

## Planning, Taxi Licensing and Rights of Way Committee Report

<b>Application No:</b>	P/2014/0672	<b>Grid Ref:</b>	313083.41 260357.03
<b>Community Council:</b>	New Radnor	<b>Valid Date:</b>	<b>Officer:</b> 14/07/2014 Andrew Metcalfe (Planning Consultant)
<b>Applicant:</b>	Hendy Wind Farm Limited		
<b>Location:</b>	Land off A44 SW of Llandegley, Llandrindod Wells, Powys		
<b>Proposal:</b>	Full: Construct and operate 7 wind turbines with a maximum tip height of 110m and maximum hub height of 69m together with ancillary development comprising substation, control building, new and upgraded access points and tracks, hardstanding and temporary compound and associated works		
<b>Application Type:</b>	Application for Full Planning Permission		

### SECOND UPDATE REPORT

#### New Representations

Since the committee and update report 4 representations have been received from members of the public, all of which object to the proposed development.

In addition, the following representation was received from Chris Davies MP:

*'I have been contacted by several constituents in relation to the above planning application. Following a recent meeting I have agreed to write to you as I am very concerned that if this application is to be considered tomorrow in its present form the Local Authority will open itself up for legal challenge at the cost to our tax payers.*

*Therefore for a variety of reasons I would strongly suggest that the decision is deferred from tomorrow's meeting and I would further suggest that members are taken on site visit to ensure that any decision is seen to have been justified.'*

In addition, the following representation has been received from Cllr David Andrews:

*'Since being extensively involved with dealing with the nonsense surrounding the outrageous wind turbine proposals on Reeves Hill - near Knighton, - I have been extremely busy both personally and professionally and thus - most regretfully - have not been able to fully participate in objecting to this seemingly ongoing wanton destruction of our beautiful rural landscape.*

*Nevertheless, I still try to keep up with developments and my dismay with ill conceived renewal energy schemes remains prominent.*

*Never before has there been such widespread industrialisation of our countryside - wind farms, solar farms, intensive chicken sheds etc. The accumulative effect is significant and is most relevant to town and country planning.*

*Whilst Powys County Council's failure to understand the folly of inland wind power and the damage to tourism, adverse environmental effect and loss of local amenity never ceases to astound and infuriate me, more recently I have been extremely concerned about the clear procedural errors and seemingly deliberate neglect of proper determination process.*

*I would urge PCC planning department to take due note of all representations, not least the well argued and most relevant submissions by CPRW & CADW. Crucially, the LPA needs to be seen to be acting in the spirit of the Town and Country Planning Act. I fear there is a temptation for Powys to get these schemes approved, just to get the applications off their crowded desks. Perhaps more disturbingly, Powys's mania with wind farms seems to be driven by the obsession to comply with EC targets for renewable's. Perhaps not all are aware that with article 50 invoked, the political landscape is changing, and hopefully, there maybe a chance now to think more creatively about a solution for dwindling oil reserves.*

*Come on! - its time to do joined-up thinking about balancing energy needs with other social factors, e.g. encouraging home tourism and above all, promoting a sense of well being, and respect & appreciation for our beautiful landscape. There's still loads of space on windswept visually unexceptional coasts or off shore to plant these monstrous contraptions. If we have to have them, lets put them in the least damaging location.*

*Why are we hellbent on desecrating our most valuable resource just to provide a comparatively small amount of intermittent and inefficiently generated electricity, which by its inherent nature is subject to unpredictable and sudden fluctuations, and thus presenting a major difficulty for the national grid.*

*Please, let's start doing the right thing, and doing it the right way.'*

*Acknowledgement of receipt is requested.*

It is not considered that the representations received raise any matters not already considered in the main and update reports with the exception of one comment asking that the conditions explicitly refer to the hub height, this is considered with below.

## **Conditions**

It is recommended following be amended from the text contained in the update report to read as follows (*italics indicates additional text*).

In the definitions section:

**“development”** means the works that are permitted to take place as a result of this permission. This includes;

- (a) 7 (110m tip height *and maximum hub height of 69m*) wind turbines (2.5 MW each) and associated infrastructure including crane hard standing areas;
- (b) 1 no. new site entrance to the east off the A44;
- (c) Construction of c. 3.3 km of new access tracks;
- (d) 0.1km of existing track to be upgraded;
- (e) Construction of temporary site compound (20m x 30m) close to turbine T5;
- (f) Construction of a new on-site substation (circa. 40m x 20m) which includes a control building (25m x 10m) south of turbine T3.
- (g) upgrading of the byway through the applicant’s property.

**“expiry of this permission”** means the date 25 years from the date of *first export*;

Condition 12 be amended to read:

‘The wind turbine hereby approved shall have a blade tip of no greater than 110 metres *and hub height no greater than 69m*’.

In addition, the reasons for the proposed conditions in the update report omitted references to UDP policies. Should permission be granted it is recommended that the following reasons are cited on any permission granted:

1. Required to be imposed on the application for the avoidance of doubt.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. Required to be imposed on the application for the avoidance of doubt.
4. To ensure the site is recorded to a suitable level to inform the restoration of the site when the scheme is decommissioned.
5. To comply with Powys County Council’s UDP Policy E3 and ensure the decommissioning of the development and restoration of the site takes account of the current ecological conditions at the time of said decommissioning and restoration.
6. To comply with Powys County Council’s UDP Policy E3 and ensure the decommissioning of the development and restoration of the site takes account of the current ecological conditions at the time of said decommissioning and restoration.
7. To comply with Powys County Council’s UDP Policy E3 and ensure the decommissioning of the development and restoration of the site upon the expiry of this permission is carried out in a full, proper and controlled manner.
8. To comply with Powys County Council’s UDP Policy E3 and GP4 and ensure the impacts on the highway of the decommissioning of the development and restoration of the site upon the expiry of this permission are acceptable.
9. To comply with Powys County Council’s UDP Policy E4 and ensure the beneficial impacts of the proposed development (renewable energy generation) are present to outweigh the negative impacts of the proposed development.

10. To comply with Powys County Council's UDP Policy E3 and Planning Policy Wales to allow for minor alterations to the proposed development to allow the impacts to be lessened to an acceptable level.
11. To comply with Powys County Council's UDP Policy E3 and ensure the turbines do not create unnecessary impacts by way of their external finish.
12. To ensure the impacts of the proposed development cannot be greater than those assessed and for the avoidance of doubt in accordance with Powys County Council's UDP Policy E3.
13. To comply with Powys County Council's UDP Policy E3 and to ensure that visual impacts of the proposed development are not increased unnecessarily.
14. To comply with Powys County Council's UDP Policy E3 and to ensure the ground disturbance is minimised.
15. To comply with Powys County Council's UDP Policy E3 and GP1 and ensure the design of the proposed substation is appropriate and its impacts are minimised.
16. To comply with Powys County Council's UDP Policy E3 and GP1 and to ensure that light pollution from the proposed development is minimised.
17. To comply with Powys County Council's UDP Policy DC3 and to ensure the proposed development does not introduce unnecessary visual impacts.
18. To comply with Powys County Council's UDP Policy E3 and ensure the construction impacts of the proposed development are considered acceptable.
19. To comply with Powys County Council's UDP Policy E3 and to allow for the delivery of wind turbines at a time when its impacts on the highway will be minimised.
20. To comply with Powys County Council's UDP Policy E3 and ensure safe construction techniques that minimise its impacts on the surrounding communities.
21. To comply with Planning Policy Wales and to ensure no development or site preparation commences until there is a means for the renewable energy generated to be fed into the National Grid and the benefits of the proposed development realised.
22. To comply with Powys County Council's UDP Policy E3 and GP1 and Planning Policy Wales to ensure that construction activities do not result in any unacceptable impacts on the environment.
23. To comply with Powys County Council's UDP Policy E3 and GP1 and Planning Policy Wales and that any construction activities associated with turbine removal or replacement do not result in any unacceptable impacts on the environment.
24. To comply with Powys County Council's UDP Policy GP1 and DC13 to ensure that impacts on hydrology are acceptable.
25. To comply with Powys County Council's UDP Policy GP1 and DC9 to protect private drinking water supplies.
26. To comply with Powys County Council's UDP Policy GP1, E3 and RL6 and the impacts on public rights of way are mitigated to an acceptable level.
27. To comply with Powys County Council's UDP Policy E3, SP6 and E5 and Planning Policy Wales to ensure the development has no lasting negative impact on the condition of the highway.
28. To comply with Powys County Council's UDP Policy E3, SP6 and E5 and Planning Policy Wales to ensure impacts on the highway are acceptable.
29. To comply with Powys County Council's UDP Policy E3, SP6 and E5 and Planning Policy Wales to ensure impacts on the highway are acceptable.
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41. To comply with Powys County Council's UDP Policy E3, SP6 and E5 and Planning Policy Wales to ensure impacts on the highway are acceptable.
42. To comply with Powys County Council's UDP Policy E3 and ENV3 and ensure the ecological impacts of the proposed development are overseen by a suitably qualified person.
43. To comply with Powys County Council's UDP Policy E3, ENV3 and ENV7 and Planning Policy Wales to minimise ecological impacts and ensure protected species are protected.
44. To comply with Powys County Council's UDP Policy E3, SP3, ENV3 and Planning Policy Wales in the interest of minimising ecological impacts and to ensure ecological habitats are preserved and enhanced.
45. To comply with Powys County Council's UDP Policy E3, SP3, ENV3 and Planning Policy Wales in the interest of preserving ecology on the site from construction to decommissioning.
46. To comply with Powys County Council's UDP Policy E3, SP3, ENV18 and Planning Policy Wales to ensure the historic environment on site is properly investigated and recorded.
47. To comply with Powys County Council's UDP Policy E3, SP3, ENV18 and Planning Policy Wales to ensure the historic environment on site is properly investigated and recorded.
48. To comply with Powys County Council's UDP Policy E3, SP3, ENV18 and Planning Policy Wales to ensure the historic environment on site is properly investigated and recorded.
49. To comply with Powys County Council's UDP Policy E3 and ensure the ability to receive television broadcasts at receptors, including dwellings, are not damaged by the proposed development.
50. In the interest of aviation safety and defence in accordance with Planning Policy Wales.

51. To comply with Powys County Council's UDP Policy E3 and ensure impacts on the local community are minimised and that a proper system is in place to ensure any impacts can be reported and suitably addressed.
52. To comply with Powys County Council's UDP Policy GP1, E3 and Planning Policy Wales and ensure the impacts of Excess Amplitude Modulation are minimised to protect the amenity of nearby receptors.
53. To comply with Powys County Council's UDP Policy GP1, E3 and Planning Policy Wales and ensure the proposed development does not create unacceptable noise at nearby residential properties.