

**PWYLLGOR CYNLLUNIO**  
**CYFARFOD: 17eg Mawrth 2010**  
**Eitem: 2**

**PLANNING COMMITTEE**  
**MEETING – 17<sup>th</sup> March 2010**  
**Agenda Item: 2**

**DEDDF CYNLLUNIO TREF A GWLAD 1990**  
**CYNLLUNIO TREF A GWLAD (DATBLYGIAD CYFFREDINOL)**  
**GORCHYMYN 1995 - HYD HEDDIW**  
**DEDDF CYNLLUNIO A IAWNDAL 1991**  
**RHEOLIAD HYSBYSEBU CYNLLUNIO TREF A GWLAD 1994**  
**DEDDF CYNLLUNIO (ADEILADAU RHESTREDIG A CHADWRAETH)**  
**1990**  
**CEISIADAU AM GANIATAD DATBLYGU**

Adroddiadau ac argymhellion gan Swyddogion i'w hystyried a'u datrys gan Awdurdod Cynllunio'r Sir.

Bydd pob cais am y cynigion a nodir yn yr adroddiad hwn ar gael i'w archwilio gan Aelodau o'r Pwyllgor cyn ac yn ystod y cyfarfod lle ystyrir y ceisiadau.

Gellir gweld y Papurau Cefndir i bob cais, gan gynnwys ffurflenni, cynlluniau, gohebiaeth, Cynllun Datblygiad a dogfennau arweiniad yn ystod yr oriau swyddfa arferol.

**Nid yw'r atodiad y cyfeiriwyd ato yn yr adroddiad ar gael yn Gymraeg ac mae hynny yn unol â Chynllun Iaith Gymraeg y Cyngor**

**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

**DENBIGHSHIRE COUNTY COUNCIL  
PLANNING COMMITTEE  
INDEX TO REPORT**

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<b>Item No</b>	<b>Application No</b>	<b>Location and Proposal</b>	<b>Page No</b>
1	23/2009/1368/PS	<b>Llwyn Afon Caravan Park Llanrhaeadr Denbigh</b> Variation of condition no. 3 of planning permission code no. 23/2004/0749/PF to allow 12 month occupation of static caravans for holiday purposes	1
2	23/2009/1405/PC	<b>Graig-Lwyd Quarry Prion Denbigh</b> Retrospective application to retain: A) Change of use of agricultural land as an extension to an existing, adjoining training centre for plant operatives B) 4 no portacabins ( within existing, established former quarry site) C) Variation in condition 10 of planning permission code 23/2002/0506/PF to increase the number of training vehicles to be permitted on site at any one time from 3 to 5.	9
3	25/2009/1594/PF	<b>Glanlliwen Nantglyn Denbigh</b> Erection of agricultural building for storage use (partly retrospective)	19

**ITEM NO:** 1

**WARD NO:** Llanrhaeadr Yng Nghinmeirch

**APPLICATION NO:** 23/2009/1368/ PS

**PROPOSAL:** Variation of condition no. 3 of planning permission code no. 23/2004/0749/PF to allow 12 month occupation of static caravans for holiday purposes

**LOCATION:** Llwyn Afon Caravan Park Llanrhaeadr Denbigh

**APPLICANT:** Mr Gwyn Jones

**CONSTRAINTS:**

**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
Press Notice - No  
Neighbour letters - Yes

**CONSULTATION RESPONSES:**

LLANRHAEADR Y.C. COMMUNITY COUNCIL

"The Members of the Council object to the planning application and plans for the following reasons:-

1. The extension of the occupancy of the caravans from ten months to 12 months in a calendar year means that permanent residents at the caravan site could occur.
2. The applicant is abusing the planning condition and system by trying to overturn conditions placed on the original planning application which is in place under the relevant Planning Act and Policy for a particular reason".

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

PUBLIC PROTECTION MANAGER

Requests in the event of consent being granted, appropriate conditions on occupancy should be attached to ensure the site is used and managed for holiday purposes. The provisions of the Caravan Sites and Control of Development Act 1960 also apply.

HEAD OF TRANSPORT &amp; INFRASTRUCTURE

No objection.

**RESPONSE TO PUBLICITY:**

Letter of representation received from:

Mr. &amp; Mrs. M. Robinson, Minafon, Llanrhaeadr (via e-mail)

Summary of planning based representations:

Intensification of use

12 month occupation would effectively create permanent residences (contrary to Policy HSG 6).

Increased traffic generation

Encouragement for private car transport / no adequate public transport (contrary to STRAT 1 & 12, GEN 6).

Residential amenity impact

Intensification of person and vehicle noise / traffic flow (contrary to GEN 6).

Impact on Welsh language and culture

Contrary to STRAT 17.

General policy conflict

Intensification of use contrary to principles of TSM 9. (affect on local landscape and transport issues).

**EXPIRY DATE OF APPLICATION: 23/12/2009**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of application

- 1.1.1 The application is being referred to the Committee for determination for a second time, as the Planning Inspectorate have declined to administer an appeal lodged against a refusal to vary the condition in question, at Committee in December 2009. The detailed background to this situation is set out in section 1.5 following.
- 1.1.2 The application seeks to vary one of the conditions imposed on a 2004 permission for an 8 unit static caravan site on land between Llanrhaeadr and Denbigh.
- 1.1.3 The particular condition imposed on the 2004 permission was no. 3, which stated as follows:  
*"3. No caravan shall be occupied on site between the 1<sup>st</sup> January and the 1<sup>st</sup> March in any year". The stated reason for the imposition of the condition was "The site is not considered suitable for permanent occupation".*
- 1.1.4 The variation sought is to allow the site to operate as a holiday park from 1<sup>st</sup> January to 31<sup>st</sup> December in any year.
- 1.1.5 The application is accompanied by a Design and Access statement and a planning statement. The respective statements provide detailed background to the proposals and comments on a range of considerations including environmental sustainability, community safety and relevant planning policies and guidance at local and national level. The basis of the applicant's case is that local and national policy point to the importance of tourism to the local economy and clearly seek to encourage tourism in non traditional destinations and in all seasons. The site is already established by planning permission and can operate for 10 months a year.

1.2 Description of site and surroundings

- 1.2.1 The Llwyn Afon Caravan Park is located in open countryside between the applicant's dwelling Llwyn Afon and a dwelling named The Oaks to the south east. Access is off a small road off the A525 Denbigh – Ruthin road some 800m south east of Brookhouse Mill on the outskirts of Denbigh.
- 1.2.2 The site has formerly been in use as a Garden Centre/Nursery, and as a touring caravan site. It is a flat area of land between the road and the former Denbigh – Ruthin railway line.

### 1.3 Relevant planning constraints/considerations

1.3.1 None.

### 1.4 Relevant planning history

1.4.1 The site has been run previously as a Garden Centre, and following a permission in 2001, as a 12 unit touring caravan site. Permission for the 8 unit static caravan site was granted in September 2004, subject to conditions. The condition of relevance to this application is No. 3 which prohibited the occupation of the units between 1<sup>st</sup> January and 1<sup>st</sup> March in any year.

### 1.5 Developments/changes since the original submission

1.5.1 Members may recall considering the application at the December 2009 Committee. The officer recommendation was to grant the variation subject to imposition of a 'reworded' condition controlling the use to holiday purposes, but the Committee resolved to refuse for the following reason:

*"1.. In the opinion of the Local Planning Authority, the proposed variation of the condition would effectively permit year round residential use of the caravans in an open countryside location, imposing unacceptable pressures on local services and resources, contrary to basic principles of sustainable development planning, as outlined in Policy STRAT 1 of the Denbighshire Unitary Development Plan and Planning Policy Wales."*

1.5.2 The applicant subsequently lodged documents with the Planning Inspectorate, to commence the appeal process. Officials at the Planning Inspectorate then confirmed that following assessment of the submission, they did not consider the contents of the applicant's Design and Access Statement (a mandatory part of most types of application) complied with the requirements of legislation introduced in mid 2009. They consequently deemed the appeal to be invalid and could not be accepted.

The Inspectorate therefore effectively passed the application back to the County Council to administer.

1.5.3 In the circumstances, officers have taken the view that whilst the Inspectorate's stance is somewhat inflexible having regard to the particular background and type of application, it has to be respected, and the December resolution of the Committee is therefore of 'no effect'. The appellant has been offered the opportunity to resubmit the application with a revised Design and Access Statement, having regard to the 2009 legislation and the Inspectorate's comments on the contents of the original Statement.

1.5.4 The applicant has duly submitted a more detailed Design and Access Statement which lists the main headings in the legislation (Article 4D of the 1995 General Permitted Development Procedures Order) and comments on their relevance to the proposals. A reconsultation exercise has been undertaken. The Inspectorate has been sent the revised Statement and offered opportunity to respond if they so choose. No response has been received at the time of drafting this report.

### 1.6 Other relevant background information

1.6.1 The local member has requested the item be put before Planning Committee. He has commented that whilst not opposing the extension of the season on this site per se (subject to strict controls), because of the large number of

such sites throughout the County, this justifies a decision to be made by Committee on the basis that there needs to be a consistent approach to implementing our policies on this matter. Additionally he has stated that if members reached a decision as they did last time, they deserve to be updated with any additional information that might persuade them to change that decision.

## **2. DETAILS OF PLANNING HISTORY:**

### **2.1 23/2000/1016/PF**

Use of land as touring caravan site, including erection of amenity block and alterations to existing vehicular access.  
GRANTED 8<sup>th</sup> May 2001.

### **2.2 23/2003/1238/PF**

Change of use of land from 12 van touring caravan site to 12 van static caravan site.  
REFUSED 25<sup>th</sup> February 2004 for the following reason:  
The change of use would result in additional landscape and amenity impact detracting from the rural character of the landscape and affecting the level of amenity of occupiers of adjacent residential property.

### **2.3 23/2004/0749/PF**

Change of use of land from 12 van touring caravan site to 8 van static caravan site.  
GRANTED 1<sup>st</sup> September 2004.  
Condition 3 of the permission was worded as follows:  
"3. No caravan shall be occupied on site between the 1<sup>st</sup> January and the 1<sup>st</sup> March in any year".  
The reason for the condition was – "The site is not considered suitable for permanent occupation".

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

### **3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)**

Policy GEN 6	-	Development control requirements
Policy ENV 1	-	Protection of the natural environment
Policy TSM 9	-	Static caravan and chalet development
Policy STRAT 9-		Tourism

### **3.2 Supplementary Planning Guidance**

SPG 20	-	Static Caravan and chalet development Adopted Jan 2003.
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### **3.3 GOVERNMENT GUIDANCE**

Planning Policy Wales March 2002  
Planning Guidance Wales TAN 13 – Tourism  
Welsh Office Circular 35/95 – The use of conditions in Planning Permissions.

## **4. MAIN PLANNING CONSIDERATIONS:**

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Landscape impact
- 4.1.3 Residential amenity impact
- 4.1.4 Highway impact
- 4.1.5 Controls over holiday use

#### 4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

There are no Unitary Development Plan Policies of specific relevance to applications which seek to extend the season of occupation of existing static caravans. There is general reference in the Strategic and Tourism policies of the plan to the importance of the tourist industry to the local economy, and while there remains a general restraint on new development in open countryside, there is encouragement for suitable 'small scale' projects subject to compliance with basic environmental impact tests.

National planning policy and guidance offers similar 'in principle' encouragement for suitable tourist developments, subject to appropriate environmental safeguards. There is reference in Planning Policy Wales: 2002, S. 11.1.2 to one of the Assembly Government's objectives for Tourism being the promotion of tourism in all seasons, which would clearly support the basic proposals to extend the holiday season here to 12 months. TAN 13 Tourism (1997) predates Planning Policy Wales but suggests as broad principles that the planning system can respond to changes in tourism without compromising policies to safeguard the countryside, through the use of holiday occupancy conditions to reconcile these two objectives.

The grant of permission for the static caravans in 2004 recognised the Council's acceptance that the site was suitable for a small scale use, having regard to the principle, and following assessment of landscape, amenity, highway and drainage impacts. Officers consider therefore that the key issues to address here are whether there would be any 'additional' localised impacts from the potential occupation of the 8 caravans between 1<sup>st</sup> January and 1<sup>st</sup> March, and whether there are adequate controls to ensure the 12 months use is for holiday purposes and would not in effect allow potential to create a residential site. The latter 'problem' is one members recognised as significant when considering the application in December 2009.

##### 4.2.2 Landscape impact

The Unitary Plan's main policies requiring assessment of landscape impact are STRAT 7, GEN 6, ENV 1, ENV 7 and TSM 9.

The Council has accepted previously that the permanent siting of 8 static caravans on the site was not in conflict with the main policies, and that given the location and proposals for planting, there would be no significant harm to the rural character of the site and surrounding area.

Officers take the view that as caravans can be left permanently on site in accordance with the 2004 permission, there would be limited additional landscape impacts arising from the extension to the period of occupation of the units between 1<sup>st</sup> January and 1<sup>st</sup> March.

##### 4.2.3 Residential amenity impact

Unitary Development Plan policy GEN 6 sets out the general requirement to assess impact of proposals on the amenity of local residents, including from increased activity, disturbance and noise.

In this instance, there is a dwelling (The Oaks) located immediately to the south east of the caravan site. There is a tall screen fence and a 'landscape buffer' area between the site and the boundary fence, which were deemed acceptable when considering previous applications as mitigation against the transfer of noise, also taking account the potential level of activity from the previous uses of the land (Garden Centre/Nursery Garden).

Whilst acknowledging the potential use of the caravans between 1<sup>st</sup> January and 1<sup>st</sup> March could increase activity on the site for an additional 2 months of the year, it is not considered, with due respect to the concerns expressed, that this is likely to result in such significant additional disturbance to occupiers of The Oaks that a refusal could be justified.

#### 4.2.4 Highway impact

Unitary Plan Policies TRA 6 and TRA 9 permit new development provided there is no unacceptable impact on the safe and free flow of traffic, and the capacity of and traffic conditions on the surrounding road network are satisfactory.

Having regard to the specific proposals, the Highways Officers raise no objections to the application. Whilst noting the objections to the potential for additional car journeys, it is not considered that the likely additional trips which may be occasioned by an additional 2 month period of occupancy of 8 caravans would be so significant to either result in highway safety problems or raise new questions over the principle of the development from reliance on the motor car.

#### 4.2.5 Controls over holiday use

The officer report to the December Committee suggested there is limited local plan policy content directly dealing with the requirement for controls over occupation of caravans. SPG 20, Section 17 states that conditions will be imposed on planning consents to restrict occupancy for holiday purposes only, primarily to ensure that chalets and static caravans are not used as residential accommodation. There are separate Site Licensing controls administered by the Public Protection section which can include conditions relating to the nature of occupation, but the Public Protection manager advises at this point these largely mirror the wording used on the initial planning consents.

As referred to earlier in the report, there is general support in Assembly policy for all year tourism subject to safeguarding the environment. The use of conditions restricting occupation to holiday use is a recognisable mechanism to deliver the Assembly's objectives, and has to be given due consideration when assessing the merits of application of this nature.

The local planning authority is obliged to have regard to Government advice on the use of conditions on planning permissions. Welsh Office Circular 35/95 is a significant material consideration in this respect, and provide clear advice on how local authorities can ensure static caravans remain in holiday use, i.e. it sets out the possibility of allowing developments subject to controls. The Circular actually advises the use of a condition specifying use as 'holiday accommodation only'. This approach has been adopted by many Planning Inspectors in issuing decisions on appeals involving caravan site developments, and the County Council has previously used variations on the wording along the lines of:

"The caravans shall be used for holiday accommodation only and shall not be used as permanent residential accommodation".

In this context, having regard to the background policy and guidance, and the nature of the development at Llwyn Afon, officers consider, with respect to the resolution of the Committee in December 2009, that it would be reasonable to consent to the principle of a 12 month holiday use of the static caravans.

Significantly, the Committee has more recently addressed this issue and accepted the principle of 12 month holiday use in granting permission at the February 2010 meeting for a 10 unit static caravan park at The Thatched Cottage at Trefnant. In that case, members accepted officers' suggestions for use of a condition (suitably adapted to suit local circumstances) which is developed from a working group organised by the East Riding of Yorkshire authority, involving members, caravan operators and agents. The condition is outlined below and is intended to ease the burden on the Council's officers in enforcing compliance by obliging caravan occupiers and site owners to keep documentary evidence (available for inspection) of length of stays and places of primary residence:

"In relation to the use of the caravans:

- (i) the caravans shall be occupied solely for holiday purposes.
- (ii) the caravans shall not be occupied at any time as a person's sole or main place of residence.
- (iii) the owners of each unit and the site operator shall maintain an up to date register of the names of the owners/occupiers of each caravan on the site, to include their main home addresses as evidenced by an up to date copy of a council tax demand for the property claimed to be their main dwelling, a log of the exact dates each caravan has been occupied, and by whom. The registers/logs shall be made available at all reasonable times for inspection by officers of the local planning authority. Responsibility for the collection and maintenance of the registers/logs shall be that of the caravan site licence holder or his/her nominated person(s)."

Officers consider the above condition, subject to suitable adaptation to the circumstances of each case, offers a clear and easier/enforceable means of control over the occupation of holiday caravans, which could be adopted as a 'standard' by the authority and may help to address member and Community Council concerns over abuse of the system.

## **5. SUMMARY AND CONCLUSIONS:**

- 5.1 The static caravan site is established by virtue of a 2004 permission which conditioned a 10 month occupancy season. The proposal to allow use for holiday purposes for 12 months is not considered likely to have additional adverse effects on the immediate locality in terms of landscape, residential amenity, or highways impacts. Officers believe there is clear national policy encouragement for year round tourism use in appropriate locations, and that the condition used on the Thatched Cottage, Trefnant application in February 2010, is a far stronger form of holiday occupancy condition which would ensure the units are only used for holiday purposes and do not become dwelling units, undermining Unitary Plan policies for development in the open countryside.

**RECOMMENDATION: - APPROVE** subject to the following condition:-  
Condition 3 shall be substituted by the following Condition:

1. In relation to the use of the caravans:
  - (i) the caravans shall be occupied solely for holiday purposes.
  - (ii) the caravans shall not be occupied at any time as a person's sole or main place of residence.
  - (iii) the owners of each unit and the site operator shall maintain an up to date register of the names of the owners/occupiers of each caravan on the site, to include their main home

addresses as evidenced by an up to date copy of a council tax demand for the property claimed to be their main dwelling, a log of the exact dates each caravan has been occupied, and by who. The registers/logs shall be made available at all reasonable times for inspection by officers of the local planning authority. Responsibility for the collection and maintenance of the registers/logs shall be that of the caravan site licence holder or his/her nominated person(s).

The reason(s) for the condition(s) is(are):-

1. To ensure the caravans are occupied for holiday purposes only and to allow the Local Planning Authority suitable opportunity to monitor the use.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 2

**WARD NO:** Llanrhaeadr Yng Nghinmeirch

**APPLICATION NO:** 23/2009/1405/ PC

**PROPOSAL:** Retrospective application to retain:  
 A) Change of use of agricultural land as an extension to an existing, adjoining training centre for plant operatives  
 B) 4 no portacabins ( within existing, established former quarry site)  
 C) Variation in condition 10 of planning permission code 23/2002/0506/PF to increase the number of training vehicles to be permitted on site at any one time from 3 to 5.

**LOCATION:** Graig-Lwyd Quarry Prion Denbigh

**APPLICANT:** Mr & Mrs Alun & Eleri Jones Shorecliffe Training Limited

**CONSTRAINTS:** Public Right Of Way

**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
 Press Notice - Yes  
 Neighbour letters - No

**CONSULTATION RESPONSES:**

LLANRHAEADR COMMUNITY COUNCIL - 'The only concerns that this Council has to the above planning application and plans is the possible increase in traffic with large vehicles on the narrow approach roads and possible mud on the road which would cause a hazard.'

ENVIRONMENT AGENCY  
 Suggests the inclusion of standard conditions and advisory notes.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

PUBLIC RIGHTS OF WAY OFFICER  
 Highlights that Public Footpath 65 (Llanrhaeadr Community) abuts the site and recommends advisory notes to protect the public footpath use.

HEAD OF TRANSPORT AND INFRASTRUCTURE  
 No objection subject to a condition relating to parking and loading details within the site.

ECOLOGIST  
 Confirms that there are no anticipated effects on the adjoining Crest Mawr Wildlife site. Any permission should condition the retention of site perimeter trees and shrubs. Records indicate no protected species on the site.

PUBLIC PROTECTION MANAGER  
 Advises that there are no records of complaints relating to this site.

In response to the objections, suggests that, if reversing beepers are the main concern, these could be replaced with a 'white noise' sound which does not carry as far but still achieves the desired warning function. This could be stipulated as a requirement for the on site training vehicles.

## **RESPONSE TO PUBLICITY:**

Letters of representation received from:  
M. Baldry, Tandderwen, Prion (via e-mail)  
Ms. K. Roberts, Rhewl Isa, Prion  
Mr. J. O. Hunt, Fodia Villas, 22, Love Lane, Denbigh  
Mr. P. Williams, 6, Bryn Llan, Llanrhaeadr Y.C.,  
Campaign for the Protection of Rural Wales.

Summary of planning based representations:

Nature conservation – use involves the use of two fields and removal of hedges and trees; destruction of hedges to allow for gates

Highways – increase in traffic levels, involving single track road, with passing places; unsuitability of the road for heavy traffic.

Drainage – in wet weather conditions, with land level higher than adjoining highway, mud is washed down eventually into stream and locality; drainage run off goes down to Llanrhaeadr.

Hours of operation – site regularly operates outside original planning permission hours; oppose Sunday use

Noise levels – increase in noise levels.

Location - in open countryside , encourages further expansion with adverse environmental effects.

Use of land – impacts on agricultural land; land outside development plan

Other matters – retrospective application – breach of planning control, without consent; previous planning conditions not complied with

**EXPIRY DATE OF APPLICATION: 11/01/2010**

## **REASONS FOR DELAY IN DECISION (where applicable):**

- timing of receipt of representations
- delay in receipt of key consultation response(s)
- additional information required from applicant

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

- 1.1.1 The proposal is a retrospective planning application for the use of pasture land ( approx. 2 ha), as an additional training centre for construction plant operatives, together with the retention of 4 site cabins, and an increase in the number of training vehicles in respect of the existing/established contractor's yard and training area adjacent.
- 1.1.2 Plan A accompanying this report indicates the extent of works and structures involved.
- 1.1.3 The submitted Access and Justification statement highlights a number of points, in brief:

- Existing site is used as a training area under the Construction Plant Competence Scheme (CPCS).
- Four cabins are required in association with the existing use – with one only left to be painted dark green – essential to comply with the CPCS requirements, and to enable the ‘Training Provider’, to become a registered CPCS centre – the only one of its kind in the area.
- The extended training area is essential to comply with the CPCS – a minimum of 90m x 90m.
- Extended training area is well screened by an existing boundary hedge and Coed Mawr woodlands to the south east.
- Hours of opening to the extended machinery area would be limited to Monday – Friday 08.00 hours to 16.30; Saturday 08.00 – 16.00 hrs; not at any time on Sundays or Bank Holidays.
- Training vehicles are to be parked overnight in the existing, approved part of the site.
- Vehicles to be permitted on the whole site would increase from 3 - the existing number - to 5.
- Due to the nature of use of the site facilities use for disabled persons is restricted.
- Site parking and turning area is relatively level; on site is parking available for 15 cars, including disabled provision.

## 1.2 Description of site and surroundings

1.2.1 The site lies approximately 1.5 km to the west of the village of Llanrhaeadr, near the Denbigh to Prion highway junction. The highway approach includes passing places.

1.2.2 The detached property, Graig Lwyd lies approximately 125 metres to the west, with further, detached residential properties approximately 200 metres to the north west.

1.2.3 The site includes an old former quarry area along the westerly half of the site, which is bounded with mature trees. Public footpath no.65 runs along the outer, southern periphery of the quarry area, in an east – west direction towards/from the Coed Mawr woodlands. Coed Mawr is a non – statutory wildlife site comprising of Ancient/broadleaved woodland greater than 4 hectares with plant species interest. Part of the wildlife site includes Ancient Replanted Woodlands. The eastern part of the site includes pasture land, with hedgerow boundaries, with the ground level higher than the adjoining highway, with a gradual rise towards the Coed Mawr woodland area.

1.2.4 The previously approved training area, which included two portacabins, lies within the former quarry area. Two additional portacabin structures are also included within the former quarry area. Limited engineering operations are involved with the change of use of land, involving ground regrading and profiling along the northerly boundaries of the site.

## 1.3 Relevant planning constraints/considerations

1.3.1 The site lies near to a public footpath and a non-statutory Ancient/broadleaved woodland known as Coed Mawr.

## 1.4 Relevant planning history

1.4.1 The adjoining former quarry site, was the subject of a planning permission granted in 2002 (under delegated powers) for a change of use from a waste recycling centre to contractor’s yard and store depot, to include a training area and two portacabins. The proposal involved a relocation of a contractor’s yard area from an address in the village of Clawddnewydd. At the time of

considering the proposal, reference was made to 10 no. vehicles (6 cars and 4 vans, no lorries) with 3 vehicles specifically indicated for training purposes - JCB , Mini digger etc.

1.4.2 Plan B accompanying this report is a copy of the 2002 plan.

1.4.3 A number of conditions were attached to the 2002 permission, including hours of operation and a restriction on the number of training vehicles (limited to 3 vehicles).

#### 1.5 Developments/changes since the original submission

1.5.1 Further details from the agent confirm that the existing opening hours for the main site will remain; there will be limited removal of hedgerow to facilitate new access to the field; there will be a minimal increase in traffic with all training vehicles to be removed by vehicle transporter; the applicant cleans/maintains the entrance to the site to ensure no mud deposits, and machinery noise levels and below the levels of a typical farm tractor or combine harvester.

1.5.2 The agent has also referred to the need for on site facilities and the lack of suitable sites in the area to meet the training needs, and the significant costs associated with achieving Test Centre status; test centre has taken 5 years to reach the standards, and relocating would be unviable; external examiners confirm that the site is one of the best centres in England and Wales; loss of Test status and funding could involve staff loss; there is an extensive list of customers and clients, including local and regional companies and public authorities. Funding for part of the training arises from the Welsh Assembly Government training for redundant people.

1.5.3 In relation to the portacabin type facilities, the 2002 plan included a 'store area' for cabins and storage. The agent has confirmed:-  
- Cabin A – 2.45 x 6.10m = Office use – is a replacement cabin in a re-positioned location on the site from the site office cabin location on the original site layout plan, on the basis of safeguarding visual amenities.  
- Cabin B – 2.75 X 9.75m= Training room/centre – an existing /replacement cabin in approximately the same location as the Canteen cabin on the original site layout plan.  
- Cabin C – 2.45 x 12.20m =Training Tower – this uses cabins left on site from the previous use (at the time at ground level) and stacked on top of each other, and used for the last 2 years.  
- Cabin D – 2.45 x 3.65m =Toilet Block – a replacement block to replace an existing smaller on site , 8 year cabin A larger toilet block required to comply with regulations and standards.

1.5.4 In total, the Training Room/Canteen, Office and Training Tower Cabins have been present on site for approximately 8 years, and the Training Tower and Toilet Block cabins, in their present form/use on site for approximately 2 years.

#### 1.6 Other relevant background information

1.6.1 The area of land involved with the change of use lies in 'third party ' land ownership and relevant planning notices have been served on the owner.

1.6.2 The application is submitted following investigations by Planning Services Enforcement Officers concerning ongoing engineering/excavation works.

## **2. DETAILS OF PLANNING HISTORY:**

34/11011 Proposed Operation As Land Fill Site For Final Restoration To Agricultural Use  
GRANTED 10/08/1990

23/996/97/PF Change of use of landfill site to waste re-cycling centre for the reception and sorting of waste products, including the siting of two portacabins for use as a n office and WC/Washing facilities  
GRANTED 12/02/1998

23/408/98/PS Variation of condition 3 of planning permission code no 23/996/97/PF to restrict the type of waste to solid waste  
GRANTED 09/07/98

23/2000/485/PS – Variation of conditions 2,4,6,,7,&10 of planning permission code no 23/996/97/PF to permit storage of recycled building materials and containers.

23/2002/0506 Change of use of existing waste recycling centre to contractor's yard and store depot, to include training area (partly retrospective)  
GRANTED 0/02/2003 (Delegated Powers)

Adjacent site

23/771/96/AG Construction of a new general purpose/agricultural storage  
OBJECT 1996

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

Strategic Policies – 1,6,7,8

Policy GEN 3 – Development outside Development Boundaries

Policy GEN 6 – Development Control Requirements

Policy GEN 8 - Environmental Assessment/Statement

Policy GEN 10 - Supplementary Planning Guidance

Policy ENV 1 – Protection of the Natural Environment

Policy ENV 5 - Sites of Local Conservation Importance

Policy ENV 6 – Species Protection

Policy ENV 7 – Landscape/Townscape Features

Policy ENV 8 – Woodlands

Policy ENP 1 – Pollution

Policy ENP 4 – Foul and Surface water drainage

Policy EMP 7 – Potentially Polluting Employment Development

Policy EMP 11 – Expansion/ Intensification of Existing Employment sites/Premises

Policy TRA 6 – Impact of New Development on Traffic Flows.

Policy TRA 9 – Parking and Servicing Provision

Policy TRA 10 – Public Rights Of Way

3.2 Supplementary Planning Guidance

No 2 – Landscaping

No.6 - Trees and Development

No.8 – Access for all

No.18 – Nature Conservation and Species Protection

No.21 – Parking and development

Other documents

DCC Local Biodiversity Action Plan  
DCC Landscape Strategy  
DCC Planning and Inclusive Design

## GOVERNMENT GUIDANCE

### 3.3 Planning Policy Guidance Wales ( as amended)

#### TANs

- 5 - Nature conservation and Planning
- 6 - Agricultural and Rural development
- 11 - Noise
- 12 - Design
- 18 - Transport

## 4. MAIN PLANNING CONSIDERATIONS:

### 4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual and landscape impact
- 4.1.3 Highways and Parking
- 4.1.4 Drainage
- 4.1.5 Nature Conservation
- 4.1.6 Amenity
- 4.1.7 Access for All

### 4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

The main unitary development plan policies relevant to the proposal include Strategic policies 6,7 and 8 which relate to development and expansion of small firms and businesses, subject to highway, amenity and environmental safeguards. Specific safeguards form part of policies GEN 3, GEN 6 and Policy EMP 11. These policies are essentially in line with PPW (Wales) and TAN 6 which highlights the need to diversify the rural economy with suitable uses, subject to assessment of impact.

GEN 3 relates to development outside Development boundaries, and allows development in exceptional cases, including diversification of the rural economy, provided there is no unacceptable impact on the social, natural and built environment. GEN 6 includes a range of development control criteria to assess proposals. Policy EMP 11 relates specifically to the Expansion/ Intensification of Existing Employment sites/Premises. It permits extensions to existing employment sites and premises, subject to four key tests. The policy seeks to encourage the expansion and development of indigenous business. It mentions that in open countryside locations, proposals will require careful assessment of impact and whether they have outgrown the present site or premises and may be best located in an existing employment / commercial area. The aim is to achieve a delicate balance between supporting small growing businesses and irreversible unacceptable damage to the environment and open countryside.

The proposal involves an extension to an existing, well established, and non – intrusive use. In this context, the principle of an extension to an existing use is acceptable. However, further, detailed, site specific impact covering amenity, highway and the environment, and other detailed considerations are reviewed in this report.

#### 4.2.2 Impact on visual amenity

Policies GEN 3, EMP 11 and ENV 1 requires assessment of landscape implications, reflected also in SPG No 2 – Landscaping and No.6 - Trees and Development.

The portacabin structures have been well established within the former quarry site , with three cabins coloured green, and also well assimilated into the general landscape with limited general public views into the site.

The change of use of land involves engineering works limited to the lower level area of a former field. Cross – sectional details indicate the new, levelled lower field area to be at the same height as the adjoining highway hedge.

In terms of visual impact, it is considered that provided no further engineering works are involved, the existing highway hedge is retained and additional hedge planting is undertaken to provide a new, natural boundary in character with the surrounding landscape, there would be limited visual harm arising from the proposal.

#### 4.2.3 Highways and Parking

GEN 6, TRA 9 and TRA 10 require an assessment of the impact of the development on traffic and public rights of way.

The proposal does not cross or interfere with the use of the adjoining public right of way.

The County Highways Officer is aware that the proposal involves an increase of two additional vehicles for training purposes, and is aware of the highway conditions around the site.

All visitors and employers vehicles involved with the use of the site use the established (previously approved) car parking area, within the old former quarry. The Highways Officer comments acknowledge the need to ensure a parking plan for the site. This can be dealt with an appropriate condition, ensuring compliance with the relevant policies.

On the basis of no objections from the County Highways Officer, it would be difficult to oppose the proposal on highway grounds.

#### 4.2.4 Drainage

Policy ENP 1 – Pollution ; Policy ENP 4 – Foul and Surface water drainage and Policy EMP 7 – Potentially Polluting Employment Development require consideration of drainage implications.

The objections highlighting drainage are noted. Whilst no drainage conditions were attached to the original permission, to minimise any further and /or additional drainage issues, a suitable condition obliging a an overall site drainage and machinery wash strategy is considered an appropriate step in this case. This will ensure suitable controls concerning any potential/existing off – site drainage pollution implications.

#### 4.2.5 Nature Conservation

Policies ENV 1 – Protection of the Natural Environment; ENV 5 - Sites of Local Conservation Importance; ENV 6 – Species Protection; ENV 7 – Landscape/Townscape Features and ENV 8 – Woodlands relate to the need to consider and mitigate against any adverse implications on protected species and habitat features.

The site lies in close proximity to the Coed Mawr non –statutory wildlife site and is located in an area characterised with native hedgerows and trees, together with small pond areas. The County Ecologist comments that there are no protected species issues involved in this case, although local species assessment shall be a condition of permission. Local species enhancement features could be conditioned.

Having regard to the details, suitable planning conditions could be attached to ensure biodiversity enhancement features, including bat and bird boxes, within the site. Planting of a native hedgerow (as detailed in para 4.2.2), and additional trees on the site could provide valuable biodiversity habitats.

#### 4.2.6 Amenity

GEN 6 and EMP 11, together with TAN 11 requires consideration of the impact on the amenity of the area, in terms of noise and nuisance.

Objections concerning noise issues have been brought to the attention of the Council's Public Protection Services. Given the distance to neighbouring, residential properties in this case, and the comments from the Council's Public Protection Services, it is reasonable to suggest that a suitable condition to control an alternative 'bleeping' mechanism should be considered in this case, ensuring compliance with the policies and guidance referred to.

#### 4.2.7 Access for All

Members will be aware that Access Statements are now mandatory for most planning applications, and access issues have to form part of a planning assessment. The approach is outlined in TAN 18 Transport, and Policy GEN 6 which sets out the need to provide safe and convenient access for persons with disabilities. SPG 8 'Access for All' supplements advice on access issues, together with the Council's document 'Planning and Inclusive design'.

Having regard to the information submitted and the details required, in particular with the new WAG document, details of parking provision; handrails, textured surfaces, and lighting provision would need to be conditioned.

### **5. SUMMARY AND CONCLUSIONS:**

5.1 The proposal involves a relatively small scale extension to an existing site, granted planning permission in 2002.

5.2 In acknowledging local concerns over impacts, it is to be noted that no objections have been received from the Highways Officer, Ecologist or Public Protection.

However, an opportunity exists here to include suitable planning conditions to control noise and to secure a drainage strategy, should planning permission be granted.

5.3 The proposal is considered acceptable, subject to a number of planning conditions.

#### **RECOMMENDATION: -**

**That in respect of ;**

- A) Change of use of agricultural land as an extension to an existing, adjoining training centre for plant operatives**
- B) 4 No portakabins**

**That planning permission be GRANTED** subject to the following conditions:-

1. Within 3 months of the date of this decision, the following details , including timescales for implementation, shall be submitted for the written approval of the Local

Planning Authority;

- i) Means of site drainage, including measures to wash and training vehicles
  - ii) Ground surfacing materials for the new training works area.
  - iii) Vehicular parking and unloading plan
  - iv) On site habitat features
  - v) Means of external lighting
  - vi) A detailed scheme of landscaping etc, etc - as standard condition 15E
  - vii) An alternative scheme for the existing training vehicles reversing warning mechanism
- And the details shall be completed in accordance with the agreed timescales unless otherwise agreed in writing by the Local Planning Authority.

2. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.

3. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings or storage areas that have been approved in writing by the Local Planning Authority for this purpose.

4. The extent of engineering works shall be limited to that which is shown on the approved plan.

5. Portacabin D shall be coloured dark green no later than 6 months from the date of this decision.

6. Provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse.

7. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

8. PRE-COMMENCEMENT CONDITION

Within 3 months of the date of this permission, a scheme indicating the provision to be made for disabled people to gain access to the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the bringing into use of the extended site.

The reason(s) for the condition(s) is(are):-

1. In the interests of the amenities of the locality; in the interests of highway safety; in the interests of preserving and enhancing nature conservation interests.

2. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.

3. In the interests of visual amenity.

4. In the interests of safeguarding the amenities of the locality and to protect nature conservation features.

5. In the interests of the visual amenities of the locality.

6. In the interest of protection of the environment.

7. To prevent pollution of the water environment.

8. To ensure suitable access for the disabled to the building.

#### **NOTES TO APPLICANT:**

Nature Conservation

You are advised to undertake works outside the Nesting birds season.

Any facilities for the storage of oils, fuels or chemicals should be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be

at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

You are advised also to be aware that the chemical toilet contents should be disposed of off-site, at a disposal point approved by the local sewerage undertaker.

There is no diminution in the width of the right of way (Public Footpath 65) available for use by members of the public.

No building materials are stored on the right of way.

No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way.

Vehicle movements are arranged so as not to interfere with the public's use of the way.

No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature.

No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right or allowed to interfere with the right of way.

The safety of members of the public using the right of way is ensured at all times.

Any change in the surface of the Footpath will require a licence from the Rights of Way Unit; please contact Paul Owen on 01824 706872.

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 2, 3, 4, 5 & 10. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

That in respect of :

**C) Variation of condition 10 of planning permission code 23/2002/0506/PF to increase the number of training vehicles to be permitted on site at any one time from 3 to 5.**

**that the request for variation is APPROVED, with the condition varied to the following:**

The number of training vehicles to be permitted on site at any one time shall be limited to 5 or such number as further agreed in writing by the Local Planning Authority

BXB

**ITEM NO:** 3  
**WARD NO:** Llanrhaeadr Yng Nghinmeirch  
**APPLICATION NO:** 25/2009/1594/ PF  
**PROPOSAL:** Erection of agricultural building for storage use (partly retrospective)  
**LOCATION:** Glanlliwen Nantglyn Denbigh  
**APPLICANT:** Mr Robert Cooper  
**CONSTRAINTS:** C2 Flood Zone  
EA Floodmap Zone 2  
**PUBLICITY UNDERTAKEN:** Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

**CONSULTATION RESPONSES:**

NANTGLYN COMMUNITY COUNCIL

"...Members have decided to object for the below reasons:-

1. The size of the development compared to the size of the holding.
2. The owner stated that he had the go ahead verbally for the development by employees of Denbighshire County Council while the work on the prevention of flooding in this area was carried out, he even stated that Denbighshire used spare hardcore and their roller to complete the base for his shed. This is very concerning for the Community Council and we cannot support a development that has not followed the correct procedure for development".

ENVIRONMENT AGENCY

The Agency has assessed this application as having a low environmental risk.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

PUBLIC PROTECTION MANAGER

No response

**RESPONSE TO PUBLICITY:**

Ann Davies, Egryn, Nantglyn, Denbighshire- No objections.

**EXPIRY DATE OF APPLICATION: 08/02/2010**

**REASONS FOR DELAY IN DECISION (where applicable):**

- delay in receipt of key consultation response(s)

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

1.1.1 The application is for the erection of an agricultural building to measure 13.8m by 9.1m, with a height of 5.3m to the ridgeline. Materials proposed include box profile sheets for the roof and walls, with lower sections of the walls to be from concrete block work. The colour of the box profile steel sheet is open to agreement. The structure is already partly erected in the form of a steel frame.

#### 1.2 Description of site and surroundings

1.2.1 The site is surrounded predominantly by fields on all sides with the dwelling Glan-Lliwen, located 20metres to the west. The applicant has confirmed that he has a holding of approximately 4.5 acres in size, with 12 sheep, and that it would be run on a small "hobby" scale for the time being. The building itself would be used to store hay, straw, a tractor, spreader, hay trailers and various other agriculture related implements.

#### 1.3 Relevant planning constraints/considerations

1.3.1 The site is in open countryside, outside any development boundary

#### 1.4 Relevant planning history

1.4.1 None

#### 1.5 Developments/changes since the original submission

1.5.1 None

#### 1.6 Other relevant background information

1.6.1 None

### **2. DETAILS OF PLANNING HISTORY:**

2.1 None

### **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

Policy GEN 3- Development outside development boundaries

Policy GEN 6- Development control requirements

Policy EMP 13- Agricultural development

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales (2002)

Technical Advice Note 6 (2000)- Agriculture and Rural Development

### **4. MAIN PLANNING CONSIDERATIONS:**

4.1 The main land use planning issues are considered to be:

4.1.1 Principle

4.1.2 Impact on residential amenity

4.1.3 Visual and landscape impact

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

Policy EMP 13 allows for agricultural development subject to four tests which require that; the development is required to meet the needs of the enterprise; there are no existing redundant buildings for the purpose usable; there is no unacceptable impact upon the character and appearance of the countryside; and that siting should be well related to the existing complex. Assessed against these criteria, it is considered the proposal may be acceptable in principle.

#### 4.2.2 Impact on residential amenity

Policy GEN 6 obliges consideration of effects on residential amenity. The building proposed is for storage use and approximately 20m away from Glan-Lliwen to the immediate west. It is considered that the nature of the use and the distance from the proposed building to nearby dwellings would not give rise to any material harm to amenity. A landscape condition would also serve to reduce the impact of the scheme on Glan-Lliwen. The proposal is therefore considered to comply with policy GEN 6 part v).

#### 4.2.3 Visual and landscape impact

GEN 6 also requires assessment of visual impact, including on the landscape. The building is considered of an acceptable scale and design for a rural location. The siting of the building is considered appropriate, set back from nearby roads. A condition should be considered to control the colour of the sheets and a landscape scheme to help blend the structure into the surrounding area. The proposal would therefore accord with policy GEN 6 parts i) and ii).

#### 4.3 Other Matters

4.3.1 With regard to the comments of the Community Council, officers of the Planning Section are unaware of any "verbal" authorisation for the development and would stress that the proposals have to be considered entirely on their planning merits

### 5. **SUMMARY AND CONCLUSIONS:**

5.1 It is considered the proposal is of a modest scale, and sited so as not to harm the open countryside. Subject to the conditions stated below it is recommended for approval.

**RECOMMENDATION: - GRANT** subject to the following conditions:-

1. The storage building hereby permitted, shall be used solely for the storage of livestock and related machinery/foods at all times.
2. The finish of the external walls of the storage building hereby permitted shall be agreed in writing before any further work is carried out thereon.
3. No development shall be permitted to commence until the formal written approval of the Local Planning Authority has been obtained to a detailed scheme of hard and soft landscaping for the site. Such a scheme shall include details of:
  - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
  - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
  - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
  - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;

(e) Proposed positions, design, materials and type of boundary treatment.  
The scheme shall be implemented strictly in accordance with the approved details.

4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

The reason(s) for the condition(s) is(are):-

1. To ensure the local planning authority retains control over the use of the building in the interests of the amenities of the locality.
2. In the interests of visual amenity.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.

**NOTES TO APPLICANT:**

None

## NON DETERMINATION APPEAL

### DEVELOPMENT OF 1.35HA OF LAND BY THE ERECTION OF 40 DWELLINGS (INCLUDING 15 AFFORDABLE HOUSES WITH BLOCK OF 6 APARTMENTS FOR INDEPENDENT LIVING), CHILDREN'S PLAY AREA AND 1NO. BUSINESS UNIT AND CONSTRUCTION OF NEW VEHICULAR AND PEDESTRIAN ACCESS, CEFNDY TRADING ESTATE, FFORDD DERWEN AND CEFNDY ROAD, RHYL

Application Code No. 45/2009/1595/PF

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## REQUEST FOR CONFIRMATION OF STANCE ON APPEAL

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### 1. PURPOSE OF THIS REPORT

- 1.1 The report seeks the formal confirmation of the Planning Committee in terms of its stance on the determination of the above planning application which is now the subject of a non-determination appeal.
- 1.2 The report will set out the background to the case and will ultimately seek Members ratification of the recommendation at the end of the report. This recommendation sets out the reasons for refusal which Officers feel would have been recommended had they determined the application.
- 1.3 The planning officers report relating to the non-determined application is attached to this special report.

### 2. BACKGROUND

- 2.1 The Council originally refused to grant planning permission for the development of the site in question at its Planning Committee on 17<sup>th</sup> June 2009. That original scheme proposed the following:-

DEVELOPMENT OF 1.35HA OF LAND BY THE ERECTION OF 41 AFFORDABLE DWELLINGS (INCLUDING BLOCK OF 6 APARTMENTS FOR INDEPENDENT LIVING), CHILDREN'S PLAY AREA AND 1NO. BUSINESS UNIT AND CONSTRUCTION OF NEW VEHICULAR AND PEDESTRIAN ACCESS, CEFNDY TRADING ESTATE, FFORDD DERWEN AND CEFNDY ROAD, RHYL

- 2.2 This original scheme, which differed from the non-determined scheme in some specific ways, was refused on 17<sup>th</sup> June 2009 for the following reasons:-
- “1. It is considered that the proposed level of housing indicated on this allocated employment site is unacceptable and is contrary to Policy EMP 10 of the Denbighshire Unitary Development Plan along with guidance contained within Planning Policy Wales which seek to prevent the loss of employment sites to other uses. The Council consider that this long established employment site will contribute towards the future employment needs of Rhyl and that to allow such a loss to housing would set an unwanted precedent for the further encroachment of housing onto designated employment sites.
2. It is considered that the layout of the housing element of the scheme, the proximity of dwellings to existing and proposed industrial uses and the lack of community recreational open space results in a cramped form of development which would create an inadequate level of residential amenity for the future occupants of the site. This is in direct conflict with criteria i, and v, of Policy GEN 6, Policy REC 2 and SPG 4 of the Denbighshire Unitary Development Plan along with guidance contained within Chapters 9 and 11 of Planning Policy Wales.
3. It is considered that the provision of this amount of affordable dwellings in one block is contrary to the site layout principles contained within the Council's adopted Supplementary Planning Guidance on Affordable Housing in New Developments (SPG 22) along with guidance contained within Chapter 9 of Planning Policy Wales. The provision of 41 no. dwellings in one block is contrary to the aim of facilitating a greater social mix with affordable dwellings dispersed about a site preferably in clusters.”
- 2.3 An appeal was lodged against this refusal on 30<sup>th</sup> November 2009 and this appeal is due to be heard by way of a public inquiry on 20<sup>th</sup> April 2010. The Inspectorate timetable required a Statement of Case to be submitted on this appeal by 14<sup>th</sup> January 2010. This Statement was duly submitted and set out the relevant issues which the Council hoped to refer to at the Inquiry.
- 2.4 A revised planning application (Ref: 45/2009/1595/PF) was submitted to the Local Planning Authority on 9<sup>th</sup> December 2009. This application was due to be determined by 2<sup>nd</sup> February 2010.(the statutory 8 week period). Due to the fact an appeal had been lodged on the original scheme Officers did not determine the application within the statutory time period. An appeal against our non-determination of this application was duly lodged by the applicant on 12<sup>th</sup> February 2010.
- 2.5 The purpose of Officers now seeking Member ratification on the reasons for refusal on the non-determined application is as follows. The appellant has instructed Officers that he would withdraw the original planning appeal (3 reasons for refusal) and would continue with an appeal against non-determination should the Council choose to withdraw one of their reasons for refusal and amend another.
- 2.6 As such, Members should note the following differences between the originally refused scheme and the revised scheme which has not yet been determined.
- **The revised scheme now proposes 15 affordable units (37% Affordable) as opposed to the previous 100% affordable scheme.**
  - **The revised scheme has a varied layout of residential plots which attempts to overcome the previous concerns over lack of amenity.**

2.7 Advice received from the barrister being used by the Council to defend the appeals suggests that the Council should consider withdrawing previous reason for refusal no. 3 relating to affordable housing based on the revised scheme now meeting our adopted policy and guidance. The advice also suggests consideration be given to amending reason for refusal no. 2 which relates to the layout of the scheme.

### 3. RECOMMENDATION

3.1 That Members ratify the recommendation in the Planning Officer's report on application 45/2009/1595/PF, that if the Committee had been in a position to determine the application, it would have REFUSED planning permission for the reasons therein.

## CONSULTATION RESPONSES:

RHYL TOWN COUNCIL –

“The Town Council object on the following grounds:-

1. Only limited information has been provided in respect of the proposal of the 6 person independent living facility. The Council does not believe it has sufficient information so as to enable it to make a judgement on the suitability of such a facility in the proposed development without knowledge of its proposed end user.
2. The Council would wish to see the Affordable Housing allocated so as to be intermixed (“pepper potted”) with private sale properties (i.e. the Council wishes to see affordable houses to be alternatively located with private sale properties to avoid formation of blocks of private sale or affordable houses.
3. The Council notes the location of the play area and would request that consideration be given to installing CCTV to monitor the area by the developer. The Council has concern that this area could attract anti-social behaviour due to its location being sheltered from view”.

WELSH WATER –

No objection subject to conditions on foul and surface water being drained separately from the site.

HEAD OF TRANSPORT AND INFRASTRUCTURE –

No objection subject to conditions

## RESPONSE TO PUBLICITY:

Letters of representation received from:

R.J. Beckinsale, 1, Llys Eirlys, Park View, Rhyl (via e-mail)

Summary of planning based representations:

- i) Object to loss of employment land

**EXPIRY DATE OF APPLICATION: 02/02/2010**

## REASONS FOR DELAY IN DECISION (where applicable):

- Due to assessment and preparation of Planning Appeal at the same site.

## PLANNING ASSESSMENT:

### 1. THE PROPOSAL:

#### 1.1 Summary of proposals

- 1.1.1 The application site consists of 1.35ha of land within the development boundary of Rhyl. The previously developed land is situated to the north-west end of Ffordd Derwen and did contain factory buildings authorised for Class B1 light industrial use. The site has historically been used for commercial purposes and this is reflected in its Unitary Development Plan designation for employment use (Policy EMP 2).
- 1.1.2 Full planning permission is sought the redevelopment of the 1.35ha site with a 924sq.m. business unit, 40 no. dwellings (15no. affordable) to include a block of 6 apartments for persons for independent living with ancillary common room and staff accommodation and a 1092 sq.m. Children’s Play Area. The business unit is proposed to be located to the north of the site and accessed off Cefndy Road. At a height of 6m to eaves the unit would provide 8 no. car parking spaces with an area retained for future expansion. Plan A at the front of this report highlights the business unit proposal.
- 1.1.3 The residential element of the scheme would be accessed via a new access point off Ffordd Derwen and would consist of 40 no. dwellings set out as below:-

#### Affordable Units

- 6 no. 2 storey, 2 bed, 4 person semi-detached dwellings
- 6 no. apartments in one 2 storey block
- 2 no. 2 storey, 3 bed, 5 person semi-detached dwellings
- 1 no. 2 storey, 4 bed, 7 person detached dwelling

#### Private Housing

- 21 no. 2 storey, 3 bed, 5 person semi-detached dwellings

2 no. 2 storey, 2 bed, 4 person semi-detached dwellings  
2 no. 2 storey, 4 bed, 7 person detached dwellings

- 1.1.4 The 6 no. apartment block would be located to the north of the site abutting the adjacent Thorpe Bros. site. The commercial unit along with a 1092sq.m. Children's Play Area is also shown on the northern part of the site. Plan B at the front of this report shows the proposed layout of the scheme.

## 1.2 Description of site and surroundings

- 1.2.1 The site is situated amongst industrial and commercial premises to the north and west with the residential areas of Golden Grove and Meredith Crescent to the south and east respectively. Further to the west beyond the commercial starter units of the Pinfold Workshops and the recently developed Travis Perkins builder's merchants is the Brickfield Pond.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl and is allocated as an Employment site within the adopted Unitary Development Plan (Policy EMP 2). The land in question lies within a flood zone (C1).

## 1.4 Relevant planning history

- 1.4.1 Members will note that a planning application was refused for a similar scheme to this at the Planning Committee on 17<sup>th</sup> June 2009. That application was refused for three reasons relating to i) loss of an employment site, ii) cramped layout and lack of on-site Community Recreational Open Space and iii) the fact that a 100% affordable housing scheme would not comply with the intentions of policy and guidance.
- 1.4.2 That application is the subject of a planning appeal due to be heard by way of Public Inquiry on 20<sup>th</sup> April 2010.

## 1.5 Developments/changes since the original submission

- 1.5.1 Whilst this particular scheme has not been revised since its submission Members should note the key changes which have been made to the originally refused scheme which proposed 41no. affordable dwellings. These changes are outlined in full below.

## 1.6 Other relevant background information

- 1.6.1 Members should note that this application represents a revised, re-submission of application ref: 45/2007/1043/PF. This application was refused by the Planning Committee for the following reasons:-

" 1. It is considered that the proposed level of housing indicated on this allocated employment site is unacceptable and is contrary to Policy EMP 10 of the Denbighshire Unitary Development Plan along with guidance contained within Planning Policy Wales which seek to prevent the loss of employment sites to other uses. The Council consider that this long established employment site will contribute towards the future employment needs of Rhyl and that to allow such a loss to housing would set an unwanted precedent for the further encroachment of housing onto designated employment sites.

2. It is considered that the layout of the housing element of the scheme, the proximity of dwellings to existing and proposed industrial uses and the lack of community recreational open space results in a cramped form of development which would create an inadequate level of residential amenity for the future occupants of the site. This is in direct conflict with criteria i, and v, of Policy GEN 6, Policy REC 2 and SPG 4 of the Denbighshire Unitary Development Plan along with guidance contained within Chapters 9 and 11 of Planning Policy Wales.

3. It is considered that the provision of this amount of affordable dwellings in one block is contrary to the site layout principles contained within the Council's adopted Supplementary Planning Guidance on Affordable Housing in New Developments (SPG 22) along with guidance contained within Chapter 9 of Planning Policy Wales. The provision of 41 no. dwellings in one block is contrary to the aim of facilitating a greater social mix with affordable dwellings dispersed about a site preferably in clusters".

- 1.6.2 The current application has been revised in an attempt to overcome some elements of the above refusal reasons. This is also, in part, to focus the pending planning appeal on the original refusal to the key points.
- 1.6.3 Firstly, the scheme now proposes 15no. affordable dwellings. This represents 36% of the total number of dwellings proposed. Secondly, the scheme is now for 40 no. dwellings as opposed to 41 no. The layout has been slightly amended to push residential units proposed to the north of the plot away from the existing and proposed commercial buildings on that boundary.
- 1.6.4 The revised planning application has been submitted with the following supplementary information:-
- Design and Access Statement to include Code for Sustainable Homes Information
  - Supporting Planning Statement to include information trying to justify the loss of employment land, the revised affordable housing provision and attempting to address issues of layout and open space
  - Affordable Housing Questionnaire
  - Flood Consequence Assessment Information

## **2. DETAILS OF PLANNING HISTORY:**

2.1 The site has been used for industrial purposes since the 1950's with a pickle factory shown on records dating back to 1950. Since then there have been a number of related factory/industrial extensions which have been granted planning permission.

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

### **3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)**

- Policy STRAT 1 - General
- Policy STRAT 5 - Design
- Policy STRAT 6 - Location
- Policy STRAT 8 - Employment
- Policy STRAT 15 - Housing
- Policy GEN 1 - Development within Development Boundaries
- Policy GEN 6 - Development Control Requirements
- Policy HSG 10 - Affordable housing within development boundaries
- Policy EMP 2 - Main Employment Areas
- Policy EMP 10 - Protection of employment land/buildings
- Policy REC 2 - Open Space requirements in new developments

### Government Guidance

Planning Policy Wales, March 2002

## **4. MAIN PLANNING CONSIDERATIONS:**

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Impact on residential amenity of existing dwellings in the area
- 4.1.3 Impact on residential amenity of proposed dwellings
- 4.1.4 Open space provision
- 4.1.5 Affordable Housing
- 4.1.6 Impact on visual amenity
- 4.1.7 Impact on highway safety
- 4.1.8 Drainage Issues
- 4.1.9 Contamination Issues

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

It is considered that the provision of a commercial unit on an allocated Employment site (Policy EMP 2) meets the intentions of the Unitary Development Plan. The main area of concern in respect to this proposal is the proposed extent of residential development on the site.

4.2.2 The site has been used for commercial/industrial purposes since the 1950's and its site designation within the adopted Unitary Development Plan is reflective of its historical employment purpose. It is acknowledged that in more recent years the variety of warehouses, workshops, office buildings and stores have not been used to full capacity. The applicants contend that due to the poor physical state of these buildings on site and their continued under use it has been necessary to demolish the existing commercial buildings on the site and replace them with one purpose built business unit. There was no structural justification report submitted with the original application outlining exactly what state the previous commercial buildings were in.

4.2.3 The site is allocated for employment purposes in the Unitary Development Plan (Policy EMP 2) and as such the principle of replacing existing industrial buildings with a new industrial/business unit is acceptable. The applicants contend, however, that to deliver this new business unit the remainder of the site (some 75%) would need to be developed for residential purposes. The key assessment in this application is, therefore, whether this allocated employment site should allow some 75% of it to be lost for residential purposes in order to replace existing business buildings with 1 no. new one. Officers do not consider that the provision of housing, at the level proposed, on an allocated employment site meets with the intentions of the strategic and employment policies of the Unitary Development Plan and for this reason the proposal should be refused. Recent work undertaken on the Local Development Plan has shown that Rhyl would have limited future sites for employment purposes. Such a 1.35ha site in this historically employment based location should be retained for such uses.

4.2.4 Officers contend that, having regard to the vacancy rates of existing commercial units in the area, which are low, there would be a market for the future development of this Employment site for this purpose. Losing the site, in the main, to residential use would impact upon the employment offer in the area both now and in the future and having regard to the availability of housing land and the shortage of employment land this is not considered acceptable and contrary to the intentions of Policy EMP 10.

#### 4.2.5 Impact on residential amenity for existing dwellings in the area

The submitted layout plan shows the 924sq.m. business unit located to the north part of the site some 30m from the closest existing residential dwelling on Meredith Crescent. As a designated employment site which has historically operated in proximity to residential dwellings it is not considered that any new business unit in the location shown would cause any detriment to existing levels of residential amenity.

#### 4.2.6 Impact on residential amenity for proposed dwellings

The site layout has been revised from the previously refused scheme. Concerns were raised previously in respect to the relationship between the proposed commercial unit and the proposed dwellings. Discussions with the Barrister appointed by the Council to deal with the planning appeal on the original scheme has advised that the layout as shown on the revised application, having regard to the policies and guidance the Council have, would not warrant a refusal this time. The distances between the dwellings and the commercial unit have been increased now and with one dwelling being removed from the scheme it has been possible to create better relationships between dwellings in key areas of the site.

#### 4.2.7 Open Space provision

Some 1092sq.m of public open space is to be provided, however, this is shown to be located at the far north corner of the site used as a buffer between dwellings and the business unit. No community recreational open space (CROS) is to be provided in the scheme with many of the private garden areas for the dwellings only just meeting the minimum standard for housing associations. It is not considered that a commuted sum for this required open space is acceptable in this instance. Given the proximity of nearby industrial premises and the density of the housing layout the scheme requires more on-site open space. The layout and provision of open space would not comply with the intentions of Policy REC 2 or guidance given in SPG 4. It is not considered that a commuted sum would benefit the future occupiers of this site or the immediate area and this is acknowledged by the Council's own Leisure Services section who feel young children would have to walk from this site along busy urban routes to get to an existing play area.

There is also an issue with legal accessibility to school playing fields nearby in any case.

#### 4.2.8 Affordable Housing

The scheme has now been revised from the original 100% affordable housing scheme to now meet the intentions of trying to provide mixed communities containing affordable and open market housing. The scheme proposes 15 no. dwellings which equates to 36% of the overall number of units. The siting of these units are considered to meet the intentions of the policy and guidance to integrate affordable dwellings into residential layouts. The type and design of the affordable units are no different to the majority of the open market units. It is considered that the proposed provision of affordable housing is acceptable and can be controlled through a suitable s.106 legal agreement.

#### 4.2.9 Impact on visual amenity

The scheme as shown including the business unit is not considered to impact significantly on the existing visual amenity levels of the site or surroundings. The scale and massing of buildings would not form an unduly prominent feature in this semi-commercial location. The height of the commercial building proposed and the residential units are comparable and should not have any significantly detrimental impact.

#### 4.2.10 Impact on Highway safety

The site is designated for employment purposes and has historically been used for that purpose. Highway Engineers have not raised any concerns in respect to the proposed highway implications of this housing/business scheme. Subject to conditions and a legal agreement to change parking restrictions on Ffordd Derwen, the scheme is acceptable in highways terms.

#### 4.2.11 Drainage Issues

Dwr Cymru/Welsh Water has not raised any concerns in relation to the land drainage for this proposed scheme. Subject to standard conditions the proposal is acceptable in this regard.

#### 4.2.12 Contamination Issues

As an historic industrial site one must have regard to the possibility of land contamination. The specialist consultee on this subject suggests that a detailed site investigation should be carried out prior to any work starting on this scheme and risk assessments should be fully adhered to. It is suggested that planning conditions could deal with this issue adequately.

## 5. SUMMARY AND CONCLUSIONS:

5.1 The proposed development has been amended from that scheme which was refused by Planning Committee in June 2009. The revised scheme now overcomes the concerns raised previously in relation to affordable housing (reason 3). The revised layout also addresses issues of residential amenity in terms of spacing. The concerns remain, however, that the loss of this employment site to the level of housing proposed does not comply with the adopted policy which seeks to protect such sites (EMP 10). The scheme also fails to provide a required Community Recreational Open Space element on site which is considered unacceptable based on the location of alternative off-site provision. The scheme is, therefore, recommended for refusal again with revised reasons as set out below.

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

1. It is considered that the proposed level of housing indicated on this allocated employment site is unacceptable and is contrary to Policy EMP 10 of the Denbighshire Unitary Development Plan along with guidance contained within Planning Policy Wales which seek to prevent the loss of employment sites to other uses. The Council consider that this long established employment site will contribute towards the future employment needs of Rhyl and that to allow the level of loss proposed to housing would prejudice the ability of the area to meet a range of employment needs having regard to the availability of other sites for housing.

2. The proposed residential development fails to make provision for the required Community Recreational Open Space on site. Having regard to the location of the site close to existing industrial uses and the proximity of available open space elsewhere it is considered that the scheme fails to meet the intentions of Policy REC 2 and SPG 4 of the Denbighshire Unitary Development Plan along with guidance contained within TAN 16 and Planning Policy Wales, March 2002 which seek to ensure adequate open space facilities are available to serve the needs of the development proposed.

**PLANNING COMMITTEE  
17TH MARCH 2010  
ITEM NO. 4**

**REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION**

**INFORMATION ITEM**

**CLOCAENOG FOREST WINDFARM  
DRAFT STATEMENT OF COMMUNITY  
CONSULTATION**

**1. PURPOSE OF REPORT**

1.1 The report seeks to inform members:

- A. Of the contents of the 'Statement of Community Consultation' from the promoters of the Clocaenog Forest windfarm, RWE npower renewables (NRL).
- B. Comments submitted to NRL on the Statement.

1.2 The Statement has been lodged with the County Council in accordance with legislation relating to large scale energy schemes which are to be submitted for determination by the Infrastructure Planning Commission (IPC).

**2. BACKGROUND**

2.1 Members may recall a brief information item on the background to this significant windfarm proposal, presented to the December 2009 Planning Committee.

2.2 NRL have been awarded the rights to develop a windfarm on land in Clocaenog Forest owned by Welsh Assembly Government, and managed by Forestry Commission Wales. As the installed capacity of the proposed windfarm would exceed 50MW, the submission has to be made to the IPC in the form of a Development Order application in accordance with the Planning Act 2008. The site encompasses land in both Denbighshire and Conwy. Both authorities will be a consultee on the application, and will not be responsible for its determination.

2.3 Section 47 of the 2008 Act imposes a duty on the promoters to communicate and consult with statutory bodies and the local community about their proposals. It requires them to undertake a formal process of consultation with the County Council on how they propose to carry out this part of the exercise. This is in the form of a draft Statement of Community Consultation (SoCC).

2.4 The purpose of this particular consultation process is to provide the County Council with an opportunity to comment on the promoters proposals for consulting people in the area of the proposed windfarm. The promoters have to have regard to the County Council's response in presenting their formal SoCC to the IPC in due course. The process is not an opportunity for the Council to pass comment on the merits of the proposals, which can only follow formal consultation by the IPC once the application has been submitted. The objective should therefore be seen as encouraging early engagement between the scheme promoters and the Council, with a view to agreeing on the local consultation process.

2.5 NRL have submitted their draft SoCC to Denbighshire and Conwy on the 18th February, 2010. A copy is appended to this report. The legislation gives local authorities 28 days to forward comment to NRL on the contents. Local members have been notified of the SoCC. The Head of Planning Services has sent the comments outlined in Section 4 of the report, including matters raised by local members, to NRL.

### **3. DRAFT STATEMENT OF COMMUNITY CONSULTATION**

3.1 The draft SoCC is a 7 page document, with 2 appendices. It is split into the following main sections:

1. Consultation document

Setting out the requirement for consultation in connection with the proposals.

2. Clocaenog Forest Wind Farm

Outlining the project (96MW capacity, based on 32 turbines), and who RWE Npower Renewables Ltd are.

3. Consultation objectives

Outlining the purpose of consultation activities, objectives, and the publication of the SoCC.

4. Scope of community consultation

Explaining the approach to consultation, defining the 'vicinity' of the project, how consultation will be carried out, including communication in the Welsh language (see details below).

5. What will be done with the consultation

Outlining proposals to record all responses and how they have been considered as part of a Consultation Report to be submitted to the IPC.

3.2 The SoCC outlines steps already taken to inform the local community of the proposals, and their intentions for consultation following submission of the application to the IPC.

The pre application consultation has included -

- bilingual newsletters explaining the basic proposals, sent originally to 4000 addresses within 5km of the site boundary; 300 more made available at planning offices in Denbigh and Ruthin; subsequently 6000 newsletters sent to publicise the local exhibitions held in October 2009
- setting up a Community Liaison Group including representatives of County and Community Councils, local organisations (first meeting April 2009)
- information on the project website
- public exhibitions in October 2009 (Clawddnewydd, Ruthin, Denbigh, and Cerrigydrudion), publicised by newsletter, local press advertisement, website, local media, posters displayed in 27 local villages.

The SoCC indicates formal consultation as set out below is expected to begin in quarter 2 of 2010 -

- consultation will be undertaken with people in the 'vicinity' of the windfarm. This will include people who live and work in close proximity and who may be affected by the proposals, for example during construction; and those who visit and use the Forest for recreational purposes
- for those living and working in the vicinity, consultation will be by way of bilingual newsletters distributed in the Community Council wards which overlap or adjoin Clocaenog Forest, plus Denbigh and Corwen. The wards referred to are therefore Llanrhaeadr YC, Efenechtyd, Denbigh, Corwen, and Uchwaled, Llansannan and Llangernyw (Conwy).
- newsletters will also be available in public libraries in Denbigh, Ruthin and Cerrigydrudion
- information will be available on the project website
- there will be meetings of the Community Liaison Group, and local members on that group will be sent newsletters if not already on the mailing list
- there will be political engagement, including with Community Councils
- local organisations using the Forest through the Forestry Commission permitting system will be notified through notes on the permits themselves, and posters will be placed at main access points into the Forest to inform others accessing it through provisions under the CROW Act
- advice will be sought from local councils on how to engage with 'hard to reach' groups within the community
- a period of 28 days will be offered for consultation responses during the formal consultation process, which will be clearly advertised
- the planning application will be advertised in the media, via a newsletter, and posters
- the application itself will include a detailed Environmental Statement and Non Technical Summary, available at venues to be agreed with local councils
- all communications 'will be in clear non-technical language, and where possible will be bilingual'; Welsh speaking staff will be in attendance at public exhibitions and at Community Liaison Group meetings.

## **4. COMMENTS ON THE SoCC**

4.1 Having regard to the limited time period for responding formally to the consultation on the SoCC, Officers have consulted with the local County Council Members who represent the Community Council areas most directly affected by the proposals. The following comments have been forwarded to NRL for consideration before reporting to the IPC.

1. The general contents of the SoCC are considered acceptable, as they outline proposals for a wide basis of consultation on the proposals, and encouragement for participation by local residents and organisations, community representatives, and leisure users.

2. The geographical extent of direct consultation by newsletter appears reasonable, considering the location of the site and likely impacts (but see point 5 following). Taken in conjunction with the proposed use of the local media and availability of information on the project website, there should be no issues over local awareness of the factual basis of the project, or means of communication for comment on its contents.

3. The consultation methods suggest local residents and organisations will have opportunity to engage with NRL through a variety of communication channels, which should be clearly identified in the formal SoCC (email addresses, telephone numbers, addresses for correspondence, open meetings/exhibitions, Community Liaison Group meetings). Local feedback suggests that the initial consultation was not thorough enough with many residents not involved in debate, and concerns over vagueness of information over the dimensions of turbines.

4. It would however assist public understanding of the 'new' system if the SoCC contained a simple summary of the process relating to applications submitted to the IPC, and the respective responsibilities/roles of the IPC, applicants, local County and Community Councils at different stages in the process. It is not clear, for example, how the SoCC relates to the formal process of notification/publicity on submission of the planning application. It would help if the document could note what consultation process is followed on submission of the application, as there are likely to be particular local concerns over noise, hydrology, ecology and visual impacts and a desire for assurance that private properties in the immediate vicinity of the development will be notified directly of the submission. It is not clear to who formal comment on the planning application should be directed, who may 'negotiate' amendments to the proposals, how revisions to the application may be publicised, etc..

5. There is limited reference to the actual detailing of the project in the SoCC, and no map information showing the proposed site (and haul routes, etc) relative to the Community Council areas where newsletters are to be distributed and locations where information may be available for inspection. It may be useful to include this material as part of the SoCC, as a basic cross reference to support the conclusions on the adequacy of the extent of consultation.

6. It would assist if the role/function and constitution of the Community Liaison Group was clarified. It is not clear in the SoCC what the purpose of the Group is, whether it can take the role of advocate or challenge the scheme, how it is run, how often it is proposed to stage meetings, who its comments are to be fed to, etc..

7. It is suggested that local Community Councils are a vital link in the process, and may be the best source of information in identifying interest groups who may wish to engage in the process. T

8. The SoCC needs to be more explicit in identifying means of communication with interested parties, and explaining how any comments will be handled in the application process. It may benefit by offering a degree of flexibility in offering individuals opportunity to explore issues in a direct 1:1 discussion outside meetings and exhibitions, and allowing longer than the statutory minimum period for making representations.

9. The 'local venues' where information on the proposals, and copies of the application documents will be available for inspection should be specified. We would suggest the planning office in Denbigh, County Hall in Ruthin, and Corwen Library as suitable locations.

10. Presumably the application details would be accessible on the Planning Portal if it is the subject of formal consultation with Denbighshire and Conwy?

11. There is no reference to how Community Benefit issues may be covered as part of the process.

## **5. RECOMMENDATION**

5.1 The report is for members information only, to advise on the substance of the draft Statement of Community Consultation, and comments forwarded to RWE Npower renewables for consideration prior to referral to the Infrastructure Planning Commission.

5.1 Members are therefore requested to accept the report.

**GRAHAM H. BOASE**  
**HEAD OF PLANNING AND PUBLIC PROTECTION**

# Clocaenog Forest Wind Farm

## **Proposals for determining the content of the Statement of Community Consultation (SoCC)**

'Consultation Documents' submission under  
Section 47 (4) of the Planning Act 2008

January 2010

# **1. 'Consultation Document'**

This Consultation Document is submitted under the provisions of Section 47 of the Planning Act 2008, relating to RWE npower renewables' duty to consult the local community about the proposed Clocaenog Forest Wind Farm.

This document describes how RWE npower renewables (NRL) has defined the 'vicinity' of the Clocaenog Forest Wind Farm and proposes the content and format of the 'Statement of Community Consultation' (SoCC) for review by Denbighshire County Council and Conwy County Borough Council in accordance with Section 47 (2) of the Planning Act 2008.

NRL originally intended to submit the Clocaenog Forest Wind Farm Project Planning Application to the Department of Energy and Climate Change under Section 36 of the Electricity Act 1989. Therefore, some information provision and public consultation activities took place before the IPC process was defined. Details of these activities are provided within Appendix 2 as background information, but will not appear in the SoCC.

It is proposed to undertake a separate consultation process with other stakeholders, and details of this are beyond the scope of this document.

## **2. Clocaenog Forest Wind Farm**

### **2.1 Project Summary**

RWE npower renewables (NRL) have been awarded the rights to develop a wind farm on land owned by the Welsh Assembly Government and managed by Forestry Commission Wales, at Clocaenog Forest in North Wales.

Clocaenog Forest is located approximately 13km south of Denbigh. The nearest large settlements are Denbigh to the north and Ruthin to the north-east. The proposed development is located within the administrative areas of both Denbighshire County Council and Conwy County Borough Council.

The proposed development area comprises an area of upland plateau. Craig Bron-Banog is the highest point in the development area with an altitude of 502m.

It is proposed to develop a wind farm with an installed capacity of up to 96 Megawatts (MW) based on 32 wind turbines, each with a capacity of 2 - 3MW. As the total capacity is greater than 50MW a Development Consent Order application will be made to the new Infrastructure Planning Commission in accordance with the Planning Act 2008.

### **2.2 RWE Npower Renewables Ltd**

NRL is one of Wales' and the UK's leading developers and operators of renewable energy schemes. Across Wales, NRL operates 7 onshore wind farms, 2 offshore wind farms and 6 hydro electric schemes. This project is being developed from our South Wales office;

RWE npower renewables  
Technium Sustainable Technologies  
Central Avenue  
Baglan Energy Park  
Port Talbot SA12 7AX

Phone: 01639 816180  
Email: clocaenog@npower-renewables.com

## **3. Consultation objectives**

### **3.1 Purpose of the consultation activities**

The Planning Act 2008 requires NRL to undertake public consultation with people living and working in the 'vicinity' of the wind farm proposal. This consultation is to be undertaken in accordance with a Statement of Community Consultation (SoCC) which itself has been the subject of prior consultation with each local authority within whose area the site lies.

The draft format and content of the SoCC, in Appendix 1, shows how we propose to communicate a clear, informative and comprehensive statement about our consultation activities to the communities living and working near to the proposal.

The proposed content of the SoCC has to be prepared in consultation with Denbighshire County Council and Conwy County Borough Council.

A key requirement of the guidance from the Department of Communities and Local Government (DCLG)<sup>1</sup> is for developers to establish the appropriate vicinity for the consultation process and this is an important focus of this document.

### **3.2 Consultation objectives**

The objectives of the Clocaenog Forest Wind Farm Community Consultation are:

- To inform people living, working or otherwise using the land in the vicinity of the project about RWE npower renewables' proposals in a clear and concise way;
- To provide access to information about the development in an inclusive way, to all people within the community;
- To provide an opportunity for people living, working or otherwise using the land in the vicinity of the project to put forward their ideas and have a role in developing proposals where they can have an influence;
- To create and deliver a process through which people living, working or otherwise using the land in the vicinity of the project can comment on the formal proposals;

The SoCC is to be advertised in full and is a legally binding document that communicates how NRL will consult with the community.

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<sup>1</sup> Department for Communities and Local Government (March 2009) '*Consultation on the Pre-Application Consultation and Application Procedures for Nationally Significant Infrastructure Projects*'

All consultation responses will be recorded and NRL will carefully consider all issues raised.

NRL will publish a Consultation Report at the end of the process that will explain how consultees' views have been considered and fed into the development process. This document will be submitted to the IPC as part of NRL's Development Consent Order application.

### **3.3. Publishing the SoCC**

Section 47(6) of the Planning Act 2008 requires that:  
Once the applicant has prepared the statement, the applicant must publish it –  
(a) in a newspaper circulating in the vicinity of the land, and  
(b) in such other manner as may be prescribed.

NRL will publish the SoCC for Clocaenog Forest Wind Farm in at least one local newspaper, in the form of a single advertisement. It will also be available on the project website: [www.npower-renewables.com/clocaenogforest](http://www.npower-renewables.com/clocaenogforest)

## **4. Scope of community consultation**

### **4.1 Approach to consultation**

Guidance from the Department of Communities and Local Government (DCLG) on pre-application consultation requires that:

*“consultation must happen at a sufficiently early stage to allow consultees a real opportunity to influence the proposals.”*

The guidance also states that:

*“It will be important for promoters to manage the tension between consulting early, but also where proposals are firm enough to enable consultees to comment. Promoters should therefore consult as soon as it is possible to provide sufficient detail to allow consultees to understand the nature of the proposal properly.”*

Since NRL started developing the Clocaenog Forest Wind Farm project in 2008, information about the proposal has already been provided to people living, working or otherwise using the land in the vicinity of the project. In addition, public consultation has already taken place and is on going. These phases of information provision and consultation are described in Appendix 2.

Formal consultation as described in the SoCC is expected to begin in quarter 2 of 2010. The timing of information provision about the final application to the IPC will depend on the results of the consultation process, but is currently expect to be in quarter 4 of 2010.

Description	Consultation on formal proposals	Final application post public consultation
<b>Information available</b>	Environmental Statement including supporting technical documents, Non-Technical Summary	Environmental Statement including supporting technical documents, Non-Technical Summary, explanation of changes resulting from consultation
<b>Activities</b>	Newsletter, posters, updated website, statutory press adverts, media engagement, Community Liaison Group meeting, Technical documents to be made available.	Newsletter, posters, updated website, statutory press adverts, media engagement, Community Liaison Group meeting. Technical documents to be made available

## 4.2 Defining the “vicinity” of the project

The 2008 Planning Act requires NRL to undertake community consultation with people in the ‘vicinity’ of the wind farm proposal. A key requirement of the guidance from the DCLG is for developers to establish the appropriate vicinity for the consultation process.

*“In most communities promoters will need to strike a balance between consulting those who are significantly affected by proposals (i.e. those identified in section 42 of the Act) and consulting a wider group of local people who will not be directly affected, but who will have a reasonable fear that they might be, or will have strong feelings about a project. This second category may include people who live in the proximity of the development, but not close enough to be physically affected by it, people who are likely to be affected by wider impacts of the development, or who are users of, or visitors to the area.”*

For the Clocaenog Forest Wind Farm Project, NRL have identified two distinct groups of people

- those people living and working in close proximity to the project who may be affected by the proposals, for example during construction
- those people who visit and use the Clocaenog Forest for recreational purposes, but who may travel some distance to do so. This group can be further split into organised groups of people who use the Clocaenog Forest under the Forestry Commission Wales (FCW) permitting scheme, and those people who use the forest under the Countryside Rights of Way (CROW) Act, which does not require them to apply for a FCW permit.

In order to reach those people in the first group, NRL has defined the distribution area for bilingual newsletters by using the five council wards that overlap or adjoin Clocaenog Forest plus Denbigh (a major market town) and Corwen, which is on the Strategic Access Route for SSA A. Therefore the council wards included are:

- Llanrhaeadr-Yng-Nghinmerich (Denbighshire)
- Efenechtyd (Denbighshire)
- Denbigh (Denbighshire)
- Corwen (Denbighshire)
- Uwchaled (Conwy)

- Llansannan (Conwy)
- Llangernyw (Conwy)

Addresses have been purchased from the Royal Mail Database and the newsletters will be distributed by the Royal Mail. 6,229 addresses are included in this distribution area.

Additional copies of newsletters will be made available in the public libraries in Denbigh, Ruthin and Cerrigydrudion and electronic copies of the newsletter will be made available on the project website.

Local representatives, including County Councillors and representatives of Community Councils have been invited to attend the Community Liaison Group (CLG). NRL will also send newsletters directly to these people, if they are not already covered by the distribution defined above.

In order to reach the second group of people defined above (those people who may travel some distance to use Clocaenog Forest for recreational purposes), a wide range of local organisations have been invited to attend the CLG. The use of wider communication tools such as the media will also ensure that people based in the nearby towns are aware of the proposal and they can contact the project team by telephone, e.mail, post or the project website.

Those organisations or individuals that use Clocaenog Forest under the FCW permitting system will be informed of the proposed development through a note on the permit itself. This will include contact details for the Clocaenog Forest Wind Farm project team and the project website address. NRL also propose to inform people of the formal consultation process through posters at the major access points to the Clocaenog Forest. This will enable information to reach those people who use the forest under the provisions of the CROW Act, rather than through the formal FCW permitting system.

The project website, phone number, email address and postal address are not geographically limited and are advertised on the newsletter, in the media and via the Community Liaison Group.

Advice will be sought from Denbighshire County Council and Conwy County Borough Council regarding the presence of and techniques for engaging with hard to reach groups within the Counties.

### **4.3 How we will consult**

NRL will be inviting communities and interested parties to view, discuss and comment on the development of our wind farm proposals. They will be able to contact the project team in a number of different ways. NRL will endeavour to provide clear and concise information about the project and its impacts throughout the pre-application consultation process.

A period of 28 days for the receipt of consultation responses from the public will be in place during the formal consultation process, and this will be clearly advertised.

Once NRL have submitted the application to the IPC, the formal documents that comprise the Development Consent Order application (including the ES) and a non-

technical summary specifically for local communities will be made available at local venues to be agreed with the Local Planning Authorities.

The application will be advertised in the media, via a newsletter and posters.

## 4.4 Communication tools

In order to reach out to as many local people as possible, NRL propose to use a wide range of consultation methods as outlined below:

- Newsletters – distributed to addresses in the vicinity of the project
- Project website - updated as information becomes available;
- Points of contact with NRL - postal address, phone number, email address;
- Use of the media - press releases and formal adverts;
- Making technical documents available at a range of local locations. Members of the public will also be able to request, via the website, telephone, post or e.mail, a free copy of the non technical summary or the full application in return for a reasonable charge.
- Community Liaison Group - NRL has invited a large range of representatives of local groups/bodies/fora to be involved in an independently chaired, neutral group. This group has met regularly throughout the project's development, to discuss specific issues, raise concerns and pose questions to NRL representatives. It is not a platform to raise support for, or objection to, the project but a mechanism to enable a two-way dialogue, including allowing information about the project to be disseminated effectively into the local community.
- Political engagement including community councils - NRL will offer updates and briefings for local politicians about the wind farm to ensure they have all of the relevant facts, the opportunity to comment on the project and can feed into the consultation process.
- Ongoing liaison with users of the Clocaenog Forest - including general information provision and direct contact with relevant individuals and organisations about the wind farm project.
- Posters
- FCW Activity Permits – a footnote will be added to notify the permit holder of the proposed wind farm and give contact details of the project team.

All communications will be in clear, non-technical language and, where possible, will be bilingual. Welsh speaking staff will be in attendance at public exhibitions and at CLG meetings. It is not proposed to translate technical documents into Welsh.

The draft SoCC, in Appendix 1, shows how NRL propose to communicate our commitments on community consultation. The contents of the SoCC has to be consulted upon with Denbighshire County Council and Conwy County Borough Council.

## **4.5 Welsh language**

Communication in the Welsh language will be a key element of the consultation strategy.

All local communications will be bilingual, including newsletters and exhibition materials. Welsh speaking staff will attend public exhibitions and CLG meetings. CLG meetings will continue to have simultaneous translation facilities in order that anyone wishing to communicate in Welsh is able to, and there will be opportunities for group discussions to take place in Welsh. Ongoing engagement will take place with the Welsh media

It is not proposed to translate technical documents such as the Environmental Statement into Welsh. However, the Non-Technical Summary will be available in Welsh.

## **5. What we will do with the consultation**

All consultation responses will be recorded and NRL will carefully consider all issues raised.

NRL will publish a Consultation Report (CR) at the end of the process that will explain how consultees' views have been considered and fed into the development process. This document will be submitted to the IPC as part of NRL's Development Consent Order application. As well as a detailed report for statutory consultees, a summary of the CR in non-technical language will be made freely available.

## **6. Further information**

For further information about NRL or about the proposed Clocaenog Forest Wind Farm, the project team can be contacted by post at:

RWE npower renewables  
Unit 22: Technium  
Central Avenue  
Baglan Energy Park  
Port Talbot  
SA12 7AX

By phone on: 01639 816180

Or by email at: [clocaenog@npower-renewables.com](mailto:clocaenog@npower-renewables.com)

The project website address is: [www.npower-renewables.com/clocaenogforest](http://www.npower-renewables.com/clocaenogforest)

# **Appendix 1 - Draft to Show Likely SoCC Content Derived from this Consultation Document**

## **RWE npower renewables**

### **Statement of Community Consultation published in accordance with Section 47 of the Planning Act 2008**

#### **Clocaenog Forest Wind Farm**

##### **1. Introduction**

This Statement of Community Consultation sets out how RWE npower renewables (NRL) propose to communicate and consult with people who may be affected by the Clocaenog Forest Wind Farm development, in accordance with Section 47 of The Planning Act 2008. It has been the subject of consultation with Denbighshire County Council and Conwy County Borough Council.

##### **2. Project Summary**

NRL have been awarded the rights to develop a wind farm on land owned by the Welsh Assembly Government and managed by Forestry Commission Wales, at Clocaenog Forest in North Wales.

Clocaenog Forest is located approximately 13km south of Denbigh and the proposed development is located within the administrative areas of both Denbighshire County Council and Conwy County Borough Council.

It is proposed to develop a wind farm with an installed capacity of up to 96 Megawatts (MW) based on 32 wind turbines, each with a capacity of 2 to 3MW. As the total capacity of the wind farm would be greater than 50MW, a Development Consent Order application is being made to the Infrastructure Planning Commission (IPC) in accordance with the Planning Act 2008.

The project will also fall within the scope of the Environmental Impact Assessment (EIA) Directive, meaning that an 'Environmental Statement' (ES) will be produced to support the application. An ES sets out an assessment of a project's likely significant environmental effects.

##### **3. Objectives of Community Consultation**

The objectives of the Clocaenog Forest Wind Farm Community Consultation are:

- To inform people living, working or otherwise using the land in the vicinity of the project about RWE npower renewables' proposals in a clear and concise way;
- To provide access to information about the development in an inclusive way, to all people within the community;
- To provide an opportunity for people living, working or otherwise using the land in the vicinity of the project to put forward their ideas and have a role in developing proposals where they can have an influence;
- To create and deliver a process through which people living, working or otherwise using the land in the vicinity of the project can comment on the formal proposals;

#### **4. Consultation approach**

##### **a) Formal Consultation Period**

The formal community consultation period as described by the Planning Act 2008 will take place in 2010.

Details of the consultation period will be publicised in advance in at least one local newspaper and via a newsletter.

During the formal consultation period, NRL will make copies of the technical documents, including the ES, available at a range of locations. A project summary report will also be produced in non-technical language and will be freely available.

Members of the public who wish to comment on the proposals will be able to do so via the project website, postal address, telephone number and e.mail (please see below for contact details). A period of 28 days for the receipt of consultation responses will be set and will be clearly advertised.

All consultation responses will be recorded and NRL will carefully consider all issues raised.

A consultation report will be produced after the consultation period is completed, describing the consultation process, summarising responses and describing how the application was influenced by the responses.

As well as a detailed report for statutory consultees, a summary report in non-technical language will be made freely available.

##### **b) Final application to the IPC**

The formal documents that comprise the Development Consent Order application (including the ES) and a non-technical summary specifically for local communities will be made available at local venues to be agreed with the Local Planning Authorities. The application will be advertised in the media, via a newsletter and posters.

#### **5. Consultation methods**

- Newsletters – distributed to addresses within the vicinity of the site
- Project website - updated as information becomes available;
- Points of contact with NRL - postal address, phone number, email address;
- Use of the media - press releases and formal adverts;
- Making technical documents available at a range of local locations. Members of the public will also be able to request, via the website, telephone, post or e.mail, a free copy of the non technical summary or the full application in return for a reasonable charge.
- Community Liaison Group
- Political engagement including community councils - NRL will offer updates and briefings for local politicians about the wind farm to ensure they have all of the relevant facts, the opportunity to comment on the project and can feed into the consultation process.
- Ongoing liaison with users of the Clocaenog Forest - including general information provision and direct contact with relevant individuals and organisations about the wind farm project.
- Posters

- FCW Activity Permits – a footnote will be added to notify the permit holder of the proposed wind farm and give contact details of the project team.

## **6. Inclusive consultation**

In order to reach out to as many local people as possible, NRL propose to use a wide range of consultation methods as outlined above.

All local communications will be in clear, non-technical language and will be bilingual. Welsh speaking staff will attend public exhibitions and Community Liaison Group meetings. It is not proposed to translate technical documents into Welsh.

Advice will be sought from Denbighshire County Council and Conwy County Borough Council regarding the presence of and techniques for engaging with hard to reach groups within the locality.

## **7. Who will we consult?**

For the Clocaenog Forest Wind Farm Project, NRL have identified two distinct groups of people:

- those people living and working in close proximity to the project who may be affected by the proposals, for example during construction
- those people who visit and use the Clocaenog Forest for recreational purposes, but who may travel some distance to do so. This group can be further split into organised groups of people who use the Clocaenog Forest under the FCW permitting scheme, and those people who use the forest under the Countryside Rights of Way Act, which does not require them to apply for a FCW permit.

NRL will send bilingual newsletters to addresses in the following council wards:

- |  |                         |
|--|-------------------------|
| • Llanrhaeadr-Yng-Nghinmerich (Denbighshire) | • Corwen (Denbighshire) |
| • Efenechtyd (Denbighshire)                  | • Uwchaled (Conwy)      |
| • Denbigh (Denbighshire)                     | • Llansannan (Conwy)    |
|  | • Llangernyw (Conwy)    |

Additional copies of newsletters will be made available in the public libraries in Denbigh, Ruthin and Cerrigydrudion and electronic copies of the newsletter will be made available on the project website.

Membership of the Community Liaison Group focuses on, but is not limited to representatives of groups, organisations or fora active in and around Clocaenog Forest. A full list of members can be found at the CLG website: [www.clocaenogclg.org.uk](http://www.clocaenogclg.org.uk)

Use of wider communication tools such as the media will also ensure that people based in the nearby towns are aware of the proposal and they can contact the project team by telephone, e.mail, post or the project website.

Those organisations that use Clocaenog Forest under the FCW permitting system will be informed of the proposed development through a note on the permit.

All consultation responses will be taken into account, whether from people living in the immediate vicinity of the site, or from those living outside of this area.

January 2010  
RWE Npower Renewables Ltd

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## **Appendix 2 - Information provision and community consultation activities that have already taken place for Clocaenog Forest Wind Farm**

<b>Description</b>	<b>Initial information provision</b>	<b>Site specific consultation</b>
<b>Information available</b>	A basic introduction to the proposal - site location, an indicative number of turbines, information about the surveys and assessments to be undertaken, plus company info	Results of environmental surveys, indicative turbine layout, initial consultation on Community Investment Fund
<b>Activities</b>	Newsletter 1, set up project website and other points of contact, held 2 Community Liaison Group meetings, set up independent Community Liaison Group website	Newsletter 2, updated website, 5 days of public exhibitions, media engagement, ongoing Community Liaison Group meetings and communications with interested individuals

### **Initial Information Provision**

The first direct consultation NRL carried out was via a bilingual newsletter distributed to 4,047 addresses within the grid squares defined by the co-ordinates bottom left: 292000, 343000 to top right: 311000, 365500. These grid squares were chosen to capture all the rural addresses within approximately 5km of the potential development area boundary. The addresses were drawn from the Royal Mail database and the newsletters were distributed by the Royal Mail.

In addition, approximately 300 additional newsletters were made available at the Planning Offices in Denbigh and Ruthin (the 2 nearest large market towns). This newsletter was a very early introduction to the project and to the developer - RWE npower renewables. It included basic project information and contact details.

All newsletters distributed by NRL in relation to the Clocaenog Forest Wind Farm Project can be downloaded from the project website.

During this stage, the Community Liaison Group (CLG) was set up. A broad range of local representatives and organisations, including County Councillors and Community Council representatives, were invited to attend and the first meeting was held on 8<sup>th</sup> April 2009 in Ruthin. Members were asked to recommend any further groups that could be invited to ensure that the membership is as inclusive and comprehensive as possible. The full list of current members can be found on the CLG website [www.clocaenogclg.org.uk](http://www.clocaenogclg.org.uk). Subsequent meetings were held in July 2009 in Cerrigydrudion, and November 2009 in Clawddnewydd.

Use of the project website, postal address, phone number and e.mail address is not geographically restricted.

### **Site Specific Consultation**

Public exhibitions were held in October 2009 at four venues close to the site (Clawddnewydd, Ruthin, Denbigh and Cerrigydrudion), and were open to all who wished to attend.

The exhibition at Clawddnewydd was added to the programme in response to suggestions from the local community via the CLG. The extra date was advertised by posters and a letter was sent to 199 addresses in the Clawddnewydd and Clocaenog area.

The exhibitions were designed to take place over a range of opening hours, including time at weekends and evenings to enable people who work or with caring commitments to attend. The venues chosen also included some more urban locations that were more accessible by public transport.

NRL considered it important to encourage as many people as possible to attend the public exhibitions. Therefore, the second bilingual newsletter, which advertised the public exhibitions, was distributed to a wider area (6,229 addresses). The distribution was defined using the five council wards that overlap or adjoin Clocaenog Forest plus Denbigh (a major market town) and Corwen which is on the Strategic Access Route for SSA A. The council wards included are:

- Llanrhaeadr-yng-Nghinmerich (Denbighshire)
- Efenechtyd (Denbighshire)
- Uwchaled (Conwy)
- Llansannan (Conwy)
- Llangernyw (Conwy)

Addresses were purchased from the Royal Mail Database and the newsletters were distributed by the Royal Mail.

Additional copies of the newsletter were made available in the public libraries in Denbigh, Ruthin and Cerrigydrudion. In addition to the newsletter, the public exhibitions were advertised through the project website, advertisements were placed in two local newspapers (The Denbigh Visitor and the Denbigh Free Press), a press release which was circulated to 30 local media organisations (a mixture of Welsh language and English language), an interview in Welsh about the exhibition was broadcast on BBC Radio Cymru, and posters were put up in the 27 local villages.

### **List of villages where posters were displayed advertising the Public Exhibitions**

- |                             |                                  |
|-----------------------------|----------------------------------|
| • <u>Betws Gwerfyl Goch</u> | • <u>Gwyddelwern</u>             |
| • <u>Bontuchel</u>          | • <u>Llanfihangel-glyn-myfyr</u> |
| • <u>Bryncillyn</u>         | • <u>Llangwm</u>                 |
| • <u>Brynsaithmarchog</u>   | • <u>Llanrhaeadr</u>             |
| • <u>Bylchau</u>            | • <u>Maerdy</u>                  |
| • <u>Cader</u>              | • <u>Melin-y-wig</u>             |
| • <u>Cefnbrith</u>          | • <u>Nantglyn</u>                |
| • <u>Clawddnewydd</u>       | • <u>Pentre Saron</u>            |
| • <u>Clocaenog village</u>  | • <u>Petre llyn Cymer</u>        |
| • <u>Cyffylliog</u>         | • <u>Pont yr Alwen</u>           |
| • <u>Derwen</u>             | • <u>Prion</u>                   |
| • <u>Glan-yr-afon</u>       | • <u>Pwllglas</u>                |
| • <u>Glasfryn</u>           | • <u>Ty Nant</u>                 |
| • <u>Groes</u>              |                                  |

Agreement of Statutory Community Consultation on the Clocaenog Forest Wind Farm

This document has been prepared by NRL in liaison with Denbighshire County Council and Conwy County Borough Council. Comments received from the Councils have been incorporated into this document.

It is agreed that NRL will use best endeavours to complete consultation relating to the proposed Clocaenog Forest Wind Farm in the manner described in this document. Should legislative or practical changes take place that make this unfeasible, the document is subject to change.

Signed:

..... On behalf of Denbighshire County Council

..... Name

..... Position

..... Date

..... On behalf of Conwy County Borough Council

..... Name

..... Position

..... Date

..... On behalf of RWE Npower Renewables Ltd

..... Name

..... Position

..... Date