in aircraft approaching the airfield from the north, east and west being routed to the east of the return. This would result in aircraft being vectored for a tighter than normal approach. As a result of the tighter approach, the risk of exposure to risks such as unstable approaches increases. Furthermore, there is a risk that controllers may become conditioned into expecting the radar return in this area to be spurious when in fact it is a real aircraft leading to an undetected controlled airspace infringement.

In light of the identification of the above-mentioned issues, Cardiff Airport has issued a 'holding objection' to the current planning application. However, the both the agent and NATS have indicated that it may be possible to mitigate the risks identified above. Such mitigation may take the form of physical amendments to the scheme itself, for example a reduction in the overall height of the turbine or alternatively updates in technical software. These may involve fitting technology to the turbine itself that communicates directly with the operational systems that operators at Cardiff Airport utilise. The applicant has appointed an Aviation consultant to investigate in greater detail the mitigation measures which will be required for this specific scheme, and they have begun discussions with NATS and Cardiff Airport with a view to finding a mutually agreeable solution; however a conclusion to these matters has not yet been reached.

Safeguarding of Minerals

Policy AW14 refers to the safeguarding of minerals, stating that in certain locations, mineral resources shall be safeguarded from any development which would unnecessarily sterilise them or hinder their extraction. Whilst this issue is not covered in detail in the supporting documents, in this instance it is not considered that this matter carries great significance as in reality the extent of sterilisation would be minimal and technically temporary, since the development has a life of only 25 years.

Drainage

In relation to drainage matters, were the application to be otherwise acceptable, a condition requiring the details of the treatment of surface water matters would be imposed in order to assess the potential impact on flood risk matters.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The development represents a small scale (in policy terms) wind development that would contribute to the Welsh Government's commitment to optimising renewable energy generation, as set out in Section 12 of PPW. Furthermore, having assessed the impacts of the development on the character/quality of the landscape, the visual amenity from nearby residential areas and potential cumulative impact with existing and proposed wind turbines in the vicinity; on balance, it is considered that the proposed development can reasonably be accommodated within the landscape without significant harm to its character and integrity. In addition to this, no

objections have been raised by statutory consultees with respect to the potential impacts upon either the amenity of nearby residential properties, highway safety or ecology. However, at present a holding objection from Cardiff Airport remains, with all potential impacts upon air traffic control operation not having been fully resolved.

At the time of compiling this report the applicants have appointed an Aviation consultant to investigate in greater detail the mitigation measures which will be required for this specific scheme, and they have begun discussions with NATS and Cardiff Airport with a view to finding a mutually agreeable solution. However, this matter is yet to be concluded.

In conclusion, the proposed development is acceptable in principle, though in view of the aviation risk issues and, in the event of members being minded to support the development, further discussion is required with the applicant to secure proposals and mitigation that adequately address the potential aviation risks. It is suggested that the applicant is advised that they should seek to resolve this outstanding issue within 6 months of this Committee date and Members resolution.

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans no.'s:

- Location Plan: Drawing no. PR3107-LP-01 (date 26/04/17)
- Block Plan: Drawing no. PR3107-BP-01 (dated 26/04/17)
- Control Cabinet & Transformer Housing: PR3107-PA-SH-01 (date 21/04/17)
- Turbine Specification: Drawing no.21.06.1718
- Grid & Access Plan: Drawing no. PR3107- Grid & Access- 01 (dated 10/08/17)
- Indicative Construction Vehicle Access Route: Drawing no. PR3107- Access (dated 13/09/17)

and documents received by the Local Planning Authority on 02/05/17, 04/05/17, 23/05/17, 21/06/17 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from a wind turbine within the site to the electricity grid network ('First Export Date'). Written confirmation of the First Export date shall be notified in writing by the developer to the Local Planning Authority within one month of the First Export Date.

Not later than 12 months before the expiry date of the permission, a decommissioning and site restoration scheme shall be submitted for the

written approval of the Local Planning Authority. Such a scheme will include for:

- the removal of all surface elements, plus one metre of the turbine bases below ground level, of the wind farm;
- confirmation of the management and timing of works;
- a traffic management plan to fully address highway issues during the period of the decommissioning works;
- any other works of restoration and aftercare, following consultation with other parties, as the Local Planning Authority deem to be reasonable and necessary.
- The approved decommissioning schemes shall be implemented and completed within 24 months of the expiry date of this permission.

Reason: To ensure derelict or obsolete structures do not adversely affect the environment in accordance with policies CS1, AW5, AW7, AW8, AW13 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

4. Operations shall not be commenced until details of the colour and external finish of the turbine and associated structures, proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. The wind turbine shall be of a 3 bladed configuration and not exceed an overall height of 126m to the tip of the turbine blades. The turbine shall not display any prominent name, logo, symbol, sign or advertisement on any external surface unless otherwise agreed in writing by the Local Planning Authority. The turbine shall not be illuminated and there shall be no permanent illumination on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity in accordance with policies AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

6. In the event that the turbine does not function (i.e. does not supply electricity to the grid) for a continuous period of 12 months and if so instructed by the Local Planning Authority; the wind turbine and its associated ancillary equipment shall be dismantled, and its base removed to a depth of one metre below ground level, and removed from the site within a period of 6 months from the end of that 12 month period, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the turbine is not obsolete, produce electricity whilst in situ and is removed from the site if it ceases to function, in accordance with policies CS1, AW5, AW7, AW8,

AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

7. All electricity and control cables between the turbine and the switch room shall be laid underground, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise environmental impact in the vicinity of the site in accordance with policies AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

8. Construction work on the site, excluding the delivery of abnormal loads and actual erection of the wind turbine, shall be confined to the hours of 0700 - 1900 Mondays to Sundays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise impact on the amenities of local residents in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No abnormal load delivery shall take place between the hours of 0700 – 0900 and 1600 – 1800 Monday – Sunday, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

10. The noise emission from the wind turbine shall not exceed a sound pressure level $L_{A90,10min}$ of 35Db(A) at the curtilage of any non-financially involved noise sensitive premises lawfully existing at the time of this consent at wind speeds up to and including 10 m/s at 10m height. For the purpose of this condition, curtilage is defined as “the boundary of a lawfully existing domestic garden area”.

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. At the reasonable request of the Local Planning Authority (LPA), following a complaint to it about noise emissions from the wind turbine, the wind turbine operator shall, if required shut down the turbine and at their own expense, employ a suitably competent and qualified person, approved by the Local Planning Authority, to measure and assess, and report to the Local Planning Authority the level of noise emissions from the wind turbine at the property to which relates (‘the complainant’s property’) in a scheme to be agreed with the Local Planning Authority. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the Local Planning Authority.

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. If the assessment (referred to in condition 11) requested by the Local Planning Authority demonstrates that the specified level is being exceeded, the operator of the turbine shall take immediate steps to ensure that the noise emissions from the turbine are reduced to, or below, the specified noise limit. The operator shall provide written confirmation of that reduction to the Local Planning Authority within a time period to be agreed with the

Local Planning Authority. In the event that it is not possible to achieve the specified noise limit with mitigation within a reasonable time period, then the operation of the turbine shall cease.

The measurement time period shall be based on BWEA blade length calculation (para 3.4(1) $t=4*D$ seconds) Where t = measurement time period in seconds (subject to a minimum period of 10 seconds) D = rotor diameter in metres

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. In the event that an alternative turbine to that contained in the submitted noise assessment (reference) is chosen for installation, then development shall not take place until a new desktop site specific noise assessment of the proposed turbine has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Wind speed, wind direction and power generation data for the wind turbine shall be continuously logged and provided to the Local Planning Authority at its request and in accordance with the attached guidance notes within 28 days of any such request.

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. At the reasonable request of the Local Planning Authority, following a complaint to it about shadow flicker from the wind turbine, the operator of the wind turbine shall, if required shut down the turbine and at its expense, employ a consultant approved by the Local Planning Authority, to measure, assess and report to the Local Planning Authority the level of shadow flicker generated by the operation of the wind turbine at the property to which relates ('the complainant's property') in a scheme to be agreed with the Local Planning Authority. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the Local Planning Authority.

If the assessment requested by the LPA demonstrates unacceptable levels of shadow flicker, the operator of the turbine shall take immediate steps to provide mitigation to ensure that the impacts are reduced to an acceptable level. The operator shall provide written confirmation of that scheme of mitigation and timescale for its implementation, to the LPA within a time period to be agreed with the LPA.

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

16. No development shall take place until a Species and Habitat Protection and Mitigation Plan for Construction has been submitted and approved in writing by the Local Planning Authority.

The plan shall include:

- a) An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season, reptiles, etc.);
- d) Details of specific species and habitat mitigation measures;
- e) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Specific species and Habitat Mitigation measures;
 - vii) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

17. No development shall take place until the details of the process of reporting incidental bat and bird strikes to the Local Planning Authority has been agreed in writing with the Local Planning Authority. Thereafter, the required reports shall be provided to the Local Planning Authority in accordance with the agreed details.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

18. No development shall take place until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Local Planning Authority. Any temporary mitigation measures affecting public highway shall be implemented prior to transportation of the abnormal loads and reinstated upon completion of the development. The TMP shall include the following:-

- a) Swept Path Analysis (showing full route and mitigation measures);
- b) Component size (width, height, length, weight);
- c) Convoy Length (number of vehicles including emergency services and escorts);
- d) Traffic Management (during transportation of abnormal loads);

- e) Structures (over bridges height, width, weight restrictions);
- f) Highway works (including all temporary works to public highway to facilitate access and reinstatement works including timescales);
- g) Dry Run (to be witnessed by highway authority and police);
- h) Temporary Traffic Regulation Orders; and where residents displaced parking would take place without impacting on free flow of traffic and highway safety.
- i) Emergency Contingencies.

Reason: In the interests of highway safety/to ensure safe and satisfactory delivery of all components in accordance with policy AW5 of the Rhondda Cynon Taf Local development Plan.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

PLANNING & DEVELOPMENT COMMITTEE

5 OCTOBER 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

**MR J BAILEY
(Tel: 01443 494758)**

See Relevant Application File