

## **ADDENDUM REPORT BY HEAD OF PLANNING AND PUBLIC PROTECTION**

### **AGENDA ORDER, LATE INFORMATION AND AMENDMENTS TO PLANNING COMMITTEE REPORTS**

The following sheets are an addendum to the main agenda for the Committee. They set out the order in which items will be taken, subject to the discretion of the Chair, and they provide a summary of information received since the completion of the reports, and matters of relevance to individual items which should be taken into account prior to their consideration.

Where requests for public speaking on individual planning applications have been made, those applications will normally be dealt with at the start of that part of the meeting.

#### AGENDA FOR THE MEETING

1. APOLOGIES
2. DECLARATIONS OF INTEREST
3. URGENT MATTERS AS AGREED BY THE CHAIR
4. MINUTES (Pages 11-14)

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT  
(Items 5 - 10)

#### ORDER OF APPLICATIONS

##### PART 1

ITEM No

PAGE

Public Speaker items	Application no.	Location	
5	07/2015/0414/PFT	Tyfos Llandrillo Corwen	15
6	08/2015/0792/PO	Land adjoining Hafod Wen Cynwyd Corwen	49
7	19/2015/0699/PF	Graig Llanelidan Ruthin	61
8	23/2014/1440/PF	Land East of Llyn Brenig Nantglyn	75
Other applications			
9	45/2015/0786/PF	Home Bargains Marsh Road Rhyl	127
10	45/2015/0944/PF	26 Walnut Crescent, Rhyl	145

The letter (c) after a Local Member's name denotes a Member of Planning Committee.

## PUBLIC SPEAKER ITEMS

<b>ITEM 5</b> <b>07/2015/0414/PFT</b>	<b>Tyfos Llandrillo Corwen</b> Erection of one wind turbine with a hub height of 30.5m (48.01m to tip), control box and associated works	<b>Page</b> 15
<p><b>LOCAL MEMBER:</b> Councillor Cefyn Williams (c)</p> <p><b>OFFICER RECOMMENDATION IS TO REFUSE</b></p> <p><b>Public Speaker: Against : Andrew Jedwell</b>  <b>Public speaker: For: Sian Jones</b></p> <hr/> <p><b>ADDITIONAL MAPS</b>            (White sheet)            The map is a better quality version of the one on Page 27 of the report, providing an indication of the location of operating and consented turbines in the County.            (Yellow sheet)            The map shows the original and revised cable route to the turbine.</p> <p><b>LATE REPRESENTATIONS</b></p> <p><b>Consultees</b></p> <p>Llandrillo Community Council            "No objections to planning number 07/2015/0414 to change the route for the electric cable to the proposed wind mill at Tyfos".</p> <p>Airbus            Confirm there are no conflicts with aerodrome safeguarding criteria.</p> <p><b>Private individuals</b>            In objection:            J. Mitchell, Maes Hir, Llandrillo, Corwen            H. Mitchell, Maes Hir, Llandrillo, Corwen            L. Mollinson-White, Llanerch, Cynwyd            T. Hickish, Caerau Uchaf, Sarnau            M. Murray, Tyn y fron, Llanderfel            Pia Tiainen, Tyn y fron, Llanderfel            H.K. Phillips, 5 Rhos Helyg, Llandrillo            S. Cox, Cadair Fronwen, Berwyn Street, Llandrillo            C.A. Poole, Tai Bethania, Cynwyd</p> <p>Summary of planning based representations in objection:            Principle – precedent for other such applications / industrial development in open countryside / contrary to policy / no need for additional revenue streams / inefficiency of turbines            Landscape / visual impact – too large and will be seen from all over the valley / AOB / adverse impact to Dee Valley and Berwyn mountain / cumulative impacts / will change the character of the area /            Noise – Syrrior turbines already audible</p>		

Shadow flicker -  
Impact on wildlife – seems to be limited analysis  
Impact on tourism –  
Impact on ancient monuments  
No need for extra revenue streams - Size too big just for farm use / capacity way in excess of requirements  
Inadequate / poorly presented submission – ignores key documents and best practice guidance  
Bodelith turbines recently refused – shows general opinion is winning the fight to protect the countryside from damage

#### **ADDENDUM REPORT**

The application was subject to a Site Inspection Panel meeting at 8.30am on Thursday November 5<sup>th</sup>, 2015.

In attendance were:

CHAIR – Councillor Ray Bartley

VICE CHAIR – Councillor Win Mullen-James

LOCAL MEMBER – Councillor Cefyn Williams

LLANDRILLO COMMUNITY COUNCIL – Mr. John Wyn Jones

The Officer present was Mr Ian Weaver

The reason for calling the site panel was to assess the impact on the landscape and whether the proposal would have an overbearing visual impact.

At the Site Inspection panel meeting, Members considered the following matters:

1. The detailing of the proposed development, including the location and size of the turbine.
2. The character of the area in which the turbine is proposed.
3. The proximity to other turbine sites in the area, including operational, approved, and proposed sites, and the respective boundaries of the AONB, Snowdonia National Park, the AOB, and the Clocaenog Forest Strategic Search Area.
4. The proximity to other dwellings and farms in the area.
5. Other background information including the basis of responses to the application.

In relation to the matters outlined :

1. The Planning Officer outlined the details of the scheme, which involved a 3 bladed 225kW turbine, and associated works including on site cabling linking the turbine to a proposed substation building near to the entrance to the Tyfos complex. It was explained that the turbine would have a tip height of 48 metres and a rotor diameter of 35 metres, and that the cable route had been revised to address issues relating to impacts on a stone circle immediately south of the dwelling at Tyfos.

2. Members observed the turbine would be located in open countryside above and to the north west of Llandrillo village, in an area of undulating topography.

3. Members were aware of the proximity and height of existing turbines in the locality including at Syrior (46m) and Braich Ddu (90m), the recent refusal of permission by Gwynedd County Council for 2 turbines nearby at Bodelith, and of the location of the Strategic Search Area and other turbines in the south of the County.

4. Members were aware of the proximity of the proposed turbine in relation to the nearest dwellings other than Tyfos itself.

	<p>5. The Planning Officer provided a factual outline of the representations received, both in support and in objection to the application. Whilst it was suggested that the main issue arising concerned the landscape/visual impact, which was the subject of many of the individual representations and consultation responses, there was discussion on this and other matters of relevance to the determination.</p>	
<p><b>ITEM 6</b> <b>08/2015/0792/PO</b></p>	<p><b>Land adjoining Hafod Wen Cynwyd Corwen</b> Development of 0.09ha of land by the erection of 1 dwelling (outline application with all matters reserved)</p>	<p><b>Page</b> <b>49</b></p>
<p><b>LOCAL MEMBER:</b> Councillor Cefyn Williams (c)</p> <p><b>OFFICER RECOMMENDATION IS TO REFUSE</b></p> <p><b>Public Speaker: For : Peter Lloyd</b></p> <p>-----</p> <p>ADDITIONAL MAP (White sheet) The map is a better quality version of the one on Page 91 of the report, providing an indication of the location of operating and consented turbines in the County.</p> <p><b>LATE REPRESENTATIONS</b></p> <p>Cynwyd Community Council "Cynwyd Community Council very strongly support this application</p> <ul style="list-style-type: none"> <li>• It is very close to the village boundary</li> <li>• like Denbighshire County Council, we strongly support small businesses in Rural Areas"</li> </ul> <p><b>ADDITIONAL INFORMATION</b></p> <p>The applicant's agent forwarded a 6 page letter to the case officer dated 28<sup>th</sup> October 2015, with the request that its contents are given full consideration. The letter makes reference to the applicant's childminding business, her qualifications, the contribution of the facility to the local community, and to a number of 'policy directives' including Planning Policy Wales (sections on Economic Development and Planning for Sustainability) and the Local Development Plan (Policies PSE 5 and BSC12). It comments on the intention to ensure the dwelling will blend in with the neighbouring properties and meet the policy requirements.</p> <p><b>ADDENDUM REPORT</b></p> <p>The application was subject to a Site Inspection Panel meeting at 9.30am on Thursday November 5<sup>th</sup>, 2015.</p> <p>In attendance were: CHAIR – Councillor Ray Bartley VICE CHAIR – Councillor Win Mullen-James LOCAL MEMBER – Councillor Cefyn Williams</p> <p>CYNWYD COMMUNITY COUNCIL – Mrs Gwen Wynne</p> <p>The Officer present was Mr Ian Weaver</p> <p>The reason for calling the site panel was to view the location of the property and to appreciate the planning policy considerations.</p>		

<p>At the Site Inspection panel meeting, Members considered the following matters:</p> <ol style="list-style-type: none"> <li>1. The basic details of the proposal.</li> <li>2. The character of the area in the vicinity of the site, including proximity to other dwellings and the development boundary of the village.</li> <li>3. Other background information including the basis of responses to the application</li> </ol> <p>In relation to the matters outlined :</p> <ol style="list-style-type: none"> <li>1. Members viewed the site from the driveway to the property. The Planning Officer explained this involved an outline application for a dwelling on land adjacent to the existing bungalow at Hafod Wen. Members were shown the submitted site plan which indicated the intention to use the same access serving Hafod Wen, and were given an outline of the background to the application, including the arguments put forward on behalf of the applicant in support of the grant of permission.</li> <li>2. Members noted the relationship of the plot to nearby dwellings and were aware that it was outside the village boundary for Cynwyd in the Local Development Plan, the actual boundary being delineated by the driveway to Hafod Wen.</li> <li>3. The Planning Officer offered a summary of the issues arising on the application and a factual outline of the representations received. There was discussion on the planning policy situation, the relevance of local needs considerations, land supply arguments, and the relevance of the childminding use and the applicant's circumstances to the determination of the application.</li> </ol>	
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<b><u>ITEM 7</u></b> <b><u>18/2015/0501/PF</u></b>	<b>Graig Llanelidan Ruthin</b> Demolition of existing attached outhouse building and erection of two storey extension and associated works	<b>Page</b> 61
<p><b>LOCAL MEMBER:</b> Councillor Hugh Evans</p> <p><b>OFFICER RECOMMENDATION IS TO REFUSE</b></p> <p><b>Public Speaker: For : Gareth Powell</b></p> <p>-----</p> <p><b>No late information</b></p>		

<b><u>ITEM 8</u></b> <b><u>23/2014/1440/PF</u></b>	<b>Land East of Llyn Brenig Nantglyn</b> Construction and operation of a wind farm comprising of sixteen wind turbines along with transformers, access tracks, on-site switchgear and metering building, two anemometry towers and associated construction and operation infrastructure (revised scheme partially implemented under planning permission reference 25/2007/0565)	<b>Page</b> 75
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**LOCAL MEMBER:** Councillor Joe Welch (c)

**OFFICER RECOMMENDATION IS TO GRANT**

**Public Speaker: *Against* : Dona Jones**

**Public Speaker: *For* : John Woodruff**

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**LATE REPRESENTATIONS**

**Private individuals**

In objection:

M. Barlow, 5 Maes Robert, Cefn, St Asaph  
V. Lindesay, 1 Tyn y Groesffordd, Llanbedr D.C., Ruthin  
I.W. Jones, Hafod Olygfa, Saron, Denbigh  
R.G. Jones, Hafod Olygfa, Saron, Denbigh  
E.Jones, Hafodty Du, Saron, Denbigh  
Dr James Davies MP, 1 Hanover house, The Roe St. Asaph  
E. Edwards, Penrallt, Bontuchel, Ruthin  
R. Ceen, Pistyll House, Pistyll Lane, Cymau, Flintshire

Main points in objection:

**Landscape / visual impacts**

Development would go substantially beyond the level of damage likely from the consented scheme / applicant's original proposals referred to scoping for 115m tip height being reduced to 100m to allow for cohesive design with Tir Mostyn / Foel Goch turbines and within the context of the landscape form, so proposals now would run contrary to this conclusion / turbines would be 50% taller than the Tir Mostyn ones , which is a different order of magnitude / swept area would be one third greater than the consented turbines on the site and three and a half times greater than the Tir Mostyn ones / application documents underplay significance of changes effects / increase in size will compound and exacerbate the blight of the Hiraethog and AONB landscape / concern over impact from Brenig direction in particular now trees have been felled

**Noise impacts**

Unsatisfactory approach to noise issues / similar failure of submission to address issues properly beyond dismissing them as of no greater significance than previously, not backed up by evidence, that no change in noise levels will result despite the larger turbines / concerns over the suggestions for night time and day time noise levels / concerns over noise monitoring undertaken and potential for more noise than approved application

**Tourism impact**

Industrialisation of the area around Llyn Brenig

**Biodiversity impact**

Need to ensure concerns of NRW and the Biodiversity Officer on effects on sensitive bat populations are addressed through best practice conditions re monitoring and curtailment, including temporary shutdown periods – if permission is granted.

**Nature of application**

Council should be aware of developer tactic in obtaining permission for one scheme then amending it to a form for which consent would not have been given originally – scheme is misleadingly described as a tip height extension when it is an entirely new application

**Implementation of 2009 permission**

Reference in report to partial implementation of the original application is not correct / works carried out in 2014 were undertaken to prevent the planning permission running out under

the 5 year rule, limited work carried out can in no way be logically described as ‘partially implemented’ by anyone applying common sense.

### **Information from the applicant’s agent**

The agent has reviewed the suggested planning conditions and has commented on the wording of some of these. In relation to :

- No 4 - the agent has requested that consideration be given to a minor redrafting to permit a larger micro-siting allowance in relation to turbine 14 due to the presence of deep peat around it, to minimise impact on peat. Officers consider this to be reasonable in order to address the particular issue. The suggested redrafted wording of condition 4 follows after the site panel notes below.
- No.5 - the agent has pointed out that the location and finish of the switchgear building has been agreed in relation to the existing permission. Officers consider the condition needs to be reapplied as the grant of permission would be a fresh consent.
- No. 11 – the agent has pointed out the need to revise condition 4 in relation to the micro-siting of turbine 14, as otherwise the requirement in Condition 11 in relation to peat loss will be hard to implement. This has been addressed in the suggested redrafted wording of Condition 4.
- The repetition of a number of conditions which have been discharged in part or full in relation to the 2009 permission – the agent has asked if the wording can be revised to cross-reference to the part or full approvals to save time and repetition of effort. Officers take the view that it would be cleaner to simply reimpose the relevant conditions on what is a fresh planning permission rather than over-elaborate the wording to refer to what would be a superceded permission if the current application is consented and implemented.
- Noise conditions – the agent has raised matters of detail which have been taken up with the Council’s Noise Consultant. The noise consultant’s response is quoted below. Officers suggest that the drafting of conditions 6 and 31A be revised to oblige approval of the type of turbine to be used and to control the use of reduced noise modes.

### **Council’s Noise Consultant**

The Consultant has commented as follows on the noise issues raised by the applicant’s agent:

“The original Brenig condition and the one currently proposed here are based on a procedure for limiting noise from individual wind farms to a set of noise levels which, when added to existing or likely future wind developments would result in a defined cumulative noise level at any property from all wind farms together. Because the planning condition limits recommended here already take account of existing wind farms it is not necessary for the applicant to carry out a full cumulative noise assessment.

As is normal in wind farm applications, the final turbine is not specified. It is not necessarily the case that bigger turbines are more noisy but, more importantly, all modern turbines can be operated in a set of low noise modes. I am satisfied that there is a range of suitable turbines that can be operated in such a way as to meet the planning condition limits. It is likely that all turbines will be run in a noise reduced mode some of the time.

Following representation from the applicant to remove Condition 38I, I recommend that this removal be accepted but that condition 38A is modified as proposed here. This modification would require the Council to approve the detailed use of reduced noise modes generally. I am satisfied that this will not materially affect the impact of noise on residents.

Whilst there is no doubt that the turbines will be audible at surrounding locations some of the time, the limits set in the conditions - 35dB or 3dB above background noise - are lower than the lowest day time limit ETSU-R-97 normally permits. What is more they also apply at night, replacing the normal night time limit of 43dB.

Modified Condition 38A

*The wind farm operator shall submit to the local authority a **curtailment scheme and specifications for the turbine type and applicable operational modes to be used and this shall be approved in writing by the local authority prior to the first export date and thereafter implemented as approved. The specifications shall include the tested apparent sound power level of the turbines and the uncertainty values in the measurements for all applicable running modes of the turbines all in accordance with IEC61400-11. The curtailment plan shall also set out the predicted noise levels and operational modes for the turbines for each wind speed and direction.***

**ADDENDUM REPORT**

The application was subject to a Site Inspection Panel meeting at 11am on Thursday November 5<sup>th</sup>, 2015.

In attendance were:

CHAIR – Councillor Ray Bartley

VICE CHAIR – Councillor Win Mullen-James

LOCAL MEMBER – Councillor Joseph Welch

NANTGLYN COMMUNITY COUNCIL – Mr Ian Gardner

The Officer present was Mr Ian Weaver

The reason for calling the site panel was to look at the impact of loss of visual amenity and to see scale compared to turbines close by,

At the Site Inspection panel meeting, Members considered the following matters:

1. The detailing of the proposed development, including the layout of the site and the dimensions of the turbines.
2. The proximity to other turbine development, and the boundary of the Clocaenog Forest Strategic Search Area.
3. The proximity to Nantglyn village, other dwellings and farms in the area.
4. Other background information including the basis of responses to the application

In relation to the matters outlined :

1. The Planning Officer outlined the details of the scheme, which involved 16 turbines and associated development including access works and transformers / switchgear buildings. It was explained that there was an existing permission in place for the development of 16 turbines of 100m height with rotor diameters of 80m, which had commenced through the carrying out of access works. The proposals involved the same layout and location of turbines, but an increase in the dimensions of the turbines, which would be 110m in height with rotor diameters of 90m.

2. Members viewed the site from near the entrance off the B road. This allowed an appreciation of the relationship with the existing turbines at Tir Mostyn / Foel Goch (75m high) and the single turbine at Hafody Ddu (81m high). Attention was drawn to the approximate location of the consented Clocaenog Forest Windfarm (32 turbines, 145m height), and to the location of the Pant y Maen site, which was the subject of a current undetermined application for 8 turbines, 102m height.

3. Members noted the location of the site relative to Nantglyn village (3 km) and to the nearest dwellings.



4. The Planning Officer gave a factual outline of the representations received in relation to the application, which highlighted the issues of principle involved, and the main concerns expressed over landscape/visual impact and the noise implications as expressed in many of the individual responses and consultee comments. There was discussion over points raised by the Community Council representative including cumulative landscape / visual and noise considerations, responses from consultees, the approach to controls over turbine types if permission were to be considered, and the reason for the increase in dimensions of the turbines.

#### **REVISIONS TO CONDITIONS**

Officers are requesting the following revisions to the wording of conditions in the event permission is granted:

4. With the exception of proposed turbine 14, the location of the turbines and ancillary structures such as anemometer masts, and the access tracks, shall be in the positions indicated on the submitted plans, subject to variation of the indicated position of any turbine or any track on the plans by up to 20 metres, or where the written approval of the Local Planning Authority has been given to a variation arising from details approved in relation to other conditions of this permission. Any variation greater than 20 metres shall require the written approval of the Local Planning Authority.

In relation to turbine 14, a micro-siting allowance of up to 50 metres shall be permitted to take account of the presence of deep peat deposits.

6. This permission relates solely to the erection of 3 bladed wind turbines as described in the application plans and drawings with a maximum height to blade tip of 110m from original ground level, and no turbines shall be erected until the prior written approval of the Local Planning Authority has been obtained to the type / make of turbines to be used. The development shall be carried out strictly in accordance with the approved details.

38A. The wind farm operator shall submit to the local authority a curtailment scheme and specifications for the turbine type and applicable operational modes to be used and this shall be approved in writing by the local authority prior to the first export date and thereafter implemented as approved. The specifications shall include the tested apparent sound power level of the turbines and the uncertainty values in the measurements for all applicable running modes of the turbines all in accordance with IEC61400-11. The curtailment plan shall also set out the predicted noise levels and operational modes for the turbines for each wind speed and direction.

Condition 38I to be deleted.

#### **OFFICER NOTES**

The above notes and the officer report cover matters raised in the late representations. The contention that reference to the implementation of the the 2009 permission is in error is not accepted. The Council has confirmed that the access works undertaken constitute a 'material operation' in accordance with legislation and that this is a lawful commencement of the development.

## **OTHER APPLICATIONS**

<p><b>ITEM 9</b> 45/2015/0786/PF</p>	<p><b>Home Bargains Marsh Road Rhyl</b> Erection of extension and alterations to existing retail unit and demolition of building at southern end of site</p>	<p><b>Page</b> 127</p>
<p><b>LOCAL MEMBERS:</b> Councillors Pat Jones (c ) and Pete Prendergast (c )</p> <p><b>OFFICER RECOMMENDATION IS TO GRANT</b></p> <p>-----</p> <p><b>Suggested Additional Condition:</b> Prior to the commencement of development, details of the arrangements to prevent vehicles exiting the car park directly onto Marsh Road shall be submitted to and approved in writing by the Local Planning Authority and those details approved shall be implemented prior to the approved development being brought into use.</p> <p>Reason: In the interest of highway safety.</p>		

<p><b>ITEM 10</b> 45/2015/0944/PF</p>	<p><b>26 Walnut Crescent, Rhyl</b> Erection of extension and alterations to existing retail unit and demolition of building at southern end of site</p>	<p><b>Page</b> 145</p>
<p><b>LOCAL MEMBERS:</b> Councillors Brian Blakeley (c ), Win Mullen – James (c ) and Bill Tasker (c )</p> <p><b>OFFICER RECOMMENDATION IS TO GRANT</b></p> <p>-----</p> <p><b>No late information</b></p>		

## SPECIAL REPORTS

Item 11 Page 159

### Developer Guidance Note

To consider a report presenting the planning guidance note for use in the pre-application process and the determination of planning applications for approval.