

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED  
DEVELOPMENT PROCEDURE) ORDER 1995 - TO DATE  
PLANNING AND COMPENSATION ACT 1991  
TOWN AND COUNTRY PLANNING ADVERT REGULATIONS 1994  
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)  
ACT 1990  
APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

These are reports and recommendations by Officers for consideration and resolution by the County Planning Authority.

All the applications in respect of the proposals specified in this report will be available for inspection by the Members of the Committee prior to and during the meeting at which the said applications will be considered.

The Background Papers relating to each application, including forms, plans, relevant correspondence, Development Plan and guidance documents are available for public inspection during normal office hours

**ENFORCEMENT MATTERS**

**ENF/2002/0026      Fields 2958 & 3256 Adj Warren House Mold Road Bodfari**

**INFRINGEMENT:**

**Change of use of land to sui generis use including importation and storage of timber, charcoal burning, preparation of timber for retail sale and other uses associated with a timber yard;**

**Change of use of land by the stationing of two static caravan units in association with the above;**

**Unauthorised operational development, including alterations to levels of land, creation of hardstanding and an earth bund**

## **PLANNING ENFORCEMENT REPORT**

**REFERENCE:** ENF/2002/00026

**LOCATION:** Bodfari Charcoal, (OS Parcels No. 2958 & 3256), The Caravan Site, The Warren, Mold Road, Bodfari, Denbigh

**INFRINGEMENT:**

- (i) Change of use of land to sui generis use including importation and storage of timber, charcoal burning, preparation of timber for retail sale and other uses associated with a timber yard.
- (ii) Change of use of land by the stationing of two static caravan units in association with (i) above
- (iii) Unauthorised operational development, including alterations to levels of land, creation of a hard standing and an earth bund

**CONSTRAINTS:** Clwydian Range AONB

### **RELEVANT PLANNING POLICIES AND GUIDANCE**

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (Adopted 3 July 2002)

Policy GEN 3 Development Outside Development Boundaries

Policy GEN 6 Development Control Requirements

Policy ENV 2 Development Affecting the AONB

Policy EMP 1 Pollution

Policy EMP 5 Small Scale Employment Development Outside Development Boundary

Policy TRA 6 Impact of New Development on Traffic Flows

#### **GOVERNMENT GUIDANCE**

Planning Policy Wales – March 2002

TAN (Wales) 9 : Enforcement of Planning Control

#### **HUMAN RIGHTS CONSIDERATIONS**

From October 2000, the provisions of the Human Rights Act 1998 are taken into account when considering taking enforcement action against unauthorised development of land. In this instance, the matters under consideration are specific to the owner's rights to use the land to develop and expand his forestry business and the rights of the Council to implement its policies which seek to protect the character and appearance of the Area of Outstanding Natural Beauty amongst other things. In this instance, third parties have also objected to the activities on site and many of the grounds of objections could be considered to be an infringement upon their human rights.

No specific human rights issues have however been raised by the owner of the land, or by any other interested party in the matter.

## **1. BACKGROUND INFORMATION**

- 1.1 This enforcement investigation has resulted in the submission of a partly retrospective planning application under Code No. 41/2002/0808/PC.
- 1.2 Consideration of the enforcement and planning issues were deferred at the 18 December 2002 meeting of the Planning Committee, when it was resolved to appoint a Site Inspection Panel to visit the site.
- 1.3 The Site Inspection Panel met at the site on 6 January 2003.
- 1.4 Details of the Site Inspection Panel meeting are contained in the application report which is located elsewhere on this agenda under, "Applications for Permission for Development".
- 1.5 Officers first investigated this matter in July 1999 when it was considered that the level of activity at the site was such that planning permission was not required. This informal view was given to the site owner at the time. The informal view was again confirmed to the owner of the site in February 2002.
- 1.6 By May 2002, Officers had become concerned that the level and type of activity at the site had changed and intensified to a point where a material change of use requiring planning permission had occurred. This informal view was also conveyed to the site owner who subsequently submitted a planning application under Code No. 41/2002/0808/PC in an attempt to regularise matters.
- 1.7 That application has now been subject to the normal consultation exercise with the local community which has resulted in various planning based representations being received which object to the use. There has also been a Site Inspection Panel site visit.
- 1.8 The application is reported elsewhere on the agenda under, "Applications for Permission for Development". The report recommends that planning permission be refused.
- 1.9 Should Members have agreed with the recommendation to refuse planning permission, then as the mixed use is continuing, authorisation is now required for the service of an Enforcement Notice to bring about a cessation in the use and the removal from the land of all associated items, including the earth mound, static caravans, hard standing, charcoal burning facilities, cutting machines, etc.

## **2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE**

- 2.1 The unauthorised use of the land has commenced within the last 10 years, and the operational development has occurred within the last 4 years.
- 2.2 The site lies outside the development boundaries of the nearest settlement and within the Clwydian Range Area of Outstanding Natural Beauty. The use and associated operational development by virtue of their scale, prominent location within the AONB and nature of activities, conflicts with the primary planning objective for the Area of Outstanding Natural Beauty by detracting from the natural beauty of the area and the character and appearance of the landscape.
- 2.3 The nature and scale of activities, and operational development at the site relative to the nearby residential property at Glascoed has resulted, in the opinion of the Local Planning Authority, in an unacceptable loss of amenity of the occupier of that dwelling.

- 2.4 The site is located in a rural location, accessible by a single track highway only with no passing places and with a sub-standard junction to the A5411. The type and nature of material to be imported and exported from the site and the size and frequency of vehicles likely to visit the site will, in the opinion of the Local Planning Authority, result in potential for conflict between vehicles using the highway and harm highway safety.
- 2.5 The unauthorised use, therefore, is contrary to policies GEN 3, GEN 6, ENV 2, TRA 6 of the Denbighshire Unitary Development Plan and relevant parts of the National Planning Guidance, Planning Policy Wales : 2002.
- 2.6 The use of planning conditions as part of any grant of planning permission for retention of the unauthorised use would not overcome these reasons.

### **3. RECOMMENDATION**

- 3.1 That authorisation be granted for the following:
- (i) Serve an Enforcement Notice to secure the cessation of the unauthorised use, removal of all related items from the land and to reinstate the land to its former condition and appearance.
  - (ii) Instigate prosecution proceedings, or other appropriate action, under the Planning Acts against any person or persons upon whom any Enforcement Notice or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements thereof.

REPORT BY HEAD OF PLANNING SERVICES

**SECTION 106 OBLIGATION  
DEVELOPMENT OF OPEN SPACE LAND  
PANT GLAS, ST ASAPH**

**1. PURPOSE OF REPORT.**

1.1 To agree the heads of terms of the Section 106 obligation connected to an application for planning permission for development of open space land at the junction of Tan y Bryn and Pant Glas, St Asaph for residential purposes.

**2. BACKGROUND**

2.1 At the Planning Committee on 26<sup>th</sup> June 2002 Members resolved to grant planning permission for the development of 0.16 hectares of land for residential purposes subject to the applicants, St Asaph Town Council, first entering into an obligation under Section 106 of the Town and Country Planning Act 1990. Members also requested that I report back to this Committee with suggested heads of terms of agreement having discussed the matter with the Town Council.

2.2 The intention of the Section 106 obligation is to ensure that any proceeds obtained from the sale of the open space land for residential purposes is used for public open space and/or recreational facilities within the Community Council area of St Asaph. Members will recall that I recommended refusal on the application but advised that should Members wish to take a contrary view there would be the need for a planning obligation to ensure that any development value was utilised for Community gain. **Attached** is a copy of the original Committee report.

**3. TERMS OF THE OBLIGATION**

3.1 Correspondence and a meeting has taken place with representatives of the Town Council and the Town Council has confirmed that they wish to proceed with the obligation in accord with the terms set out below:

- (i) The Town Council is to spend the entire proceeds from the sale of the open space on new or improved open space/recreational facilities within the Community Council area of St Asaph (subject to the deduction of any professional fees incurred in the sale of the land).
- (ii) The obligation to include a list of potential schemes to receive funding linked to the sale of the open space namely:
  - Enhancement of the High Street gap site to provide open space
  - Improved changing facilities on The Roe playing field
  - Skate board facilities within the town
  - Provision of a trim trail on the open space by the river
- (iii) The obligation to require the proceeds acquired from the sale of the Pant Glas site to be spent within a specific time period from the sale i.e. 3 years.

#### **4.**

#### **RECOMMENDATION**

**4.1 It is recommended that the Section 106 obligation be drafted to include the terms set out within paragraph 3 above and that the planning permission be issued once the obligation is completed.**



CYNGOR  
**Sir Ddinbych**  
**Denbighshire**  
 COUNTY COUNCIL

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APPENDIX:  
 PLANNING  
 COMMITTEE  
 REPORT  
 26/6/02

Heading:

**APPLICATION NO: 45/2002/0384/PO**  
**OPEN SPACE LAND JUNCTION OF**  
**TAN Y BRYN & PANT GLAS, ST.ASAPH**



Application site

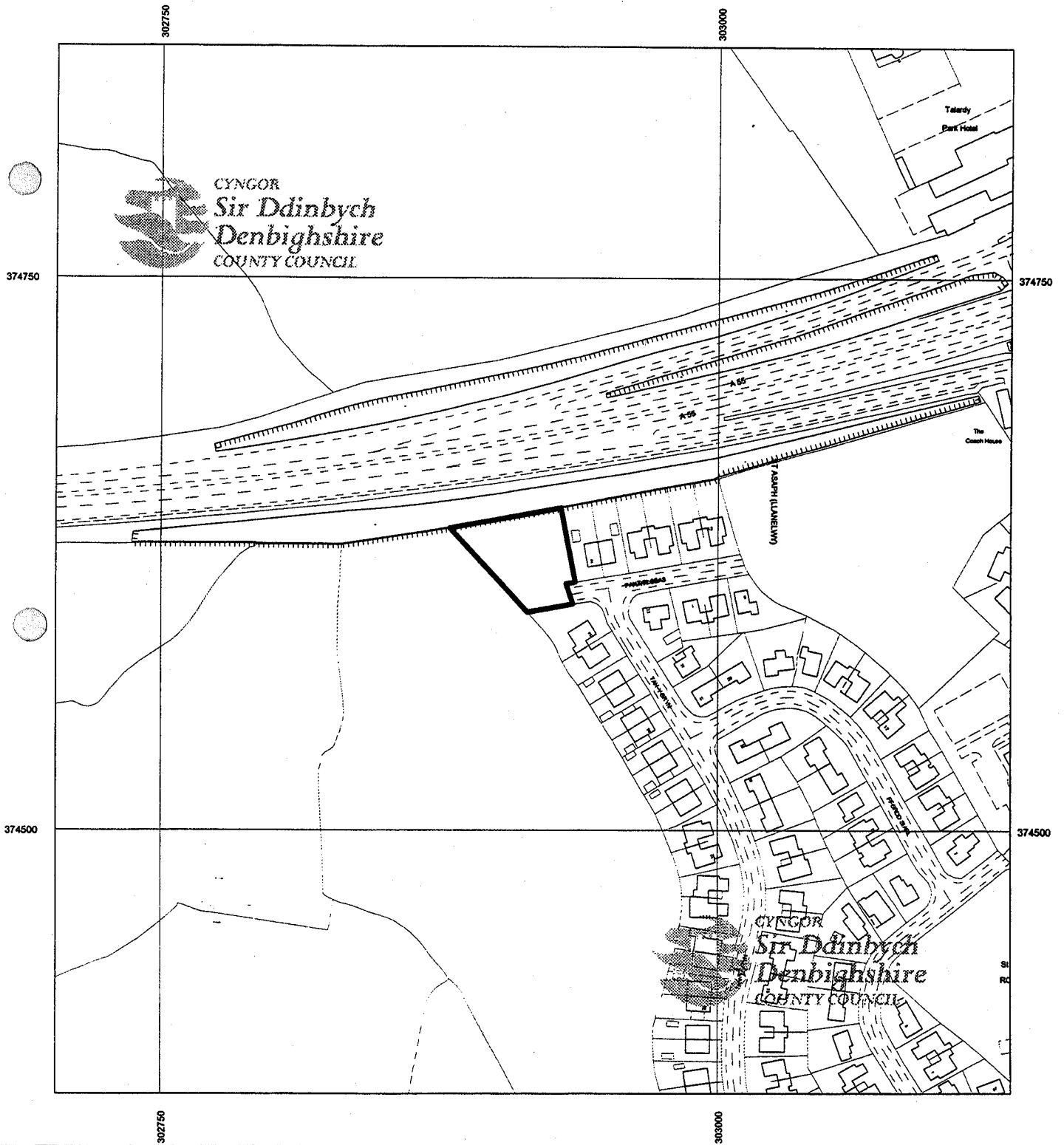
Date: 13 June 2002

Scale 1:2500



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This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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ITEM NO: 15 MD

WARD NO: St Asaph West

APPLICATION NO: 46/2002/0384 / Outline

PROPOSAL: Development of 0.16 ha of land for residential purposes and construction of new vehicular access (Outline application)

LOCATION: Open Space Land Junction Of Tan Y Bryn And Pant Glas St. Asaph

APPLICANT: St Asaph Town Council

CONSTRAINTS: Within 67m Of Trunk Road  
Public Footpath / Bridleway  
Floodplain  
GAS-Gas Pipeline  
SLA-Special Landscape Area

PUBLICITY UNDERTAKEN: Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

1. ST ASAPH TOWN COUNCIL  
"No objection"
2. HEAD OF HIGHWAYS  
No objection subject to conditions
3. FOOTPATHS OFFICER  
Public Footpath adjacent should not be disrupted
4. BAPTIST GROUP  
No objection subject to conditions
5. BRITISH GAS WALES  
No objection

**RESPONSE TO PUBLICITY:**

1. Mr & Mrs R Hughes, 2 Pant Glas, St. Asaph
2. Mrs R B Davies, 5 Pant Glas, St Asaph
3. Petition signed by 73 residents of Pant Glas, Tan y Bryn and surrounding residential area

Summary of planning based representations:-

- i) Object to loss of recreational space for children
- ii) Only other open space in area is school playing field

**MEMBERS' COMMENTS:**

None.

EXPIRY DATE OF APPLICATION: 04/06/2002

## REASONS FOR DELAY IN DECISION:

- additional information required from applicant

## PLANNING ASSESSMENT:

### THE PROPOSAL:

1. Outline planning permission is sought by St Asaph Town Council to develop a 0.16 hectare plot of land in the north west corner of the housing estate served off Heol Esgob. The site is a roughly rectangular grassed area at the western end of Pant Glas. It has a mature hedge to the western boundary beyond which lies open agricultural land. To the north lies the tree covered embankment of the A55 which is at a higher level than the application site. Established semi detached bungalows which form part of the housing estate lie to the east and south.
2. The application reserves all detailed matters and seeks to establish the principle of residential development which given the nature of the site and surroundings would probably comprise 2 No. bungalows. The site was laid out as open space in the late 1960's and acquired by the Town Council around about that time to be maintained as an open area.
3. The application is supported by information that the Town Council would use the proceeds of sale of the site for community benefit, notably in assisting the acquisition and development of a vacant site in the High Street as a community area. The Council have also earmarked other projects which could be funded if the High Street site does not come to fruition, namely an extension to the sports pavilion on the common provision of skate boarding facilities.

### RELEVANT PLANNING HISTORY:

4. 2/APH/421/90 – Residential development – REFUSED December 1990.  
DISMISSED at appeal 12<sup>th</sup> November 1991

### PLANNING POLICIES AND GUIDANCE:

5. RHUDDLAN BOROUGH LOCAL PLAN  
Policy CF5 – Safeguarding of existing open space  
DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (PROPOSED  
MODIFICATIONS VERSION)  
Policy REC1 – Protection of existing open space.  
PLANNING POLICY WALES MARCH 2002  
TAN16 – Sport and recreation

### MAIN PLANNING CONSIDERATIONS:

6.
  - i) Principle of development taking into account development plan allocation
  - ii) Impact on visual amenity.
  - iii) Impact on residential amenity.
  - iv) Highway and drainage issues.
7. The application site is safeguarded in both the Rhuddlan Borough Local Plan and the Unitary Development Plan as open space and therefore the proposal is contrary to the relevant policies CF5 of the Local Plan and REC1 of the UDP. Policy REC1 provides criteria which must be satisfied to justify the loss of open space. In respect of the application site the relevant issues are:
  - i) Can alternative provision of equivalent community recreational benefit be made available; ?

- ii) would there be an overall community gain from the development; ? and  
iii) would the particular loss of open space be acceptable within the area ?
8. In terms of the above criteria it can be argued that for the town as a whole the prospects development of the unsightly vacant land on the High Street for community benefit would outweigh the loss of this particular piece of open space which does not contribute to the town as a whole. Therefore an equivalent community recreational benefit/community gain would be forthcoming assuming the "gap site" can be secured. A similar argument can be made in respect of provision of improved changing facilities on the common playing field and/or skate boarding facilities.
  9. However, consideration of the criterion relating to loss of the local open space which serves the particular residential estate is the determining factor. Whilst the area in question appears to have limited recreational value and use, local residents indicate that it is used by local children. The original layout for the site indicated the land as open space and it has been protected since that date more recently by development plan policies. In the appeal decision in 1991 the inspector considered that the land "afforded a pleasurable open vista of value to all local residents, as well as a traffic free in formal play area for children". While sympathetic to the objectives being pursued by the Town Council it is not considered that the proposals would be acceptable in terms of the relevant planning policies and in particular Policy REC1.
  10. Whilst the site has no particular intrinsic value it does provide visual relief within the estate and therefore there would be some loss of visual amenity arising from the proposal.
  11. The site could be developed with single storey dwellings without significant detriment to the residential amenity of nearby properties.
  12. Provision could be made for a safe vehicular access to the site given its location directly off an established road of suitable design. Adequate space exists within the site for car parking. A connection is available to mains drainage.

**SUMMARY AND CONCLUSIONS:**

13. The recommendation is based on a balancing act between the wider community benefit that could be achieved if the Town Council were able to acquire funds from development of the site in provision of community gain for the town as a whole set against the impact of loss of an open space area intended to provide for a specific residential development within the town. The judgement is based on greater weight being given to the need for an element of local provision but should members wish to take a contrary view there were but the need for a planning obligation to ensure that any development of value was utilised for community gain.

**RECOMMENDATION: REFUSE** - for the following reasons:-

1. The proposal would be contrary to Policy CF5 of the Rhuddlan Borough Local Plan and Policy REC1 of the Denbighshire County Council Unitary Development Plan in that it would lead to the loss of public open space that has recreational and amenity value and provides local open space for the surrounding residential care.

**NOTES TO APPLICANT: None**

**PROPOSED 25 TURBINE WINDFARM AT TIR MOSTYN –  
FOEL GOCH, NANTGLYN, DENBIGHSHIRE  
PLANNING APPLICATION CODE NO. 25/710/99/PF**

**INFORMATON REPORT BY THE HEAD OF PLANNING SERVICES**

**1. PURPOSE OF REPORT:**

1.1 The report provides an update on developments in relation to the Nantglyn Windfarm planning application which was granted permission following a Local Inquiry in Denbigh in December 2001 and consideration of the Inspector's report by the Planning Decision Committee of the National Assembly, in July 2002.

**2. BACKGROUND:**

2.1 Members may recall that the planning application was originally submitted to the County Council in September 1999. It was substantially revised between June and August 2000, and was reported for consideration by the County Planning Committee in November 2000.

2.2 The County Planning Committee resolved to grant planning permission, but prior to the issue of the Decision Certificate, the application was formally "called in" for determination by the National Assembly.

2.3 The notification of the National Assembly in July 2002 was that it was minded to allow the application, subject to conditions, and to the submission of a Section 106 Undertaking, signed and sealed by all those with a relevant interest, covering both the application site and the habitat enhancement area for Black Grouse mitigation measures. No certificate of decision was issued, as this could only be released once a satisfactory Section 106 Undertaking was completed.

2.4 Since the Assembly's notification of intent to grant permission in July 2002, representatives of the applicant company, the affected landowners, the National Assembly and other relevant parties have engaged in detailed dialogue over the form and content of the undertaking. A unilateral undertaking has now been completed and signed, and the Welsh Assembly have confirmed their view that the measures in the undertaking provide an effective basis for the County Council to take enforcement action (if necessary) in respect of the Habitat Mitigation Measures therein.

2.5 The Welsh Assembly have therefore confirmed, in a communication dated 19<sup>th</sup> December 2002, the grant of planning permission for the windfarm development subject to the unilateral undertaking, and the planning conditions reproduced as an Appendix to this report.

2.6 Interested parties will be informed of the situation.

**3. RECOMMENDATION**

3.1 That the information report be accepted.

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 77  
APPLICATION BY WINDJEN POWER LTD  
FOR PROPOSED WINDFARM COMPRISING THE ERECTION OF 25  
WIND TURBINES, SUBSTATION BUILDING, 2 WIND MONITORING  
MASTS, EXCAVATION OF BORROW PITS, CONSTRUCTION OF  
ASSOCIATED ACCESSES AND TEMPORARY SITE COMPOUND  
PLANNING CONDITIONS ATTACHED TO PLANNING PERMISSION OF  
2002 IN RESPECT OF PLANNING APPLICATION REF. 25/1999/0710/PF  
DATED 2 AUGUST 2000**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Other than where specified in subsequent conditions, the development shall be carried out strictly in accordance with the details shown on site layout plan Figure 2B (Inquiry Doc.19).
3. The centre of each of the wind turbine towers shall be located at the grid references detailed in the table attached to Figure 2B, with a maximum deviation of 10 metres from these locations, unless otherwise agreed in writing by the Local Planning Authority.
4. This permission relates solely to the erection of 3 bladed wind turbines with a tower height of 49 metres from reinstated ground level at the base of each turbine, and a rotor blade diameter of 52 metres.
5. All the wind turbine towers shall be of tubular steel construction.
6. The turbine, tower, nacelle and blades shall have a semi matt finish at all times. The colour shall be as may be approved in writing by the Local Planning Authority before development commences on the site, and the approved colour shall be retained thereafter.
7. The blades of all the turbines shall rotate in the same direction.
8. None of the turbines, anemometer masts, associated buildings and above ground equipment or fixed plant shall be permitted to have any names, logos, signs or advertisements on external surfaces at any time, other than with the prior written approval of the Local Planning Authority.
9. All electricity and control cables within and between the separate parcels of the application site shall be laid underground.

10. If any wind turbine hereby permitted fails to generate electricity to the grid for a continuous period of six months, the wind turbine, tower and ancillary equipment shall be dismantled and removed from the site, and the foundations shall be removed down to a minimum of 300mm below the surrounding ground level and the land shall be restored to its former profile and conditions within a period of 3 months from the end of the 6 month period. The condition of the existing site shall be recorded prior to the commencement of any development, in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority before any recording takes place, and a copy of the survey shall be deposited with the Authority within one month of its completion.

11. No development shall be permitted to take place on the substation building until the written approval of the Local Planning Authority has been obtained to the detailed design of the building, to the stone to be used on the external walls, the type of natural slate to be used on the roof, and the colour of any exposed transformers, housing, and rainwater goods. The substation building shall be constructed in accordance with the approved details.

12. No development shall be permitted to commence until details of the temporary site compound have been submitted to and have been approved in writing by the Local Planning Authority. The details shall include the location of the compound fencing area for the parking and storage of plant, machinery and equipment, the parking and turning of contractor's vehicles, a scheme for the prevention of oils, fuels and chemicals from entering the soils or ground or surface water the means of disposal of foul sewage and the proposed reinstatement/restoration of the site compound following the completion of the site works. The temporary site compound shall be developed in accordance with the approved details prior to any plant, machinery, equipment, oils, fuels or chemicals being brought to site.

13. The temporary site compound shall be removed in its entirety and the land reinstated to its former profile and condition as recorded in the site condition survey required by Condition 10 no later than 3 months following the commissioning of the turbines.

14. No work shall be permitted to commence on the development until there has been submitted to and agreed in writing by the Local Planning Authority a detailed scheme showing the proposed details of the stripping of the site, the storage and proposed use of topsoil and subsoil and the after treatment of the disturbed land by construction or related works. The above stripping of the site, storage and use of topsoil and subsoil and after treatment of disturbed land shall be carried out in accordance with the details of the approved scheme.

15. No excavation works shall be permitted to commence on any of the temporary borrow pits until full details of the precise location, extent and

maximum depths of the borrow pits, the period over which excavations will take place, and after treatment of the borrow pits, including final land profiles, soil and seed mixes and planting proposals, following excavation and during the operation of the wind turbines, have been submitted to and have been approved in writing by the Local Planning Authority. The above excavation works and after treatment for the temporary borrow pits shall be carried out in accordance with the approved details.

16. No development shall be permitted to commence until details of measures to prevent material from excavation or construction activities or other activity on the application site resulting in disturbance to surface water drainage, entering watercourses within or outside the application site; to include silt traps and means of measuring, monitoring and remedying turbidity in watercourses; have been submitted to and have been approved in writing by the Local Planning Authority. The above measures shall be carried out in accordance with the approved details.

17. No development shall be permitted to commence until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme of reinstatement of the application site to take place immediately following the commissioning of the windfarm, such scheme to include the reinstatement of the land around the turbines, access and site roads, cable trenches, drainage ditches, temporary site compound, borrow pits and control building. The reinstatement shall be completed in accordance with the approved details within a period of 3 months of commissioning, or such longer period as may be agreed by the Local Planning Authority.

18. Prior to the generation of electricity from any part of the development to the grid the developer shall on a written request from the local planning authority made no later than 30 days after the commencement of development secure the written approval of the local planning authority of a survey as described in condition 19.

19. Any survey carried out pursuant to condition 18 shall measure and record in a written report (which shall be provided to the local planning authority) the acoustic performance of the type of wind turbine proposed to be erected on the site. The survey shall be made by a body independent of the manufacturer of the wind turbine generator and shall record sound power level and tonal performance and predicted sound pressure levels at dwellings for which such predictions are made in addendum 4 to the Environmental Statement submitted with the application. If a survey is made under condition 18 and this condition only wind turbine generators of the type surveyed shall be erected on the site.

20. Measurements of noise emissions made under condition 21 to determine compliance with condition 21 shall be made in free field conditions at least 1.5 metres from any wall hedge or reflective surface using a sound level meter of a least type 1 quality.

21. When measured in accordance with condition 20 noise emissions from the development shall not exceed 40 dB LA90 (10min) at wind speeds of up to 9 metres per second measured on site at the boundary of the curtilage of any dwelling existing at the date of this permission.
22. If any tonal noise emitted by the development exceeds the threshold of audibility by 8 dB the rating noise level specified in condition 21 shall be reduced by 5dB.
23. The survey method for the purposes of condition 19 and the definition of audibility for the purpose of condition 22 shall be described in "The Assessment and Rating of Noise from Wind Turbines" (ETSU – R – 97) published by the Energy Technology Support Unit for the Department of Trade and Industry in 1996.
24. No development shall be permitted to commence on any of the turbine bases until :
  - (a) the main site access off the B4501 has been completed in accordance with the details approved in accordance with Condition 31, and
  - (b) the site track to that turbine has been constructed.
25. All site accesses shall be surfaced with stone from the approved borrow pits or excavations for the turbine bases.
26. No work shall be permitted to take place on the construction of any site access tracks until there has been submitted to and approved in writing by the Local Planning Authority details of the means of downgrading the tracks following the date of the first generation of electricity to the grid from the windfarm. The downgrading shall be completed no later than 6 months after the date of the first generation of electricity to the grid from the windfarm and shall be carried out in accordance with the approved details.
27. No development shall be permitted to commence on the excavation of the borrow pit proposed on the Tir Mostyn (northernmost) section of the site until there has been agreed with the Local Planning Authority a scheme of archaeological investigation of that site, to be funded by the developer, and following the evaluation of the of the investigation it has been agreed by the Authority that excavation can proceed, and in what manner, including opportunity for recording finds.
28. The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him to observe the excavations and record items of interest and finds.
29. All the turbines, buildings, anemometers, power lines and switch gear hereby or subsequently approved shall be removed in their entirety from the site no later than 25 years from the date of the first generation of electricity to the grid, and the application site shall be reinstated in accordance with such detailed scheme as is submitted to and approved in



writing by the Local Planning Authority, indicating proposed site levels, soil profiles and planting, boundary treatment, drainage and timing of works; such scheme to be submitted no later than 24 years from the above date, or such date as is necessary to comply with Condition 10 of this permission.

30. No works shall be permitted to take place on the Foel Goch (southernmost) section of the site containing 10 turbines, between March 1<sup>st</sup> and 30<sup>th</sup> June in any year.

31. No work shall be permitted to commence on the construction of the site access of the B4501 near Garreg Llwyd, or on the construction compound until the written approval of the Local Planning Authority has been obtained to the detailing of the access arrangements to include for:

(a) the provision of visibility splays of 4.5m X 33m in both directions measured along the nearside edge of the carriageway over land in the control of the applicants or highway authority, within which there shall be no obstruction to visibility in excess of 1.05m in height;

(b) the surfacing of the access off the B4501 to the compound area with a suitable non-friable material;

(c) the provision of facilities for the loading, unloading, parking and turning of all vehicles likely to visit the site;

(d) the provision of a facility for the cleaning of wheels of all vehicles entering and leaving the site prior to re-entering the public highway, to be retained and functional for the duration of the construction period.

The access and compound shall not be brought into use until the details approved in (a), (b), (c) and (d) have been completed in their entirety.

32. No development shall be permitted to commence until there have been submitted to and approved in writing by the Local Planning Authority a scheme for the recording of existing road conditions by the developer, the local widening and improvement at the developer's expense, of the county highway along the access routes to be used for construction traffic and such widening and improvement works as are approved shall be carried out prior to the transportation of the crane, turbine towers or nacelles to the site.

33. None of the turbines shall be permitted to operate until there has been carried out at the developer's expense, a survey of telecommunication reception in the locality, in accordance with a scheme to be agreed in writing by the Local Planning Authority, and a copy of the survey shall be submitted to the Local Planning Authority within one month of its completion.

34.. In the event of complaints being received by the Local Planning Authority over interference to communication networks following the commission of the windfarm, and on investigation and consultation with the appropriate operators is the Authority's opinion that such interference is attributable to the operation of the windfarm, the developers shall within 6

months of being notified of the problem, implement at their own expense, such mitigation measures and alternative arrangements to rectify the problem as are approved in writing by the Local Planning Authority.

35. Notwithstanding the submitted details within the application the anemometry masts shall not be guyed, and shall be of tubular steel construction details of which including the precise location shall be submitted to and approved by the Local Planning Authority before development commences on site.

## REPORT BY HEAD OF PLANNING SERVICES

### APPEAL DECISION UPDATE

#### 1. PURPOSE OF REPORT.

- 1.1 To advise members of recent appeal decisions.

#### 2. BACKGROUND

- 2.1 The report on the delegation scheme and procedures considered at the Planning Committee on 31st October 2001 and subsequently approved at the County Council meeting on 27th November 2001 proposed that a summary of appeal decisions be reported on a quarterly basis to a set format. Appeal decisions received for October 2002 -December 2002 are set out in the **attached appendix**.
- 2.2 As requested by Members we have included a column indicating the original decision level (Committee or Delegated) and the officer recommendation.
- 2.3 Whilst we are happy to answer questions on the appeal decisions at the Planning Committee, if you have any matters of detail that you would like to discuss please contact Mark Dakeyne or Ian Weaver prior to the meeting.

**This report is for members information.**

**A REPORT BY THE HEAD OF PLANNING SERVICES**

**DATE OF SITE VISITS**

**1. PURPOSE OF REPORT**

- 1.1 To advise Members of the likely date of any Site Visits requested by the Planning Committee.

**2. DATE OF THE SITE VISITS**

- 2.1 In consultation with Legal and Administration, it has been decided that the **Monday 3rd February 2003** is most suitable. This date has been provisionally booked.
- 2.2 You are advised, therefore that any site visits arranged today will take place **On Monday 3rd February 2003**

**3. MEMBERSHIP OF THE SITE VISIT PANEL**

- 3.1 This will depend on Political Balance and will include the Chair and Vice Chair of the Committee and the relevant Local Member(s)

**4. RECOMMENDATION**

- 4.1 **That Members agree to the Site Visits being held on 3rd February 2003.**

**Decisions Made by the Head of Planning Services under  
Delegate Powers  
23rd November 2002 - 31st December 2002**

**Item For Information**

This is a list of applications where the decision has already been made under delegated powers. If you wish to discuss the application/decision please contact the Case Officer.

**DECISION TYPES**

|                 |  |
|-----------------|--|
| <b>GRANT</b>    | - grant planning permission  |
| <b>REFUSE</b>   | - refuse all types of application  |
| <b>APPROVE</b>  | - approve reserved matters or condition  |
| <b>CONSENT</b>  | - grant listed building, conservation area, or advert consent  |
| <b>DEEMED</b>   | - does not require advert consent  |
| <b>NO OBJ</b>   | - no objection to works to tree(s) in conservation area  |
| <b>NOT REQ</b>  | - proposal does not require permission/consent   |
| <b>DETERMIN</b> | - determine that prior approval is not required or is granted on determination application (certain telecom or agricultural works) |
| <b>P DEV</b>    | - proposal found to be permitted development after receipt   |
| <b>WDN</b>      | - application withdrawn by applicant   |
| <b>INVALID</b>  | - application found to be invalid  |
| <b>CERTIFY</b>  | - Certificate of lawful use issued   |
| <b>RCERTIFY</b> | - refuse to issue certificate of lawful use  |