

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 14 September 2011 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, RB Hamilton, J Hardwick, JW Hope MBE, RC Hunt, JA Hyde, JLV Kenyon, MD Lloyd-Hayes, G Lucas, PJ McCaull, JW Millar, FM Norman, GJ Powell, GR Swinford and PJ Watts

In attendance: Councillor LO Barnett

56. APOLOGIES FOR ABSENCE

Apologies were received from Councillors BA Durkin, KS Guthrie, Brig. P Jones CBE, J Lester and RI Matthews.

57. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors RB Hamilton, JA Hyde, JW Millar, GJ Powell and PJ McCaull attended the meeting as substitute members for Councillors BA Durkin, KS Guthrie, Brig. P Jones CBE, J Lester and RI Matthews.

58. DECLARATIONS OF INTEREST

7. DCNW2008/1289/F - REEVES HILL, REEVES LANE, NEAR KNIGHTON, HEREFORDSHIRE.

Councillor PGH Cutter, Personal, Member of the Wye Valley Area of Outstanding Natural Beauty Partnership Board.

59. MINUTES

Councillor DW Greenow advised the Committee that he gave two reasons in declaring a personal interest on agenda item 8, he asked for it to be noted that he also rented a farm from Bloor Homes.

RESOLVED: That the Minutes of the meeting held on 31 August 2011 be approved as a correct record and signed by the Chairman.

60. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements made.

61. APPEALS

The Planning Committee noted the report.

62. DCNW2008/1289/F - REEVES HILL, REEVES LANE, NEAR KNIGHTON, HEREFORDSHIRE

The Chairman advised members that the case officer had produced a detailed list of updates which should be noted prior to the application being discussed. Members were therefore given suitable time to read the update sheet. In response to a question, the Development Manager advised that the updates could not be circulated 5 days before the meeting as the Council's constitution required any information received before 12 noon the day before the meeting to be reported to the Committee. The update sheet is attached as an appendix to these minutes.

The Development Manager gave a detailed presentation on the report. He advised Members of a number of details, including:

- The application had been submitted in 2008.
- In 2009 the Planning Committee had effectively granted planning permission subject to conditions.
- The Planning Committee had visited the site as well as visiting a working wind farm.
- The site was located in north-west Herefordshire and that the nearest settlements were Norton, Knighton and Presteigne.
- Some parts of the access would require planning permission from Powys County Council.
- The proposed turbines were 105m in height to the top of the blade tip, and 70m to the top of the hub.
- The secretary of state had not called in the 2009 decision however it had been bought back to Committee as some further clarification had been required following regulation 19 requests by the Council regarding wind shear and other noise data, the landscape enhancement fund, the methodology used in the visual impact assessment and hydrology/hydrogeology matters.
- Once the information had been received in 2010 it was decided that a further consultation exercise should be undertaken.
- There had been minor changes to national policies but there had been no changes to the Council's Unitary Development Plan in respect of wind turbines.
- Further advice needed to be given in respect of Shobdon Airfield.

In summing up the Development Manager advised the Committee that there were four recommendations in the report and that these had been subject to a minor amendment as detailed in the updates sheet. He also requested that if the Committee were minded to approve the application it would be beneficial to delegate the final wording of the conditions to Officers as some of the conditions may require minor amendments.

In accordance with the criteria for public speaking Mr Andrews, representing Knighton Town Council, and Mrs Bywater and Dr Hugh-Jones, representing the Stonewall Hill Conservation Group, spoke in objection to the application and Sir Gourlay and Mr Corker, on behalf of the applicants, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor LO Barnett, the local ward member, commented on a number of issues, including:

- The application was controversial and had divided the community.
- There had been 38 letters of objection since the re-consultation.
- As local ward member she had a duty to represent the people who had made representations; those who had written in previously; and the local residents who had not written in.
- Mrs Bywater, who was thanked for attending, had raised the concerns of the neighbouring residents in her submission.
- Stonewall Hill was a beautiful area of great landscape value.
- The concerns raised in the various letters and emails received included the following; the turbines were not energy efficient; the turbines would be a blot on

the landscape; there would be no local benefit; tourism would suffer; the detrimental impact on wildlife.

- The local residents and Dr Hugh-Jones and his wife had remained courteous and polite throughout the application process.
- She had not been put under any pressure from the applicants, officers, fellow councillors or any member of the community and that there had been no communication from the developers.
- There had been a considerable amount of detailed technical information circulated throughout the application process which she had attempted to digest and understand.
- That she cared deeply for the people she served from within her ward.
- *The local ward member wished it to be noted that her comments were taken from the emails that she had received. [note: amended at the meeting of Planning Committee on 12 October 2011]*
- *It was noted that the committee were only decided on conditions. [note: amended at the meeting of Planning Committee on 12 October 2011]*
- *She was well aware of national and local policies on renewable energy. [note: amended at the meeting of Planning Committee on 12 October 2011]*

The debate was opened with a member of the committee commenting that in the 15 years that he had been involved in planning the application being discussed had caused the most public interest. He added that the Committee had visited the site as well as a working wind farm in South Wales and that the members who also served on the previous Planning Committee had also visited a working wind farm in North Wales. It was noted that the key considerations appeared to be in respect of noise, visual impact, and the potential output of the turbines. The application was moved subject to the revised conditions detailed in the update sheet.

In response to a question, the Development Manager advised the Committee that the proposed Section 106 Agreement required the applicant to be in receipt of planning permission for the areas of the site that fell within the remit of Powys County Council prior to any development being commenced.

The local concerns in respect of the application were noted, however a member of the committee who had attended the recent site visit noted that the turbines produced very low levels of noise and that in her opinion the turbines would not have an adverse effect on tourism in the County.

Another Member of the committee had reservations in respect of the application. Concern was expressed in respect of the national guidance regarding wind farms. It was noted that the proposal would benefit from a substantial government subsidy and the question was asked as to whether the application would have been forthcoming without the subsidy. It was also noted that the applicants had requested a 25 year permission, the question was asked as to whether this was based on the government subsidy or as a result of the lifespan of the turbines.

In response to a question regarding the reason for a 25 year permission, the Senior Planning Officer advised that the period was as requested by the applicants. Additionally the Assistant Director - Economic, Environment & Cultural Services, advised that this was in keeping with national policies as well as being based on government subsidies. He added that the financial viability of the proposal was a matter of consideration for the operator and land owner and not a material planning consideration. It was also noted that there was a considerable capital investment being made by the applicant and that a 25 year permission reflected this. Finally he advised members that the conditions recommended would ensure that any landscape impact could be reversed.

In response to a question regarding overhead cables, the Senior Planning Officer advised members that this matter did not form part of the application but that the applicant had indicated that turbines would be linked to the national grid via underground cables.

In response to the comments made by the committee, the Assistant Director - Economic, Environment & Cultural Services, advised them that they were required to make a judgement in respect of the application based on all the key issues that had been raised. He drew their attention to PPS22 which gave advice in respect of material planning considerations, which included the landscape concerns and the technical findings. In summing up he advised members that the case officer was satisfied with the technical details and also that the committee could give weight to the landscape and noise issues in making a judgement.

The Committee noted the concerns of the local residents and felt that the issue of flicker needed to be addressed, they therefore requested further clarification from the case officer in respect of this issue.

Members continued to discuss the application and noted a number of issues. They noted that the environmental statement submitted with the application indicated that the magnitude of change in the landscape was judged to be high. Some members had concerns in respect of wind turbines but noted that the technology was available and ready for installation. They noted that other forms of renewable energy production may come forth in the future and felt that this was where a 25 year permission would be beneficial. The educational facility on the site was also welcomed.

In response to a number of questions raised by the committee, the Senior Planning Officer advised members of the following points:

- There were 15 dwellings within 1000 metres of the site. He added that the health issues were addressed on paragraph 6.1 of the report.
- The issue regarding the mitigation of shadow flicker had been addressed in the previous report at page 81.
- The depth of the base of the turbine was 2m, conditions required 1m to be removed if the turbines either became redundant or at the end of the 25 year permission.
- No bridleways or footpaths would be affected and the public rights of way officer had not objected to the application.

Councillor LO Barnett was given the opportunity to close the debate. She reiterated her opening remarks and made the following additional comments:

- The policy issues and the need for renewable energy were accepted but did not reflect the views of the local residents.
- That she was representing the views of those local residents who had contacted her in respect of the application.
- Members needed to consider the views of the local community before voting.

RESOLVED

THAT:

- A) It be recorded that the Environmental Statement, including the additional information received as a result of the Regulation 19 Notices, has been taken into account in making this decision**

- B) Subject to the completion of a Section 106 Agreement in accordance with the Heads of Terms (as attached and dated 29 January 2009, and**
- C) Subject to the applicant supplying a Unilateral Undertaking for the purposes as set out in the Environmental Statement for the creation of a Community Fund, that**
- D) Planning Permission is granted subject to the following conditions:**
- 1. The development shall be carried out strictly in accordance with the particulars of the development, plans, specifications constructed in accordance with the following plans:**

Reason: In the interests of the visual amenity of the surrounding area and to comply with Policies DR1 and DR4 of the Herefordshire Unitary Development Plan.
 - 2. The development to which this permission relates shall be begun not later than the expiration of 3 years beginning with the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
 - 3. The operational period of the turbines hereby permitted shall expire 25 years following the first generation of electricity to the local electricity supply. The Local Planning Authority will be informed by the developer/operator in writing within 28 days of the date of the first generation of electricity to the local electricity supply.**

Reason: In order to protect the amenity of the surrounding area and to comply with Policies DR4 and CF4 of the Herefordshire Unitary Development Plan.
 - 4. All the above ground elements of the development and the turbine bases to a depth of 1 metre below ground level shall be removed from the site within 6 months immediately following the expiry of the operational period of the turbines referred to in condition number 3 of these conditions. The land shall be reinstated in accordance with a scheme to be approved in writing by the local planning authority. The scheme for reinstatement shall be submitted for the approval of the local planning authority not later than 20 years from the date of the first generation of electricity to the local electricity supply.**

Reason: In order to protect the amenity of the surrounding area once the site has ceased producing electricity and to comply with policy LA2 of the Herefordshire Unitary Development Plan.
 - 5. Notice of the date of commencement of the development shall be given by the developer/operator in writing to the local planning authority before any works commence on the site.**

Reason: In order to comply with condition 3 and to comply with Policy CF4 & DR4 of the Herefordshire Unitary Development Plan.
 - 6. Before the development is commenced a scheme to secure the investigation and alleviation of any interference to any form of electromagnetic transmission which may be caused by the operation of the**

wind turbines shall be submitted by the developer/operator to the local planning authority and approved in writing by the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the amenity of the surrounding area and to comply with Policy S11 of the Herefordshire Unitary Development Plan.

7. All the turbine blades shall rotate in the same direction.

Reason: In the interests of the visual amenity of the surrounding area and to comply with Policies DR1 and DR4 of the Herefordshire Unitary Development Plan.

8. The turbines shall be located in the positions shown on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the surrounding area and to comply with Policies DR1 and DR4 of the Herefordshire Unitary Development Plan.

9. If a wind turbine fails to produce electricity for supply to the grid for a continuous period of 12 months, all of its above ground elements and the turbine bases to a depth of 1 metre below ground level shall be removed at the request in writing of the local planning authority within a period of six months from the end of the 12 month period. Within the ensuing 12 months the land shall be reinstated in accordance with a scheme that has been submitted by the developer/operator to the local planning authority and approved in writing by the local planning authority. The scheme shall be submitted within two months of a request in writing by the local planning authority under this condition.

Reason: In order to protect the amenity of the surrounding areas and to comply with Policies DR4 and CF4 of the Herefordshire Unitary Development Plan.

10. There shall be no external lighting of the turbines hereby permitted. Before commencement of the development details of any other floodlighting/external lighting during the construction phase shall be submitted by the developer/operator to the Local Planning Authority for written approval. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To protect the amenity of the surrounding area and to comply with Policies DR4 of the Herefordshire Unitary Development Plan.

11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and

tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

- 12. All foul drainage shall be contained within a sealed and water tight cesspool, fitted with a level warning device to indicate when the tank needs emptying.**

Reason: To prevent pollution of the water environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

- 13. Development shall not commence until a Private Water Supply Protection Plan has been submitted by the operator to the local planning authority and approved in writing by the local planning authority. The submitted details shall include the following:-**

- a. the identification of appropriate water features (including but not limited to springs, boreholes and wells) and location of water features to be monitored including the proposed observation boreholes adjacent to each turbine foundation, that are to be used for the monitoring of water flows and water quality;**
- b. the method and nature of monitoring with subsequent provision of baseline data to adequately characterize the flow regime and quality and quantity of water provided by any private water supply that might be affected by the development;**
- c. the mitigation measures for the protection of such water features;**
- d. the system to ensure that upon notification to the developer of a concern about a possible deterioration in water quality or quantity arising from the development, that immediate provision of alternative suitable and sufficient water supplies takes place (whether on a temporary or permanent basis) in the event of any interruption or adverse change caused by the development in the quantity or quality of water previously enjoyed;**
- e. the arrangements for undertaking sampling, measurement and analysis of private water supplies before, during and following construction, (a period of up to 6 months, or as otherwise agreed as part of the Private Water Supply Protection Plan).**

The above measures under the Private Water Supply Protection Plan, as approved, shall thereafter be implemented at the developers/operators own expense at all times whilst the development hereby approved remains operational.

Reason: In order to protect the water environment which includes natural water supplies and to comply with Policy DR6 of the Herefordshire Unitary Development Plan.

- 14. Before development is commenced a detailed plan for a surface water and ground water management plan to include details of associated drainage and sediment control shall be submitted by the developer/operator to the**

Local Planning Authority and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To prevent impact on the groundwater environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

- 15. An appropriately qualified and experienced ecological clerk of works will be appointed (or consultant engaged in that capacity) to oversee the ecological monitoring, mitigation and enhancement work.**

Reason: To ensure an appropriate level of protection for all species protected under the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and policies NC1, NC6 and NC7 within Herefordshire Unitary Development Plan 2007.

To ensure that nesting birds are not disturbed as they are protected under the Wildlife and Countryside Act 1981 (as amended) and policies NC1, NC6 and NC7 within the Herefordshire Unitary Development Plan 2007.

To conserve and enhance biodiversity and comply with Herefordshire Unitary Development Plan 2007 Policies NC1, NC6, NC7, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 16. Before development is commenced, full working method statements and strategies for protected species (including bats, birds and great crested newts) based upon the recommendations in the Environmental Statement (May 2008) and the Supplementary Environmental Report (October 2008 & October 2010) shall be submitted by the developer/operator to the Local Planning Authority for written approval. These shall be implemented as approved.**

Reason: To ensure an appropriate level of protection for all species protected under the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and policies NC1, NC6 and NC7 within Herefordshire Unitary Development Plan 2007.

To ensure that nesting birds are not disturbed as they are protected under the Wildlife and Countryside Act 1981 (as amended) and policies NC1, NC6 and NC7 within the Herefordshire Unitary Development Plan 2007.

To conserve and enhance biodiversity and comply with Herefordshire Unitary Development Plan 2007 Policies NC1, NC6, NC7, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 17. Before development is commenced, schemes for long-term monitoring of the impact of the wind turbines upon protected and/or notable species (including bats, birds and great crested newts) shall be submitted by the developer/operator to the Local Planning Authority for written approval. The monitoring schemes shall be implemented as approved and the results submitted annually to the Local Planning Authority.**

Reason: To ensure an appropriate level of protection for all species protected under the Wildlife and Countryside Act 1981 (as amended), the

Conservation of Habitats and Species Regulations 2010 and policies NC1, NC6 and NC7 within Herefordshire Unitary Development Plan 2007. To conserve and enhance biodiversity and comply with Herefordshire Unitary Development Plan 2007 Policies NC1, NC6, NC7, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 18. Before development is commenced, a full habitat enhancement and management scheme based upon the recommendations in the Environmental Statement (May 2008) and the Supplementary Environmental Reports (October 2008 & October 2010) shall be submitted by the developer/operator to the Local Planning Authority for written approval. This shall be implemented as approved and maintained thereafter.**

Reason: To ensure an appropriate level of protection for all species protected under the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and policies NC1, NC6 and NC7 within Herefordshire Unitary Development Plan 2007.

To ensure that nesting birds are not disturbed as they are protected under the Wildlife and Countryside Act 1981 (as amended) and policies NC1, NC6 and NC7 within the Herefordshire Unitary Development Plan 2007.

To conserve and enhance biodiversity and comply with Herefordshire Unitary Development Plan 2007 Policies NC1, NC6, NC7, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 19. H03 - Visibility splays**

Reason: In the interests of highway safety and to conform to the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 20. H05 - Access gates**

Reason: In the interests of highway safety and to conform to the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 21. H06 - Vehicular access construction**

Reason: In the interests of highway safety and to conform to the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 22. H13 - Access, turning area and parking**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy T11 of Herefordshire Unitary Development Plan.

- 23. H21 - Wheel washing**

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 24. H27 - Parking for site operatives**

Reason: To prevent indiscriminate parking in the interests of highway safety -and to conform to the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

25. H30 - Travel plans

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

26. Prior to the commencement of site works, full details of the turbines including their make, model, design, colour, finish, hub height, blade measurements and power rating shall be submitted to and approved by the Local Planning Authority.

Reason: In consideration of the amenity of the surrounding area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

27. Prior to the erection of the wind turbines or installation of the transformer units, any wind turbine generator not of the make, model and characteristics considered in the Noise Assessment Chapter of the Environment Statement for the development must first be agreed with the Local Planning Authority. The following information should be submitted:

- a) An acoustic emissions report for the selected wind turbine generator. The report shall be in accordance with BS En 61400-11, Wind Turbine Generator Systems Part 11: Acoustic noise measurement techniques and shall include the A weighted sound power levels, spectra and tonality at integer wind speeds from 6 to 10 m/s.**
- b) A Noise prediction report from a suitably qualified and competent acoustic consultant that demonstrates the sound levels from the wind farm will not exceed those conditions set out in Condition 33 below. This should include measurements or calculations that take into account wind shear. The modes of operations and the type of turbine must be specified.**

Reason: In consideration of the amenity of the surrounding area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

28. During the construction phase the hours during which working may take place shall be restricted to 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

29. Before development is commenced, a scheme to avoid the incidence of any shadow flicker at Folly Farm, The Gutters, Tipton Farm and Willey House or any other dwelling considered reasonable by the Local Planning Authority, shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of the sighting of the photocells and measures

to control or shut down the turbine. Unless otherwise agreed in writing, if shadow flicker during the operational period is being caused at a dwelling, the turbine shall be shut down and the blades remain stationary until the conditions causing such effects have passed. The above scheme shall be implemented as approved for the duration of the authorised use.

Reason: In the interest of the amenity of nearby properties and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

30. At the request of the Local Planning Authority, upon receipt of a complaint considered reasonable by the Local Planning Authority relating to noise from the turbines, the operator of the development shall, at its expense, employ an independent consultant approved by the Local Planning Authority to measure and assess the level of noise emissions from the wind turbines. The noise assessment must be undertaken whilst operational conditions are representative of those appertaining to the periods of operation giving rise to noise complaints. The noise assessment shall take place within 60 days of a written request by the Local Planning Authority and shall be undertaken following the procedures described in the Guidance Notes annexed to this decision. Findings shall be reported to the Local Planning Authority within 30 days of the completion of monitoring being undertaken.

Reason: In the interest of the residential amenity of the surrounding area and to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

31. At the request of the Local Planning Authority the developer and/or site operator shall carry out measurements to determine whether the turbines exhibit any tonality. Tonality measurements shall take place within 30 days of a written request by the Local Planning Authority and shall be undertaken in accordance with procedures described in the Guidance Notes annexed to this decision.

Reason: In consideration of the amenity of the surrounding environment and to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

32. The rating level of noise emissions from the combined effects of the wind turbines when measured and calculated in accordance with the Guidance Notes annexed to this decision shall not exceed the values set out in Tables 1 and 2 below. Where a property is not listed, the rating of noise emissions shall not exceed the lowest value shown for the relevant standardised wind speed.

Reason: In the interest of the amenity of surrounding dwellings and to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

**Night Time Rating Values
23:00 – 07:00**

TABLE 1

	Standardised 10m agl wind speed (m/s)								
	4	5	6	7	8	9	10	11	12
Carter's Farm	38	38	38	38	38	39.8	44.2	48.1	48.1
Cook's House	38	38	38	38	38	39.7	43.8	43.8	43.8

Gutters / Folly Farm	38	38	38	38	38	38.6	38	39.1	39.1
Hill House Farm	38	38	38	38	38	38.3	42.1	45.7	45.7
Maryvale	38	38	38	38	40.4	42.7	43.9	44.2	44.2
The Colony	38	38	38	38	38	39.6	42.8	46	46
The Warren	38	38	38	38	39.9	42.9	45.2	46.5	46.5
Tipton Farmhouse	38	38	38	38	41.2	45.1	48.4	50.5	50.5
Willey House	38	38	38	38	38	38.6	41	42.7	42.7

**Day Time Rating Values
07:00 – 23:00**

TABLE 2

	Standardised 10m agl wind speed (m/s)								
	4	5	6	7	8	9	10	11	12
Carter's Farm	35	35	35	37.4	41	44.2	44.2	44.2	44.2
Cook's House	35	35	35	36	38.7	41.7	44.4	44.4	44.4
Gutters / Folly Farm	35	35	35	36.7	39.8	42.3	42.3	42.3	42.3
Hill House Farm	35	35	35	37.3	41.6	45.1	45.1	45.1	45.1
Maryvale	35	35.3	39.4	43.2	46.1	47.6	47.6	47.6	47.6
The Colony	35	35	35.7	38.5	41.1	43.3	43.3	43.3	43.3
The Warren	35	35	37.5	41	44.4	47.7	47.7	47.7	47.7
Tipton Farmhouse	35	35	37.5	41.3	45.4	48.7	48.7	48.7	48.7
Willey House	35	35	35	37.7	41.3	44.4	44.4	44.4	44.4

33. Upon notification in writing of an established breach of the noise limits as referred to in Condition 32 above, the development operator shall within 30 days submit a scheme for approval to the Local Planning to remedy the breach to prevent future occurrence.

Reason: In the interests of the amenity of the surrounding area and to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

34. From the date of commencement of the operation of the wind farm the operator shall continuously log wind speed, wind direction and power generation data for each wind turbine. The data shall be continuously recorded throughout the period of operation of the wind farm and made available to the Local Planning Authority within 30 days of their written request. The wind data shall include the wind speed in metres per second (ms⁻¹) at 10 metres in height and the wind direction in degrees from north for each ten minute period. Where wind speed is measured at a height other than 10m, the wind speed data shall be converted to 10m height, accounting for wind shear and with the associated methodology for this conversion also provided to the Local Planning Authority. The data shall be retained for a period of not less than 12 months.

Reason: In the interest of surrounding amenity and to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

35. Prior to the commencement of operation of the wind turbines a scheme shall be submitted and approved by the Local Planning Authority for

monitoring noise levels at no fewer than 5 selected residential boundary locations during the 6 months following connection to the electricity grid and with the site fully operational. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels in a representative range of wind speeds and wind directions with all turbines operating. Monitoring sites shall be agreed with the Local Planning Authority and monitoring shall be carried out in accordance with the agreed scheme.

Reason: In the interests of residential amenity and to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

36. A revised noise management scheme shall be submitted and agreed in writing with the Local Planning Authority prior to commencement of use of the turbines. The monitoring and management of low frequency noise, blade swish, amplitude modulation, mechanical defect noise, tonal noise, infrasound, vibration, day and night-time noise levels should be included in the scheme. The scheme shall be in use for 2 years from the date of agreement. A new scheme should be agreed every two years by the Local Planning Authority prior to the expiry of the previous scheme. A scheme shall remain in force for the duration of the authorised use.

Reason: In the interest of the amenity of the surrounding environment and to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

37. Before development is commenced details of a nominated representative for the development to act as a point of contact for Local Authority Officers and local residents in relation to noise and nuisance issues shall have been submitted in writing for approval by the local planning authority. Information shall also be provided detailing the arrangements for notification of any change to the nominated representative. The nominated representative shall have responsibility for dealing with any noise complaints made during the construction, operation and decommissioning of the wind farm and liaison with the Local Planning Authority.

Reason: In consideration of the amenity of the surrounding environment and to comply with Policies DR4 and DR13 of the Herefordshire Unitary Development Plan.

38. The approved

Informatives

1. N15 – Reason(s) for the Grant of Planning Permission

The development.

The application proposes four turbines and associated access tracks, hard standing and sub-station building for a period of 25 years, covering an area of approx. 3.81 hectares on land at Reeves Hill, Reeves Lane, Nr. Knighton, (Known locally as Stonewall Hill).

The application proposes four three bladed turbines with a total tip height of 105 metres and the maximum length of the blades is 40 metres. Each turbine would have a generating capacity of up to 2.3 megawatts. The site would have the potential of generating up to 9.2 megawatts of electricity, which the Environmental Statement indicates would meet the potential energy requirements of approximately 5,144 homes.

Site location.

The site lies on the English/ Welsh border, and is typical of the surrounding area, being semi-improved agricultural land, mainly used for the grazing of livestock or corn growing. The site forms part of a ridge line running north-south and peaks at a height of just over 400 metres, encapsulating elements of two landscape character types, namely 'Enclosed Moors and Commons' and ' Principle Wooded Hills' , as referred to in the Council's Landscape Character Assessment, and does not form part of any specific landscape designations. There are approximately 16 dwellings within 1 km of the site.

The nearest landscape designations to the site are the Shropshire Hills Area of Outstanding Natural Beauty, located approximately 3.5 km to the north of the site, and Offa's Dyke National Trail, located approximately 3km to the west of the site. Also slightly further from the site in a westerly direction is another national trail known as Glyndwr's Way. Within 1 km of the application site is a dwelling, Tipton Farm House, which is a grade two Listed Building. There are no other listed buildings within close proximity to the application site.

Environmental Statement.

The application was accompanied by an Environmental Statement as the result of a Scoping Opinion request by the applicants under Environmental Impact Regulations 1999, to which the Scoping Opinion identified the development as EIA development under Schedule 2 - 3i DETR Circular 02/99 - Annex A (15). Further Supplementary Information was submitted in support of the application under Regulation 19 of the Town and Country Planning (Environmental Impacts etc) Regulations 1999 as a result of two separate requests from the Council dated 30th November 2009 and 5th August 2010.

Development Plan Policies.

The relevant development plan is Herefordshire Unitary Development Plan. The key policy is Policy CF4: Renewable Energy. This policy encourages development proposals for renewable energy provided that they do not adversely affect the integrity of sites of international importance for nature conservation and that the objectives of the designation of nationally important sites and areas such as Sites of Special Scientific Interest, National Nature Reserves, Areas of Outstanding Natural Beauty, Scheduled Ancient Monuments or sites of other national archaeological remains will not be compromised and any significant adverse effects on the qualities of the area are clearly outweighed by the environmental social and economic benefits. The Policy also emphasises that outside of nationally designated sites and areas there should be no significant detrimental effect upon the character of the particular landscape and no significant impact upon the amenity of neighbouring residents and that regard will also be given to the wider environmental, social and economic benefits to be gained from the use of renewable energy sources.

Other key Herefordshire Unitary Development Plan Policies are Policy LA2: Landscape areas and areas least resilient to change which indicates that proposals that would adversely affect either the overall character of the landscape and its key features will not be permitted and where appropriate developers will be encouraged to restore degraded or despoiled landscapes to their inherent character. Policy HBA4: Setting of Listed Buildings indicates that development proposals which would adversely affect the setting of a listed building will not be permitted. Policy ARCH3: Scheduled Ancient Monuments indicates that development proposals and works which may adversely affect the integrity, character or setting of Scheduled Ancient Monuments will not be permitted. Policy NC1: Biodiversity and Development indicates that in determining all development proposals, the effects upon biodiversity and features of geological interest will be taken fully into consideration. Policy DR13: Noise, states developments with the

potential for generating significant levels of noise or for exposing a noise sensitive use to an existing noise source will be required to include appropriate measures within the proposal to mitigate the noise impact to an acceptable level or otherwise the development will not be permitted. Policy DR2: Land Use and Activity, refers to sustainable forms of travel and protection to amenity of adjoining land and buildings with no prejudice on surrounding areas. Policy DR3: Movement, refers to a safe and acceptable means of public highway access into and out of the site with consideration to surrounding public highways. Policy S1: Sustainable Development: promotes development and land use change which in terms of its level, form and design contributes to the achievement of sustainable development.

The decision to grant planning permission also had regard to the provisions of National Planning Policy and in particular Planning Policy Statement 22: Renewable Energy; which promotes sustainable forms of renewable energy. Also of consideration, (although scheduled to be abolished), was Regional Government Advice in the form of the West Midlands Regional Spatial Strategy; this encapsulates both the national and Local Plan policies. In addition, nationally it remains a Government objective to provide 15% of all energy consumption from renewable sources by 2020. The proposal is in accordance with National Policy Energy Statements, approved by Parliament in July 2011.

Landscape consideration.

In reaching the decision, the Council were mindful of the particular circumstances of the case, and in particular the key issues of impact of the proposed turbines on the surrounding visual and historic landscape, including Offa's Dyke and surrounding public rights of way as well as impact on amenity of the surrounding environment, which includes residential amenity and landscape characteristics, most notably the Shropshire Hills Area of Outstanding Natural Beauty. Public Highway access to the site was also given consideration.

Landscape impact was a significant issue as the proposed development is considered to have an impact on the surrounding landscape visually. The Environmental Statement indicates that any landscape impacts will be moderate, depending on the distance from the site and after the application's lifespan of 25 years any detrimental impacts will be reversed. The Council consider the impact is one of a temporary nature (Lifespan of the planning permission). The site itself is within no landscape designations and it is considered that the proposed development will not have any significant detrimental impact on surrounding landscape designations such as the Shropshire Hills Area of Outstanding Natural Beauty due to separation distance. Any impact on Offa's Dyke is considered very localised and there will be no significant detrimental impacts on surrounding historic parks, also in consideration of separation distance, the nearest being Stanage Park and Brampton Bryan Park neither will there be significant impacts on the Glyndwrs Way.

Biodiversity.

Impacts on biodiversity are considered to be of a low impact as the Environmental Statement indicates the application site has little significant natural cover or remaining habitat, the application site being mainly semi-improved grassland or land used for corn production. The Environment Statement indicates that fauna is diverse but low in number and that the proposed development will result in very little land take and loss of scrub, and therefore little loss in breeding or foraging habitat. Protected species are known to use the site such as Great Crested Newts and Bats. However survey work concluded that there will be very minimal impacts on low numbers of species present and that any impacts can be mitigated with enhancement. A landscape/biodiversity enhancement fund as offered by the applicants will help towards reducing impacts. The Council consider there are not likely to be significant impacts on biodiversity issues, and land take for the

proposed development is minimal with very little impact on vegetation, or loss of suitable scrub/tree vegetation. Impacts on protected species and nesting birds are considered very minimal. Any concerns as a result of the proposed development on ecological issues can be mitigated by means of appropriate conditions attached to any decision notice issued, as well as the said biodiversity fund.

Hydrology and Hydrogeology.

The Environmental Statement and additional information received acknowledges that water features on site provide water to livestock on the land as well as to surrounding dwellings to the application site. Whilst the additional information in support of the application reclassified the aquifer classification from a non aquifer to a secondary (A) aquifer, in the context of the ground water resource potential the Supplementary information as having a 'high importance' compared to a previously 'low importance', the degree of risk to the wider ground water system remains relatively minor, given the scale of the proposed development. Within the surrounding area are isolated dwellings that have private water supplies, which are fed from the surrounding land including the application site. Whilst it is acknowledged that any likely impacts on water features is minimal, the mitigation as put forward by the applicants is considered acceptable as no precise impacts on water supplies can be established prior to development on site. However the application indicates micro-siting for the proposed turbines and with adequate conditions attached to any decision notice to ensure adequate on site monitoring and mitigation it is considered that water features will be adequately protected as advised by the Environment Agency and the Council's Environmental Health Manager in response to the application.

The Environmental Statement and additional information received indicate there will be little impact on surface water drainage. The Council concur with the findings of the information and consider that any issues of concern can be adequately addressed by means of appropriate conditions to any decision notice issued with regard to surface water drainage and on site pollution such as oil spills etc.

Noise.

The applicants by means of the Environmental Statement and additional information have indicated that the predicted noise from turbines on site will be to an acceptable level and fully complies with the industry's ETSU-R-97 guidance as well as that of advice as contained in an Acoustic Bulletin published in March/April 2009.

In support of the application the applicants as a result of a Regulation 19 request from the Council provided further background noise measurements from nine separate locations neighbouring the proposed wind farm and these locations were approved prior to the background noise testing by Environmental Health Officers of both Herefordshire and Powys County Councils. The conclusion drawn by both Herefordshire and Powys Council Council's, is that the additional noise information meets the criteria of ETSUR-97 and with appropriate conditions attached to any decision notice, noise issues are not considered a reason for refusing the application. In consideration of concerns as raised by the public and in particular the Stonewall Hill Conservation Group, the Council, (Herefordshire), sought the expert advice of noise specialists, (Enviros SKM), who also concluded that the noise data gathered was to an acceptable level, complying with the industry's guidelines and that the application could be supported with appropriate conditions attached to any decision notice in order to protect surrounding residential amenity.

Road and traffic issues.

The application was accompanied by a traffic impact assessment which in particular assessed the relationship to abnormal load vehicles, which will approach the site from a northerly direction travelling along the A49 from the north until the junction of the A4113, from where they will travel in a westerly direction to Knighton, (Powys) and then towards the site (along a proposed new stretch of roadway), onto Llanshay Lane towards the application site.

Highway issues have been subject to negotiation and discussions between the applicants, police and representative of Shropshire, Powys and Herefordshire Councils Transportation teams and all three councils concluded that transportation issues can be addressed in a satisfactory manner subject to a Section 106 agreement under the Town and Country Planning Act 1990, to which all three councils are party too, to which the applicants accept the proposals as put forward.

The last stretch of the access road to the site is along Llanshay Lane which is in the sole control of Powys County Council. The applicants have made a separate application to Powys County Council for Highway improvements in order to enable the development. A letter from Powys County Council confirms that this is an acceptable process and therefore the Section 106 agreement on transportation issues under the Town and Country Planning Act 1990 includes details restricting construction of the turbines on site until a satisfactory means of access to the site has been obtained in the form of a planning approval from Powys County Council.

Shadow Flicker.

The Environmental Statement considered the issue of Shadow Flicker and residential amenity. (Shadow Flicker occurs when the sun passes behind a moving blade and casts a shadow on the window of a neighbouring property). The Environmental Statement indicates that the type of turbine proposed on site will have built in capacity to shut down the relevant turbine when shadow flicker is to occur. The Council have concluded that the justification put forward by the applicants is acceptable and that an appropriate condition attached to any decision notice will give adequate protection in relation to shadow flicker.

Electromagnetic interference.

The Environmental Statement considers electromagnetic interference and in the safeguarding assessment, indicates the applicants are willing to undertake an evaluation of any possible effects to local transmitters and introduce suitable mitigation measures that may be required. The Council consider that a suitable condition attached to any decision notice, addresses this issue satisfactorily.

Icing.

The Environmental Statement indicates that modern wind turbines don't have an issue with regard to icing on turbines, (build up of ice on turbine blades). Turbines are fitted with vibration sensors which identify ice build up in order to close turbine operation and thus avoiding any potential incident in relation to ice thaw. The Council are satisfied with the applicant's consideration to this issue.

Tourism.

Many objections from members of the public were received in relation to impacts of the proposed development on tourism. Tourism is an important factor in relation to the local economy and in particular in relation to farm diversification. The Environmental Statement acknowledges tourism has a part to play in the local

economy. There is no substantial evidence to indicate that wind farms are detrimental to tourism and the Council consider that impacts on tourism are not a basis on which to consider refusal of the application.

Airfield.

The proposed wind farm is some 11km to the north west of Shobdon Airfield. Herefordshire Gliding Club is also based on this airfield. The proposed wind farm is not considered an obstacle to the operation of the airport which receives its license to operate from the Civil Aviation Authority and who along with all the other statutory consultees on flight safety raised no objections to the proposed development. (The manager of Shobdon Airport did object, in consideration of flight safety).

None of the published procedures in relation to the Shobdon Airfield illustrate any requirement for aircraft using the airfield to fly in close proximity to the site for the proposed turbines. The site itself is not on any flight path and furthermore the proposed turbines are under 150 metres high and therefore do not require aeronautical lighting as they do not infringe on any physical safeguarding criteria.

Within close proximity to the site is the Powys Spaceguard Centre (Observatory). No objections have been received from the Spaceguard Centre in relation to the proposal.

Consultation

The Council consulted all the necessary consultees in accordance with EIA regulation requirements and received responses from various consultees to the initial ES as well as the additional information received as a result of the Council's Regulation 19 request.

Natural England initially recommended refusal to the application but later withdrew their objection subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act for a landscape/biodiversity fund for landscape biodiversity enhancement/mitigation in the surrounding area. The applicants offered this fund and a copy of the Draft Heads of Terms is attached to the report.

English Heritage, The Countryside Council for Wales, EON Central Networks, CAA, NATS, MOD OFCOM, The Joint Radio Company Limited, Atkins Windfarm Support, Highways Agency, Severn Trent Water, West Midlands Regional Assembly, Shropshire Hills Area of Outstanding Natural Beauty, RSPB, all responded raising no objections to the proposed development.

The Environment Agency also raise no objections, subject to appropriate consideration to either conditions and/or a legal agreement being attached to any decision notice issued, The Council concluded in conjunction with its Environmental Health and Land Drainage teams that satisfactory conditions could be attached to any decision notice issued.

Objections received from Statutory consultees included: The National Trust, Cadw, The British Horse Society, Hereford and Worcester Gardens Trust, The Georgian Group, The Garden History Society, The Welsh Historic Gardens Trust, The Ramblers Association, (incl Herefordshire Mortimer Group). Many of these objected to the proposed development in consideration of its impacts on the surrounding landscape in relation to its historic context, visual and amenity issues, rights of way etc. All objections were taken into consideration and the

Council concluded that concern raised could be addressed by either mitigation or were considered not to be substantial enough in order to recommend refusal to the application having regard to the relevant policy context on sustainable development and renewable energy and the fact that any perceived damage to the environment could be considered temporary and reversed after the life span of the development (25 years).

Internal council consultees who raised no objections included: The Environmental Health Manager, (subject to appropriate conditions attached to any approval notice). Economic Development, the Planning Ecologist, (also subject to appropriate conditions attached to any decision notice) The Conservation Manager, (Built Environment), Land Drainage Manager, The Forward Planning Manager, Public Rights of Way Manager, Building Control Manager, The Tourism Manager, Minerals and Waste Manager and Transportation Manager, (subject to satisfactory conditions and legal undertaking attached to any decision notice).

The County Archaeologist recommended refusal to the application in consideration of the negative impact the proposal would have on Offa's Dyke within the vicinity of the application site. The Council concluded that impacts of the proposal on the Dyke were well set out and carefully considered in the Environmental Statement and that any impacts were of a temporary nature and would not have any significant permanent unacceptable impact on the setting of the Dyke given its distance from the site for the turbine development.

Representations.

Representations were also received from surrounding Local Parish Council's both in England and Wales as well as from organisations such as Herefordshire Campaign to Protect Rural England, Herefordshire Wildlife Trust, South Shropshire Campaign for Protection of Rural England, 'Visit Herefordshire', Offa's Dyke Association, The Radnorshire Society, Radnorshire Branch of Campaign to Protect Rural England, West Midlands Friends of the Earth and Herefordshire Friends of the Earth. Also many letters from the public in support to the application as well as objections, which included: The Stonewall Hill Conservation Group, (a local group set up to oppose the proposed development).

Neighbouring Councils

Shropshire County Council raised no objections. Powys County Council responded objecting in consideration of concerns about the detrimental impact on the surrounding landscape from a visual, cultural and historic perspective. Concerns were also raised about lack of information on ecological issues, applicants' noise impact assessment and impacts in relation to hydrological issues. No response was received from Powys County Council with regards to Herefordshire Council's consultation in respect of the additional information received subject to the Regulation 19 request, other than a response from Powys County Council's Environmental Health, raising no objections on noise issues in respect of the Regulation 19 request specifically on noise issues.

All representations were carefully considered (as outlined in both committee reports) and the Council concluded that the proposed was considered acceptable with appropriate conditions attached to any decision notice issued and legal agreement between the applicants and the council when assessed against relevant local, regional and national planning policies in consideration of policy criteria on sustainable renewable energy, impacts on the major issues such as landscape, visual, historic, cultural, ecological, noise, residential amenity and

highway issues, and the fact that the proposal is temporary in nature and reversible in relationship to the turbine development after 25 years.

Conclusions

The application raised many issues and divided opinion both from the public and various consultees.

The Council consider the application is in accordance with the principles as set out in PPS 22, as well as development plan policy and in particular Policy CF2 on renewable energy, regional planning policy was also shown consideration.

The Council acknowledge the proposed turbines will have a degree of detrimental impact on the surrounding landscape from both a visual and historic context, the fact is that the application site is not in any landscape designation and impacts on the nearby Area of Outstanding Natural Beauty and Offa's Dyke were considered minimal and any adverse effects will be temporary and reversible, as the application is for a 25 year duration.

The proposal is for a source of renewable energy in accordance with Government advice on renewable energy and the application is accompanied by an Environmental Statement that sets out the scale and significance of the likely environmental impacts of the proposal if granted planning permission.

Note - The Community fund is a financial contribution offered by the applicants for the benefit of the local community. This is not a material planning consideration in respect of the application. However to ensure that it is delivered as promised, the applicants have agreed to a Unilateral Undertaking to ensure the financial benefits are delivered as set out in the Environmental Statement.

Relevant Policies considered in the Herefordshire Unitary Development Plan 2007:

- Policy S1 Sustainable development
- Policy S2 Development requirements
- Policy S7 Natural and historic heritage
- Policy DR1 Design
- Policy DR2 Land use and activity
- Policy DR3 Movement
- Policy DR4 Environment
- Policy DR5 Planning obligations
- Policy DR13 Noise
- Policy HBA4 Setting of listed buildings
- Policy LA2 Landscape character and areas least resilient to change
- Policy LA3 Setting of settlements
- Policy LA4 Protection of historic parks and gardens
- Policy NC1 Biodiversity and development
- Policy NC7 Compensation for loss of biodiversity
- Policy NC8 Habitat creation, restoration and enhancement
- Policy NC9 Management of features of the landscape important for fauna and flora
- Policy ARCH 1 Archaeological assessments and field evaluations
- Policy ARCH 3 Scheduled ancient monuments

· Policy CF4 Renewable energy

2. HN01 - Mud on highway
3. HN04 - Private apparatus within highway
4. HN05 - Works within the highway
5. HN07 - Section 278 Agreement
6. HN10 - No drainage to discharge to highway
7. HN24 - Drainage other than via highway system
8. HN25 - Travel plans
9. HN28 - Highways Design Guide and Specification
10. The applicants or successors in title are reminded to advise Defence Estates, DE Operators North, Safeguarding Wind Energy, Kingston Road, Sutton Coldfield, B75 7RL, tel: 0121 311 3714 of the date when construction starts in order for the turbines to be plotted on flying charts.
11. The applicants or successors in title are reminded that permission is required from Powys County Council with regards to the shared access from the adjacent public highway to turbine numbers 1 and 2 and the access from the public highway to turbine number 4 as indicated on the 'Proposed red line boundary map.

GUIDANCE NOTES

The following notes are based on the Supplementary Guidance Notes to the Planning Obligation contained in The Assessment and Rating of Noise from Wind Farms (ETSU-R-97) published by ETSU for the Department of Trade and Industry (DTI), page 99. It has been adapted in the light of experience of actual compliance measurements.

NOTE 1

Values of the LA90, 10-minute noise statistic should be measured at the affected property using a sound level meter of at least IEC 651 Type 1 quality. This should be fitted with a ½" diameter microphone and calibrated in accordance with the procedure specified in BS4142: 1990. The microphone should be mounted on a tripod at 1.2 – 1.5m above ground level, fitted with a two layer windshield or suitable equivalent, and placed in the vicinity of and external to the property. The intention is that as far as possible, the measurements should be made in 'free-field' conditions. To achieve this, the microphone should be placed at least 3.5m away from the building façade or any reflecting surface except the ground.

The LA90, 10-minute measurements should be synchronised with measurements of the 10-minute arithmetic mean average wind speed, power generation and operational data from the turbine control systems of the wind farm.

The wind farm operator shall continuously log arithmetic mean wind speed and arithmetic mean wind direction data in 10 minute periods from the hub height anemometer located on the site meteorological mast unless otherwise agreed with the Local Planning Authority, to enable compliance with the conditions to be evaluated. The mean wind speed data shall be 'standardised' to a reference height

of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10m height wind speed data which is correlated with the noise measurement in the manner described in Note 2 below.

NOTE 2

The noise measurements should be made over a period of time sufficient to provide not less than 40 valid points. Measurements should also be made over a sufficient period to provide valid data points throughout the range of wind speeds considered by the Local Authority to be critical and during periods/times at which the noise is considered to be a problem by the complainant. Valid data points are those that remain after the following data has been excluded:

- All periods of rainfall
- All periods during which the wind direction is more than 45 degrees from every line from each of the turbines and the measurement position
- All periods during which turbine operation was not normal

A 'best fit' curve should be fitted to the data points. Measurements detailing the complete data set including invalid removed data points shall be retained and submitted to the Local Authority upon request.

NOTE 3

Where, in the opinion of the Local Authority, the noise emitted from the turbines contains a tonal component, the following rating procedure should be used. This is based on the repeated application of a tonal assessment methodology.

For each 10-minute interval for which LA90, 10-minute data has been obtained, a tonal assessment is performed on noise emission during 2 minutes of the 10 minute period. The 2 minute periods should be regularly spaced at 10 minute intervals provided that uninterrupted clean data has been obtained. Where clean data is not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be submitted. Any deviations from the standard procedure shall be reported.

For each of the 2 minute samples, the margin above or below the audibility criterion of the tone level difference, ΔL_{tm} , is calculated by comparison with the criteria given in section 2.1 on page 104 of ETSU-R-97. The margin of audibility is plotted against wind speed for each of the 2 minute samples. For samples where the tones were inaudible or no tone was identified, substitute a value of zero audibility.

A Linear regression shall then be performed to establish the margin above audibility at the assessed wind speed for each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic average will be used.

The tonal penalty is derived from the margin above audibility of the tone according to figure 17 on page 104 of ETSU-R-97.

The rating level at each wind speed is the arithmetic sum of the wind farm noise level, as determined from the best fit curve described in Note 2, and the penalty for tonal noise.

The rating level shall be determined for each wind speed. If the values lie below the maximum values of turbine noise indicated by the table in the conditions, then no further action is necessary.

NOTE 4

If the rating level is above the limit, a correction for the influence of background noise should be made. This may be achieved by repeating the steps in Note 2 with the wind farm switched off and determining the background noise at the assessed wind speed (Lb). The wind farm noise at this speed (Lw) is then calculated as follows where La is the measure level with turbines running but without the addition any tonal penalty:

$$Lw = 10 \log (10^{La/10} - 10^{Lb/10})$$

The rating level is then recalculated by adding the tonal penalty (if any) to the wind farm noise. If the rating level is below the values indicated in the table in the conditions then no further action is necessary.

If the rating level exceeds any of the turbine noise levels in the table, the development fails to comply with condition 32.

63. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES (Pages 1 - 10)

The meeting ended at 11.40 am

CHAIRMAN

PLANNING COMMITTEE

14 September 2011

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

DCNW2008/1289/F - Proposed erection and operation of 4 Wind Turbines and associated access tracks, hardstanding and sub station building at Reeves Hill, Reeves Lane, Near Knighton, Herefordshire.

FOR: Mr Corker per Mr Michael Phillips, Unit 1 Dyfi Eco Park, Machynlleth, Powys, SY20 8AX

ADDITIONAL REPRESENTATIONS

A letter has been received from Richard Buxton Solicitors, on behalf of the Stonewall Hill Conservation Group stating in consideration of noise issues, in relationship to wind turbine development, consideration be given to the attachment of a condition with regards to 'amplitude modulation' (AM), to any approval notice issued.

Officer's sought advice with regards to whether the request for such a condition is reasonable, in consideration of the conditions as attached to the Committee report, should members be mindful to support the application.

Enviros, (commissioned by the Council), have responded to the concerns as raised by Mr. Buxton concluding that they consider that conditions as proposed by Officers are fit for purpose and covers issues of concern in relationship to AM and that there is no compelling need to add an additional condition that specifically attempts to set limits on excess AM.

The applicants' noise specialists Hayes McKenzie Partnership Ltd have also made comment in respect of concerns as raised by Mr. Buxton on AM, concluding that the planning condition as proposed by Mr. Buxton has no scientific basis. Their response states that the DEFRA report entitled 'Wind Farm Noise Statutory Nuisance Complaint Methodology' referred to by Mr. Buxton, is aimed at helping Local Planning Authorities deal with wind farm noise complaints, should they arise using statutory nuisance powers and that this guidance does not replace any planning guidance as suggested by Mr. Buxton.

The Council's Environmental Health Manager has responded stating in his view the DEFRA report referred to above, by Mr. Buxton, gives advice purely on how complaints might be investigated should they arise.

OFFICER COMMENTS

It is considered the issue with regards to AM is adequately addressed in the report to Committee. Condition number 36 attached to the report refers to a noise management plan, which represents an appropriate and reasonable control mechanism which allows for the management and monitoring of AM.

ADDITIONAL REPRESENTATIONS

A further letter has been received from Richard Buxton Solicitors on behalf of the Stonewall Hill Conservation Group raising concerns that a 'significant portion' of the development site is within Powys and therefore falls within the jurisdiction of Powys County Council and that this includes the adjacent public highway which requires significant widening for access purposes and therefore a planning application needs to be submitted to Powys County Council for planning determination, which would need to be subject to an Environmental Impact Assessment under EIA Regulations.

OFFICER COMMENTS

The application site in accordance with information submitted in support of the application is on land within Herefordshire Council's administrative area, and involves access into the site at two separate points from land directly within Powys County Council's administrative area. (The western boundary of the site being adjacent to a public highway situated within Powys).

The applicants as part of their application submitted a detailed construction traffic management plan which indicates necessary public highway improvements, which does not include detail for significant highway widening adjacent to the application site. Furthermore a letter dated 15th June 2011 from Mr. S. Packer, Specialist Services Manager, Powys County Council to the applicants indicates that the necessary highway improvements do not need to be subject to an Environmental Impact Assessment. Powys County Council Highways Authority Development Control Manager has indicated satisfaction with suggested public highway conditions to be attached to any approval notice issued. (See later in this update report).

ADDITIONAL REPRESENTATIONS

A letter dated 5th September 2011 has been received from Mr. Rod Greenough, (Noise expert), raising concerns and questions that background noise data as submitted by the applicants is wholly inadequate in consideration of surrounding residents to the application site. Concerns are also raised about Amplitude Modulated Noise, (AM), in that it cannot be 'simply ignored'.

OFFICER COMMENTS

Issues as raised by Mr. Greenough have been considered as part of the evaluation of noise issues in relationship to the proposed development. Appropriate conditions in relationship to noise issues are attached to the Committee report. Herefordshire Council's Environmental Health Manager considers issues as raised by Mr. Greenough have been adequately considered.

ADDITIONAL REPRESENTATIONS

A letter dated 12 August 2011 was received from Mr. S. Packer, on behalf of Powys County Council. The letter required clarification on land ownership issues in relationship to noise impacts on 'properties' within Powys.

Concerns were also raised about public highway access implications to the site and the letter stated that he has advised the applicants to withdraw their current application currently registered with Powys County Council for public highway improvements on land within Powys leading to the site in order to re-

submit a revised application to include the requirement for the two turbines access points into the site from the adjacent public highway.

The letter also makes comment that in his opinion it would be good practice if the wind farm application registered with Herefordshire Council and the access proposals subject to a separate application to Powys County Council were finally considered by the respective Planning Committees at the same time.

OFFICER COMMENTS

Officers' are not aware of any changes in land ownership in relationship to the proposed wind turbines or their supporting infrastructure. Noise monitoring results at the selected sites within Powys concluded that background noise met with the requirements of ETSU-R-97 (as recognised by PPS22), and the more recently published Institute of Acoustics Bulletin, both recognised guidelines on noise monitoring requirements, at all dwellings selected whether in the applicants control or not. Furthermore Powys Environmental Health have responded raising no objections on noise issues,

Matters with regards to access to the site, on land within Powys County Council's control are issues to be considered by Powys County Council. The principle of the proposed access details have been discussed between representatives of both Powys and Herefordshire Council's Transportation Sections, and it is considered that the issues with regards to public highway access can be processed by the respective Council's. Attached to the Committee report is a Heads of Terms in relationship to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990. This gives consideration to public highway issues ensuring no development is commenced on site until the public highway issues have been fully resolved.

The application for the proposed wind farm development is on land within Herefordshire, and the proposed access improvements on land within Powys, and therefore although closely linked, they are two separate proposals on land in their respective sole Council's planning control and as such are not considered joint applications that require Committee consideration at the same time.

ADDITIONAL REPRESENTATIONS

A further letter dated 31st August 2011 was received from Mr. S. Packer, Powys County Council, raising concerns about noise issues at a property known as Black Bach and concerns about land ownership in respect of public highway access to the proposed development site.

OFFICER COMMENTS

Herefordshire Council and Powys County Council Environmental Health Officers' raise no objections in relationship to noise issues at the property known as Black Bach. (Property located on land within Powys County Council's administrative area).

The land ownership issue refers to two access points into the site from the adjacent public highway in Powys County Council's control. This issue has been discussed between representatives of both Powys and Herefordshire Council's Transportation/Highways teams and both have concluded that any issues that may arise can be resolved between the two separate Councils. Conditions recommended as attached to the report have been considered by Powys County Council's Transportation Officers' and are copied out in full below for Member consideration.

ADDITIONAL REPRESENTATIONS

In consideration of the close proximity of the application site to Powys and potential cross border issues in respect of public highway issues, with regards to suggested conditions as attached to the report on public highway issues in relationship to access points, off the adjacent public highway in Powys County

Council's control, further clarification has been sought from Powys County Council Highways in respect of suitable worded conditions that are acceptable to each Authority on highway issues.

Both Herefordshire and Powys Council's Transportation/Highway teams have confirmed that the conditions below are acceptable to each of their respective transportation specifications.

The conditions and informatives' as attached to the Committee report are printed out below in full for clarification purposes, with one additional condition with regards to implementation of suitable access into the site on completion of the development and cessation of abnormal load movements to the development site.

19. H03 Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 60 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

20 H05 Any new access gates/doors shall be set back 15 metres from the adjoining carriageway edge and shall be made to open inwards only, and the development hereby permitted shall not be brought into operational use until a scheme and specification has been submitted and approved in writing by the local planning authority for the alteration of the accesses serving the development site to minimise the width of access and set back the gate 5m from the edge of the adjoining carriageway.

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

21 The approved scheme and specification referred to in condition number 20 above shall be fully implemented to the written satisfaction of the local planning authority within one month from the first operational use of the wind farm.

Reason: In the interests of highway safety and to conform to the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

22.H06 Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by Herefordshire and Powys County Councils as Local Planning Authorities, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

23. H13 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

24. H21 Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

25 H27 Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

26. H30 Prior to the commencement of the development a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

Informatives:

2. HN01 It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

3. HN04 This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Amey Herefordshire (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 845900), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 845900.

4. HN05 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Amey Herefordshire (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 845900), shall be given at least 28 days' notice of the applicant's intention to commence any works

affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 845900.

5. HN07 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.

6. HN10 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

7. HN24 It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.

8 HN25 In connection with Condition number 26 the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ

9. HN28 The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

11 The applicants or successors in title are reminded that permission is required from Powys County Council with regards to the shared access from the adjacent public highway to turbine numbers 1 and 2 and the access from the public highway to turbine number 4 as indicated on the 'Proposed red line boundary map.

OFFICER COMMENTS

Clarification on suitably worded public highway conditions in respect of the separate Council's Highways/Transportation sections is welcome, as it confirms that in the event of development on site in relation to cross border issues, that both the respective Councils' agree to the wording of the recommended conditions from a public highway perspective.

ADDITIONAL REPRESENTATIONS

- Additional clarification from the Environment Agency was sought on publication of the Committee report, in consideration of the wording of condition number 13(e), attached to the Committee report. The advice given was that this section of the condition be revised to read as follows:

'the arrangements for undertaking sampling measurement and analysis of private water supplies, before, during and following construction (a period of up to 6 months, or as otherwise agreed as part of the Private Water Supply Protection Plan').

OFFICER COMMENTS

It is recommended that condition number 13(e) is reworded in accordance with the advice as given by the Environment Agency.

ADDITIONAL REPRESENTATIONS

An additional letter has been received from Herefordshire Branch of the Campaign to Protect Rural England. The letter raises concerns about the previous report to Committee on 12th February 2009, in that it did not give sufficient weight to the quality of the surrounding landscape. The letter makes comment that the site is within close proximity to the Shropshire Area of Outstanding Natural Beauty, (AONB), and that the site is in an area known as Mortimer Country and that this is a stunningly beautiful landscape, that is home to several historic parks of national importance. Comment is also made that weight be given to the energy benefits of wind farms now seems to be a lot less than in 2009.

OFFICER COMMENTS

Whilst it is acknowledged that the application site is situated within an area known as Mortimer Country, and this landscape is appreciated as a landscape of significant value, the fact is that this has no recognised landscape designation and Officers consider that the previous report to Committee did give sufficient consideration to the surrounding landscape in which the application site is situated in, in consideration of national and local designations.

ADDITIONAL REPRESENTATIONS

A letter has been received from Charlie Hopkins, Planning and Environmental Consultant acting on behalf of Stonewall Hill Conservation Group. The letter raises concerns about boundary issues in relationship to the application site, in relationship to public highway access issues. Concerns are also raised about the planning fee and area of land subject to the planning fee paid to the Council in respect of the application.

OFFICER COMMENTS

The public highway access to the site is proposed via a road within Powys County Council's administrative control from the A4113 public highway. Public highway issues are subject to a Section 106 agreement under the Town and Country Planning Act 1990 drawn up between representatives of Shropshire, Powys and Herefordshire Council, who will be signatories to this agreement with the applicants, who have confirmed agreement to its contents. (The key issues subject to the agreement form part of the Heads of Terms attached to the Committee report). Paragraph 3 of the Heads of Terms makes reference to suitable access to the site prior to any development on site to the satisfaction of Powys County Council. Powys County Council Highways Authority have confirmed that the suggested public highway conditions forming part of this update to Committee are acceptable.

It is understood that the applicants have an application registered with Powys County Council for public highway improvements, and the issue as to whether the current application is amended to include public highway access into the application site or whether it is withdrawn and a revised application submitted is a matter between the applicants and Powys County Council.

The Council has reviewed the concerns about the planning fee paid to the Council in relationship to the proposed development, which includes allowance for micro- siting and are satisfied with the planning fee paid and area of land in relationship to the proposed development, it refers to.

ADDITIONAL REPRESENTATIONS

A letter has been received from Geoffrey Sinclair, Environmental Information Services, on behalf of Stonewall Hill Conservation Group. The letter raises concerns that his submission on behalf of the Conservation Group is not referred to in the Committee report.

OFFICER COMMENTS

The report by Mr. Sinclair was submitted prior to the application being referred to Committee on 12th February 2009. It is acknowledged the report was submitted on behalf of the Action Group, and this Group are referred to in the report, being one of many representations received and therefore Officers are of the opinion that issues as raised by Mr. Sinclair were addressed. No response from Mr. Sinclair has been received in consideration of the public consultation to the additional information received subject to the Regulation 19 request under EIA Regulations.

ADDITIONAL REPRESENTATIONS

A letter has been received from Dr. Hugh-Jones on behalf of Stonewall Hill Conservation Group who acknowledges that members of the Group have read the report to Committee and that they seek clarification with regards to the separate planning application to Powys County Council for highway improvements.

The letter also makes comment with regards to visual radii with regards to their opinion that no assessment has been made in respect of individual properties and that their Solicitors (Richard Buxton), requested a condition with regards to amplitude modulation, (AM), in consideration of current best practice.

Comment is made about the wording of condition numbers 8, 13(e) and 32 as attached to the report.

Comment is also made in respect of the Draft Heads of Terms and who are the intended signatories and that there is no mention of the total height of the turbines indicating that even taller ones could be installed on site.

OFFICER COMMENTS

A planning application is presently registered with Powys County Council for highway improvements in consideration of the requirement for abnormal loads to be transported to the site.

The Construction Traffic Management Plan in support of the application details necessary highway improvements to the site such as a stretch of new road way on land within Powys County Council's administrative area as well as highway improvements to the existing public highway nearer to the application site.

It is a planning matter between the applicants and Powys County Council on how to resolve the public highway issues with regards to land within Powys County Council's administrative area, and whether the applicants withdraw the current application and re-submit a revised application to include access in to the site off the adjacent public highway or amend the existing application.

The visual impact of the proposal from residential dwellings was reported at paragraph 6.35 of the original Committee report as being significant. Consideration to the information originally provided in respect of Visual impact and visual radii and the additional information received as a result of the Regulation 19 request conclude that information on this issue as provided by the applicants is acceptable.

The issue with regards to AM has been addressed earlier in this update in respect of communication received from Richard Buxton, that condition number 36, noise management report adequately addressed issues in respect of AM.

The wording of condition number 8 is considered acceptable as allowances need to be made for micro-siting.

It is acknowledged that the wording of condition number 13 (e), is confusing and as indicated earlier not considered necessary and therefore recommended for re-phrasing.

Clarification is required in relationship to rating value as indicated in condition number 32; however this appears to be a typing error that can be easily rectified.

The intended signatories in respect of the Draft Heads of Terms and the Section 106 agreement are the persons who have interests in the land, as well as the relevant Councils.

The original report to Committee, (attached as appendix one), in paragraph 1.8 refers to the total height of the proposed turbines and condition number one attached to the report refers to plans that the proposed development refers to.

ADDITIONAL REPRESENTATIONS

75 additional letters of objections have been received from members of the public. Some of these letters are from the same households. Many are from dwellings in Wales as well as throughout England. Issues raised are various and cover concerns about the principle of the proposed development, as well as commenting upon the additional information received, as a result of the Council's EIA Regulation 19 request to the applicants.

Key concerns raised that are considered not to have been considered subject to the Committee report are as follows:

- Economics of wind power and the requirements for other sources of energy to back up power generated by wind energy.
- Concerns about the validity of the proposed Landscape Enhancement Fund.
- Consultations with Powys County Council.
- Procedure at the previous planning Committee in relationship to this application.

OFFICER COMMENTS

- It remains Government policy to encourage different forms of renewable energy and this includes wind energy. Planning Policy Statement 22 clearly states that small scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally and that Planning Authorities should not therefore reject planning applications simply because the level of output is small.
- The Landscape Enhancement Fund is proposed in consideration of advice as given by Natural England in consideration of landscape/biodiversity enhancement/mitigation as set out in the draft Heads of Terms attached to this report. The proposed landscape fund was not at the request of the Council but offered by the applicants in consideration of comments made by Natural England. The principle of the fund is considered reasonable, as it offers landscape/biodiversity enhancement/mitigation that is considered a planning consideration.
- The Council has engaged in consultation with Powys County Council as well as Shropshire County Council whose administrative boundary is also located near to the proposed development site. Many of these issues have been subject to the information received as a result of the Council's Regulation 19 request under EIA Regulations, to which Powys have not made comment, other than a response from their Environmental Health Section indicating no objections on noise issues.

- The Council considers the procedure at the previous Committee meeting on 12th February 2009 in respect of this application was in accordance with Council policy on presentation of applications to Committee, with consideration also given to the Article 14 Direction issued to the Council by the Secretary of State, who requested time to consider the application in-light of concerns raised by the public.

NO CHANGE TO RECOMMENDATION

However in consideration of potential cross border issues, it is recommended that the following condition is attached to any approval notice in respect of highway safety issues.

- **The approved scheme and specification referred to in condition number 20 above shall be fully implemented to the written satisfaction of the local planning authority within one month from the first operational use of the wind farm.**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

- **Condition number 13 (e) is re-worded to state: *'the arrangements for undertaking sampling measurement and analysis of private water supplies, before, during and following construction (a period of up to 6 months, or as otherwise agreed as part of the Private Water Supply Protection Plan')*.**