



To: Chair and Members of the Planning Committee

Date: 11 October 2012

Direct Dial: 01824 712568

e-mail: dcc\_admin@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 17 OCTOBER 2012** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams  
Head of Legal and Democratic Services

## **AGENDA**

**1 APOLOGIES** (Pages 3 - 6)

**2 DECLARATIONS OF INTEREST**

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

**3 URGENT MATTERS AS AGREED BY THE CHAIR**

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

**4 MINUTES** (Pages 7 - 46)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 19 September 2012 (copy attached).

**5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT** (Pages 47 - 120)

To consider applications for permission for development (copies attached).

**6 AUTHORISATION TO CONSULT ON THE DRAFT WIND ENERGY DEVELOPMENT INTERIM PLANNING GUIDANCE DOCUMENT** (Pages 121 - 150)

To consider a report by the Policy Research and Information Manager (copy enclosed). The report seeks authorisation to consult on the draft Wind Energy Development Interim Planning Guidance document.

**MEMBERSHIP**

**Councillors**

Ian Armstrong  
Brian Blakeley  
Joan Butterfield  
Bill Cowie  
Ann Davies  
James Davies  
Meirick Davies  
Richard Davies  
Stuart Davies  
Bobby Feeley  
Carys Guy-Davies  
Huw Hilditch-Roberts  
Colin Hughes  
Rhys Hughes  
Alice Jones

Pat Jones  
Margaret McCarroll  
Win Mullen-James  
Bob Murray  
Peter Owen  
Dewi Owens  
Merfyn Parry  
Arwel Roberts  
David Simmons  
Bill Tasker  
Julian Thompson-Hill  
Joe Welch  
Cefyn Williams  
Cheryl Williams  
Huw Williams

**COPIES TO:**

All Councillors for information  
Press and Libraries  
Town and Community Councils

## **WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE**

### **HOW THE MEETING WILL BE CONDUCTED**

Unless the Chair of the Committee advises to the contrary, the order in which the main items will be taken will follow the agenda set out at the front of this report.

#### **General introduction**

The Chair will open the meeting at 9.30am and welcome everyone to the Planning Committee.

The Chair will ask if there are any apologies for absence and declarations of interest.

The Chair will invite Officers to make a brief introduction to items on the agenda.

Officers will outline (as appropriate) items which will be subject to public speaking, requests for deferral, withdrawals, special reports, and any Part 2 items where the press and public will be excluded. Reference will be made to additional information circulated in the Council Chamber prior to the start of the meeting, including the late representations/amendments summary sheets (blue sheets) and any supplementary or revised plans relating to items for consideration.

The 'Blue Sheets' contain important information, including a summary of material received in relation to items on the agenda between the completion of the main reports and the day before the meeting. The sheets also set out the proposed running order on planning applications, to take account of public speaking requests.

In relation to the running order of items, any Members seeking to bring forward consideration of an item will be expected to make such a request immediately following the Officer's introduction. Any such request must be made as a formal proposal and will be subject to a vote.

The Planning Committee consists of 30 elected Members. In accordance with protocol, 50% of the Committee Members must be present to constitute quorum and to allow an item to be considered and vote to be taken.

County Councillors who are not members of Planning Committee can still attend and speak on an item, but are not able to make a proposal, or to vote.

### **CONSIDERING PLANNING APPLICATIONS**

#### **The sequence to be followed**

The Chair will announce the item which is to be dealt with next. In relation to planning applications, reference will be made to the application number, the basis of the proposal, and the location.

If there are public speakers on an item, the Chair will invite them to address the Committee. Where there are speakers against and for a proposal, the speaker against will be asked to go first. Public speaking is subject to a separate protocol.

Where appropriate, the Chair will offer the opportunity for Members to read any late information on the item on the 'Blue Sheets' before proceeding.

If any Member is minded to propose deferral of an item, including requests for the site to be visited by a Site Inspection Panel, the request should be made, with the planning reason. Opportunity will be given for debate on the request, and a vote shall be taken to determine the course of action.

The Chair will seek propositions and seconders for or against the officer recommendation, or any other resolutions.

The Chair will invite officers to provide a brief introduction to the item where this is considered to be worthwhile in view of the nature of the application.

If any application has been subject to a Site Inspection Panel prior to the Committee, the Chair will normally invite those Members who attended, including the local member, to speak first.

On all other applications, the Chair will permit the local member(s) to speak first, should he/she wish to do so.

Members are normally limited to a maximum of five minutes speaking, and the Chair will conduct the debate in accordance with Standing Orders.

Once a member has spoken, he/she should not speak again unless seeking clarification of points arising in debate, and then only once all other Members have had the opportunity to speak, and with the agreement of the Chair.

At the conclusion of Members debate, the Chair will ask Officers to respond as appropriate to questions and points raised, including advice on any resolution in conflict with the recommendation.

The Chair will announce when the debate is closed, and that voting is to follow.

## **The voting procedure**

Before requesting Members to vote, the Chair will announce what resolutions have been made and how the vote is to proceed. Clarification of resolutions, amendments, additional conditions and reasons for refusal may be sought so there is no ambiguity over what the Committee is voting for or against.

If any member requests a Recorded Vote be conducted, this must be dealt with first in accordance with Standing Orders. The Chair will clarify the procedure to be followed. It is necessary for one sixth of the Members present to indicate they are in favour of a Recorded Vote for this to be carried.

If a Recorded Vote is to take place, Officers will advise how this is to proceed. The names of each voting Member present will be called out and the Member will be asked to state whether their vote is to grant or refuse permission. Officers will record and count the number of votes cast and the Chair will announce the decision on this item.

If the vote is to proceed in the normal manner via the electronic voting system, the Chair will request that Officers set up the voting screen in the Chamber and, when requested, Members must record their votes by pressing the appropriate button

Members have 10 seconds to record their votes once the voting screen is displayed.

On failure of the electronic voting system, the vote may be conducted by a show of hands. The Chair will clarify the procedure to be followed.

On conclusion of the vote, the Chair will announce the decision on the item

# PLANNING COMMITTEE

## VOTING PROCEDURE

Members are reminded of the procedure when casting their vote to grant or refuse a planning application. The Chair or Officers will clarify the procedure to be followed as necessary.

Once the display screens in the Chamber have been cleared in preparation for the vote and the voting screen appears, Councillors have 10 seconds to record their vote as follows:

On the voting keyboard press the

|          |                               |
|----------|-------------------------------|
| <b>+</b> | to <b>GRANT</b> permission    |
| <b>-</b> | to <b>REFUSE</b> permission   |
| <b>0</b> | to <b>ABSTAIN</b> from voting |

This page is intentionally left blank

## PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 19<sup>th</sup> September 2012 at 9.30am.

### PRESENT

Councillors D Owens (Chair) I W Armstrong, JR Bartley, B Blakeley, J A Butterfield, W L Cowie, J.A. Davies, M LI Davies (vice chair), R J Davies, S.A. Davies, R.L Feeley, H Hilditch-Roberts, C. Hughes, T.R. Hughes, E.A. Jones, P M Jones, G Kensler (observer) M McCarroll, W M Mullen-James, R M Murray, P W Owen, T M Parry, A Roberts, J Thompson-Hill, C H Williams, C L Williams and H O Williams

### ALSO PRESENT

Head of Planning (Graham Boase) Development Control Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Principal Solicitor - Planning and Highways (Susan Cordiner), Planning Officers (Sarah Stubbs and Denise Shaw) Highways Officer (M Parker) Team Leader (Gwen Butler), Customer Services Officer (Judith Williams) and Translator (Catrin Gilkes).

Bernard Greep, Retail Consultant (Roger Tym & Partners) attended part of meeting

Planning Policy Manager (Angela Loftus) and Planning Policy Officer (Bryn Bowker) attended for the item on Supplementary Planning Guidance.

### 1 APOLOGIES

Apologies for absence were received from Councillor J.M. Davies, C. L. Guy-Davies, D Simmons, W,N. Tasker, and J Welch

### 2 DECLARATIONS OF INTEREST

Councillor M Parry declared an interest in application 18/2012/0885/PF (Golden Lion Llandyrnog)

### 3 URGENT ITEMS:

#### PLANNING TRAINING

Councillor M. LI. Davies thanked officers for the recent training on wind energy but regretted the low attendance

### 4 MINUTES OF THE MEETING HELD ON 18<sup>th</sup> July 2012.

These were agreed as a true record

## 5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning, and Public Protection (previously circulated) was submitted enumerating applications submitted and requiring determination by the Committee.

### **RESOLVED** that:-

- (a) *the recommendations of the Officers, as contained within the report submitted, be confirmed and planning consents or refusals as the case may be, be issued as appropriate under the Town and Country Planning (General Permitted Development) Order 1995, Planning and Compensation Act 1991, Town and Country Planning Advertisements Regulations 1991 and/or Planning (Listed Buildings and Conservation Areas) Act 1990 to the proposals comprising the following applications subject to the conditions enumerated in the schedule submitted:-*



**Application No:** 01/2011/0782/PO

**Location:** Land adjacent to 6 Cysgod Y Graig Denbigh

**Description:** Development of 0.19 ha of land by the erection of 1 no. detached dwelling and construction of a new vehicular access (outline application including access)

Councillor Bill Cowie raised concerns about the stability of the site. Development Control Manager Paul Mead advised that condition 14 required the site stability to be established.

**Proposals:**

It was proposed that permission be GRANTED. This was seconded by Councillor Cefyn Williams

On being put to the vote

21 voted to GRANT  
1 voted to REFUSE  
2 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 03/2011/1522/PF

**Location:** **Whitewater Country Park Berwyn Street  
Llangollen**

**Description:** Replacement of 3 No. permitted holiday chalets with revised designs at Plots 34, 35 & 36

In reply to queries, Principal Planning Officer Ian Weaver advised that this has been reported to committee because of the history of the site, but that this application had the potential to tidy the site

Councillor Rhys Hughes proposed that permission be GRANTED. This was seconded by Councillor Stuart Davies

On being put to the vote

25 Voted to GRANT  
0 Voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

:

**Application No:** 03/2012/0030/PF

**Location:** Berwyn Works Berwyn Street Llangollen

**Description:** Demolition of existing printing works, erection of Use Class A1 foodstore with associated access, parking, servicing, landscaping, surface water attenuation system, and construction of new vehicular and pedestrian accesses

A report of a site visit which took place on 13<sup>th</sup> September 2012 was circulated.

Correspondence was reported from applicant's agent; The Council's Pollution Control Officer and an e mail received from Gately LLP on behalf of Co-op

In light of the amount of public interest in this and the following application, the Chair agreed to allow two speakers for and two against these proposals.

**PUBLIC SPEAKERS:**

**Speakers Against:**

Rhys Davies (on behalf of the Co-op)

Mr Davies queried the robustness of the retail study, pointing out that Stan's Supermarket was not mentioned although it has been operating for some months. Mr Davies did not think the need had been proven by the study. He felt there would be an impact on the Co-op which stimulates link trips to town.

He considered that the turnover of the proposed supermarket had been understated and said that actual trading figures show a 40% impact and in addition would fail to encourage visits to the town centre.

Catherine Vesey (Friends of the Earth)

Ms Vesey was concerned about the impact a major supermarket chain generally has on local trade. She cited the town of Ellesmere, Shropshire where a Tesco Supermarket had been built. The local grocer had to close and other shops in the town centre were affected. Ms Vesey regretted the replication of nationwide supermarkets, preferring to see independent businesses.

## **Speakers In Favour**

### **John Palmer (Llangollen Chamber of Trade)**

Mr Palmer welcomed the increase in employment this development would bring to the town and felt it may bring visitors to the area. But he urged that conditions be imposed which would prevent a café being opened in the supermarket and meat and delicatessen products should only be sold pre-packed to reduce the impact on Town Centre businesses. Mr Palmer also asked that the access to the River Park and the paths to the town be located at the North East corner of the car park to make a visible route for supermarket customers. He said that the town relied on tourism and welcomed Sainsbury's offer to showcase the attractions of Llangollen.

### **Keith Nutter (White Young Green)**

Mr Nutter said that Dobson and Crowther needed to provide a more modern printing facility. This development would provide 109 new jobs which is to be welcomed. Mr Nutter felt that Stan's Supermarket and Co-op did not provide for a full weekly shop and so locals were travelling elsewhere. The new store would claw back these individual and the local stores will be able to trade alongside it. Sainsbury's have agreed to promote leaflets for town attractions and to fund a pedestrian link to the town centre. He said there would be no Pharmacy or Dry Cleaners in the store to compete against town traders.

Susan Cordiner (Legal Officer) drew Members attention to the email from Gately LLP (referred to on the addendum report) which raises the potential for legal challenge and asks for the application to be withdrawn from consideration. Ms Cordiner stated that most of the points were raised by Mr Rhys Davies in his speech and issues have been covered.

Councillor S Davies asked for advice about the soundness of the recommendation and was reassured by the Mr Bernard Greep (Retail Consultant Roger Tym & Partners) who felt there would always be local concerns and emotions raised. But Mr Greep stated that the study took account of the impact on the Town Centre and considered the job creation was a positive. He was happy that the conclusion was sound and robust.

Councillor S Davies was satisfied that concerns had been addressed. He requested that the proposed pedestrian exit be moved to the North East of the car park to connect to Riverside Walk. He said The Riverside Park is a tourist designation and is always short of parking. He asked that the independent café on Riverside Park be protected and conifer trees be removed to open the view. This should encourage visitors into town. He also asked if there was to be a link bus service and felt that the new print work should be built first.

Councillor Rhys Hughes thanked officers for the work on this issue which has divided the community of Llangollen.

Councillor Hughes asked

- how the delayed Local Development Plan would have affected the deliberations if it had been adopted
- Whether conditions could be imposed restricting butcher and delicatessen outlets within the supermarket.
- Whether the Welsh Assembly Government is likely to call-in the applications
- What the costs would be if a refusal went to appeal
- The study showed the retail impact to be about 8% . Councillor Hughes asked what percentage impact would be required for the retail study to consider this proposal to be detrimental.

Planning Officer Ian Weaver answered the questions.

- On Car Parking – Condition 35 stated that no restrictions be placed on parking at the supermarket.
- A different pedestrian access would require the submission of further details
- Removal of conifers could be covered when the landscaping details are approved.

Bernard Greep (Retail Consultant) stated, in answer to Councillors' questions that the proposed café would be less than 4% of the total floorspace and would cater for a different market to the outlets in town. Mr Greep stated there is no set figure for the impact to be "detrimental" although he felt 10% to be "cause for concern".

Local businesses could see a diversion of trade. Although a condition restricting goods for sale in the supermarket could be imposed it may be difficult to enforce.

Planning Officer Ian Weaver advised that.

- The applicants were prepared to accept a Unilateral Undertaking to build the Printworks first.
- The Local Development Plan is not yet adopted so it carries no weight at present.
- If refused an appeal would be heard at a Public Inquiry. The costs would have to include for Retail Consultant to be employed but it was not possible to put a figure on it.
- There had been local requests for the Welsh Government to "call in" the applications but WG would wait for the decision of committee. If granted and the Assenbly considered a call in to be appropriate they would request the authority not to issue the decision. If the application was refused the Planning Inspectorate would deal with it . WG have asked to be kept informed.
- There has been no proposal to provide a bus link.

Councillor Bob Murray stated that supermarkets usually serve meals at their cafes not just hot drinks.

Councillor H Hilditch Roberts thought the Tesco in Ruthin had had restrictive conditions on café and butchers but he was encouraged that retailers in Ruthin Town were now seeing an increase in trade.

Councillor S Davies continued to press for the path to go from the North East corner and was happy to lose two parking spaces if necessary.

Councillor R Hughes reiterated the required conditions:

- Two entrances to Riverside Park
- Removal of conifers
- Signage to town in the car park
- Green Standards for the building
- Recruitment of local staff
- No car park restrictions
- Tourist Information to be in store
- No cafes, butchers or delicatessen in store
- Annual contribution to town funds.

Head of Planning Graham Boase stated that some of these conditions were already in place but officers could amend or add conditions if necessary: However Mr Boase warned that it was possible for the applicant to appeal against the conditions.

He offered to draw up the amended conditions for the Local Members to see and would explore the issue of an annual contribution to Town funds.

### **Proposals:**

Councillor Stuart Davies proposed that permission be GRANTED subject to the suggested amended conditions.

This was seconded by Councillor Bill Cowie.

On being put to the vote

21 voted to GRANT

4 voted to REFUSE

There were no abstentions

### **PERMISSION WAS THEREFORE GRANTED**

**Subject to:** a) The completion of a Unilateral Undertaking to secure the payment of £10,000 to the Council for improvements to the Riverside Park, and to secure the completion of the development on the relocated factory before the commencement of trading of the foodstore.

b the imposition of revised or additional conditions which deal with the following matters:-

- 1, Restriction on cafe, butchers and deli counter in store.
- 2 The provision of a riverside access point for pedestrians to access/egress the site
- 3, The provision of an in store tourist information area..

Officers to provide a draft set of conditions for consultation with the local members.

**Application No:** 03/2012/0029/PF

**Location:** Land at Cilmedw Farm Berwyn Street  
**Llangollen**

**Description:** Erection of new print works building, with associated car parking, servicing, and related accesses, construction of substation, new package treatment plant and soakaways, surface water attenuation system, and new vehicular and pedestrian accesses off trunk road

Report of a site visit which took place on 13<sup>th</sup> September 2012 was circulated.

Late representations from Llangollen Town Council were also reported

**Public Speakers:**

**SPEAKERS AGAINST:**

Mr Mel Lawrence (speaking on behalf of Llangollen Civic Society)

Mr Lawrence spoke against the application, complaining that it would create a private industrial estate on a greenfield site, which was also a site of Special Scientific Interest. He considered it to be against policy ENV 2 and felt that the authority should wait until an AONB Management Plan was in place.

Mr Lawrence pointed out the plan did not show mains drainage and permission should be refused.

Phil Thane (Keep Llangollen Special)

Mr Thane spoke against the development of this area which had been set aside as the potential site for a trunk road roundabout. It had been put forward as an employment site but no one had been willing to develop it because of the expense. Mr Thane suggested that it was only being developed now because Sainsbury's wanted the present factory site.

Mr Thane was of the opinion that as the printing industry was in trouble, with competition from China, the management of this small company might as well sell up and retire. He feared the town could end up with an empty warehouse. Mr Thane also felt development would be against policy and would be detrimental to the AONB and World Heritage Site Buffer Zone.

**SPEAKERS IN FAVOUR**

Paul Holden (Dobson and Crowther).



Mr Holden stated that Dobson and Crowther had been based in Llangollen for 60 years and was the area's biggest employer - half the workforce was from the local area. He explained that the factory produced litho prints and seed packets for major retailers and was trading successfully but now needed to invest in modern equipment. He explained the industry had changed and Dobson & Crowther would benefit from smaller more modern premises. Sainsbury's offer gave them the opportunity to stay in Llangollen.

Keith Nutter (White Young Green)

Spoke in favour of the application and reminded committee that permission had been granted for the supermarket. He was astonished that it had been suggested Dobson & Green would take the money and retire. Mr Nutter advised that this site is designated for "employment" in the Unitary Development Plan. This application would unlock the land for future employment development. He acknowledged the impact as it is a Greenfield site but didn't feel it was sufficient to warrant a refusal. A need for employment land has been established and he urged committee to allow Llangollen's largest employer to stay in Llangollen.

Councillor S Davies stated that the site had been designated as employment land in the Unitary Development Plan but had never been developed due to the Trunk Road roundabout previously proposed on the land. He stated that Dobson & Crowther provided employment on a decent wage and hoped they would stay.

Councillor R Hughes commented on the site visit. He was not happy that the factory had its own private facilities, not providing mains drainage for the site as a whole.

Councillor Alice Jones asked why a brownfield site could not be found.

Planning Officer Ian Weaver said that brownfield sites were limited in Llangollen. He also advised that as this was for a single factory it was not possible to ask for any more detail of drainage for the whole site. If the rest of the site is to be developed then a Masterplan would be required and drainage and suitable infrastructure would be indicated at that time.

Councillor Stuart Davies proposed the application be **GRANTED**  
This was seconded by Councillor B Cowie.

On being put to the vote

25 voted to GRANT  
0 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Subject to** the completion of a Unilateral Undertaking to ensure the completion of the factory prior to the commencement of trading of the foodstore..

The certificate of decision will not be released until the Undertaking is signed.

The conditions to be in accordance with the submitted report .

Officers to provide a draft set of conditions for consultation with the local members

**Application No:** 03/2012/0870/PF

**Location:** **Dinbren Lodge Dinbren Llangollen**

**Description:** Change of use of grazing land to form extension to residential curtilage (partly in retrospect)ol

Councillor Stuart Davies advised his previous misgivings had been satisfied and he proposed that permission be **GRANTED**  
This was seconded by Councillor Rhys Hughes

On being put to the vote

24 voted to GRANT  
0 voted to REFUSE  
1 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 05/2012/0896/PF

**Location:** Land At Tyn Y Llidiart Ind. Est. Opposite Whole Bake Tyn Y Llidiart Industrial Est. Corwen

**Description:** Use of land for construction of additional car park for Whole Bake Ltd. for a temporary period of 5 years

Councillor Cefyn Williams referred to a local issue which had been brought to his attention relating to the offer of land for sale which was subsequently withdrawn by Denbighshire County Council. The proposed buyer of the land wanted assurances as to the future availability of this land following the temporary use as a car park.

Development Control Manager Paul Mead advised that the Estates Department were responsible for sale of assets and offered to pass the comment on.

Councillor Cefyn Williams proposed temporary permission be **GRANTED**. This was seconded by Councillor Meirick Lloyd Davies

On being put to the vote

24 voted to GRANT

0 voted to REFUSE

There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 10/2012/0610/PO

**Location:** Land adjacent to Tyn-y-Bedw Bryneglwys  
Corwen

**Description:** Development of 0.68 hectares of land for residential development (outline application - all matters reserved) (renewal of outline planning permission code no. 10/2004/1279)

There was no debate on this item

It was proposed that permission be GRANTED. This was duly seconded. On being put to the vote:

23 voted to GRANT  
0 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 11/2012/0372/PFT

**Location:** Maestyddyn Isa Clawddnewydd Ruthin

**Description:** Installation of a 50kw micro generation wind turbine with control box and access track

**Public Speakers:**

Mr Gwion Owen (applicant) spoke in favour of this proposal.

Mr Owen advised that the farm was mainly a sheep breeding enterprise but felt it was necessary to consider diversification. He had deliberated on the issue at length and felt that the location of the turbine was important, in terms of for landscape impact and to make best use of the prevailing wind. He felt that proposed location was best as it would not be affected by tree shelter or affect the local water table. There had been no objection form the Environment Agency. He urged committee to approve.

Councillor Bill Cowie proposed permission be **GRANTED**. This was seconded by Councillor H Hilditch-Roberts.

On being put to the vote:

24 voted to GRANT  
1 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 11/2012/0373/PFT

**Location:** Cil Llwyn Bontuchel Ruthin (1)

**Description:** Installation of a 50kw micro-generation wind turbine (No. 1) with control box and formation of access track

The following letters of representation was reported: from Llyr Gruffydd AM and a petition in support, signed by nine individuals.

Officers requested this item be deferred; as the following item (for a second turbine on this site) had been withdrawn. Officers considered that a revised assessment would be required to consider the impact of a single turbine instead of two turbines.

On being put to the vote:

24 voted to **DEFER**  
1 voted against deferral

There were no abstentions

**APPLICATION WAS THEREFORE DEFERRED, to be reported back to a subsequent Planning Committee**

**Application No:** 11/2012/0540/PFT

**Location:** Cil Llwyn Bontuchel Ruthin (2)

**Description:** Installation of a 50kw micro-generation wind turbine (No. 2) with control box and formation of access track

This application **WITHDRAWN** by the applicant.



**Application No: 17/2012/0681/PF**

**Location:** Rhos Isaf Llandegla Wrexham

**Description:** Change of use of land to a 20 pitch touring caravan site, installations of a cesspool, erection of a toilet/shower block alterations to existing vehicular access and associated works

Principal Planning Officer Ian Weaver explained the exact location of the site which was along the narrow lanes between Llandegla and Llanarmon yn Ial.

Councillor Colin Hughes had attended a recent planning appeal where arguments over the suitability of the location had been in doubt due to the roads and access to public transport. He asked how this application differed.

Ian Weaver explained that caravan sites were often in open countryside and sometime there is conflict which needs to be weighed up. Accessibility may be an issue but not usually a main reason for refusal. It is necessary to support tourism and in the case of touring caravans, by definition there is a need to use a car. Accessibility can be an issue but Mr Weaver advised that it would not be reasonable to refuse on those grounds in this case.

Councillor Win Mullen James asked how “temporary” the temporary toilet block is likely to be in reality.

Ian Weaver stated that it was proposed that the toilet block would only be there while there were caravans on site. The owners have advised it would be moved to the farm yard in winter.

Councillor Meirick Lloyd Davies pointed out that condition 5 covered this issue.

In response to questions Ian Weaver thought that in future, the Local Development Plan would be more restrictive than the UDP.

Councillor Stuart Davies proposed permission be **GRANTED**. This was seconded by Councillor Huw Owen Williams.

on being put to the vote

25 voted to GRANT  
0 voted to REFUSE  
there were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 18/2012/0885/PR

**Location:** Land rear of Golden Lion Inn, Llandyrnog,  
Denbigh

**Description:** Details of appearance, landscaping and scale of dwelling submitted in accordance with Condition No. 1 of Outline Planning Permission Code No. 18/2010/1503

Councillor Merfyn Parry. declared an interest in the following application and left the Chamber during consideration thereof.

There was no debate on this item.

Councillor Brian Blakely proposed permission be GRANTED, seconded by Councillor Huw Owen Williams

On being put to the vote:

22 voted to GRANT  
1 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 22/2012/0366/PO

**Location:** Land at (Part garden of) Eirianfa Gellifor Ruthin

**Description:** Development of 0.03ha of land by the erection of 1 no. dwelling (outline application including access)

There was no debate on this item

Councillor Meirick Ll. Davies proposed permission be **GRANTED**  
This was seconded by Councillor H Hilditch-Roberts

On being put to the vote

25 voted to GRANT  
0 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No: 13/2011/765/PF**

**Location:** Land west side of Golf Driving Range Llanerch Park St. Asaph

**Description:** Change of use of land to holiday use and erection of 5 No. holiday lodges

Councillor Rhys Hughes asked if Highways had any views on this issue.

Councillor Ann Davies was of the opinion that neighbours lived in this location for the peace and would be disturbed by additional traffic on this narrow road. The access to Llanerch Park is private and Councillor Ann Davies thought that if permission was granted, traffic should use the Tweedmill access.

Highways Officer Mike Parker stated that this lane previously served Tweedmill before the present entrance was created. He felt that the lane in question was not busy and wide enough for two cars to pass each other. The private drive was covered by Highways legislation, and it would be difficult to enforce Councillor Ann Davies' suggestion.

Councillor H Hilditch-Roberts urged committee to consider the planning issues. Councillor Meirick Ll. Davies reminded Members that the gates at the main entrance to Tweedmill are closed out of hours.

**Proposals:**

Councillor Richard Davies proposed this application be GRANTED  
Seconded by Councillor H Hilditch-Roberts

On being put to the vote

**VOTE:**

22 voted to GRANT  
1 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 40/2012/0745/PF

**Location:** **St. Margaret's Church St. Asaph Road  
Bodelwyddan Rhyl**

**Description:** Erection of free standing disabled toilets and bin store on north western side of church

**General Debate:**

Councillor Alice Jones advised that the Town Council had hoped the building would be clad in stone but the Parochial Church did not agree. It would be difficult to source suitable materials so this proposal was a compromise but was designed to protect the setting of the Listed Building.

Councillor Rhys Hughes mentioned areas of Llangollen where buildings in the gardens of Listed Buildings had been refused and urged consistency.

Councillor Alice Jones was of the opinion that without the proposed toilet block people would be discouraged from visiting the Church.

Councillor Arwel Roberts proposed permission be GRANTED  
This was seconded by Councillor B Blakeley.

On being put to the vote

23 voted to GRANT  
0 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 40/2012/0755/PF

**Location:** **Glan Clwyd Hospital Rhuddlan Road  
Bodelwyddan Rhyl**

**Description:** Amended details of proposed Mortuary and Energy Centre buildings previously granted consent under Code No. 40/2011/1157/PF, with associated revisions to access, service yard, landscaping and retention of contractors' site cabins and car parking

Councillor Alice Jones thanked Mr Ian Weaver for accompanying her on a site visit. Councillor Jones had no concerns about this major development but was aware the land suffered drainage problems.

Principal Planning Officer Ian Weaver explained that drains were being installed now, while the ground is dry. In response to queries about the lack of feedback from the Environment Agency, Welsh Water or Town Council, Councillor Jones explained that Town Council observations had been sent at the time of the original application and no further observations were deemed necessary.

**Proposals:**

Councillor Bill Cowie proposed planning permission be **GRANTED**  
Seconded by Councillor Arwel Roberts

On being put to the vote

23 voted to GRANT  
0 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Subject to the following Additional Note to Applicant:**

You are advised to ensure the Environment Agency Wales is satisfied at the Surface Water Drainage arrangements in view of the high water table

**Application No:** 43/2012/0563/PF

**Location:** **Beach Court Care Home 35 Beach Road West  
Prestatyn**

**Description:** Alterations and extensions to premises to provide 5  
No. additional bedrooms (total of 27 beds) together  
with general internal and external upgrade of  
existing accommodation

There was no debate on this item

**Proposals:**

Councillor Joan Butterfield proposed permission be **GRANTED**  
This was seconded by Councillor J Thompson Hill

On being put to the vote

23 voted to GRANT  
1 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 43/2012/0816/AD

**Location:** Land at Ffordd Pendyffryn Prestatyn

**Description:** Display of non-illuminated V-shaped free-standing sign

Councillor Bob Murray asked if this was replacing the existing sign, Development Control Manager Paul Mead advised that other signs would be removed.

Councillor Meirick Ll. Davies stated that adverts should be bilingual.

**Proposals:**

It was proposed and seconded that Advert Consent be given

On being put to the vote

19 voted to GRANT  
4 voted to REFUSE  
1 abstained

**PERMISSION WAS THEREFORE GRANTED**

**Subject to the following new Note to Applicant:**

Denbighshire County Council is supportive of a bilingual approach to signage and would encourage you to consider adapting your proposals to include suitable Welsh content.



**Application No:** 44/2012/0686/PF

**Location:** Part garden of Edgefield Eton Park Rhuddlan  
Rhyl

**Description:** Erection of a detached dwelling and formation of  
new vehicular access

A written report of a site visit which took place on 12<sup>th</sup> September 2012 was  
circulated.

There was no debate

**Proposals:**

Councillor A Roberts proposed permission be GRANTED  
Seconded by Councillor Meirick Ll. Davies

On being put to the vote

**VOTE:**

24 voted to GRANT  
0 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 44/2012/0780/PF

**Location:** 4 Seymour Drive Rhuddlan Rhyl

**Description:** Erection of a single storey flat roof extension to side and conversion of garage into habitable accommodation

Councillor Ann Davies asked that this item be deferred as the neighbour wished to speak against this item. Councillor Davies had advised them that it was not on the agenda.

Paul Mead explained the application had not appeared on the provisional list. However having subsequently received objection from the Town Council it was necessary to bring it to committee.

**Proposals:**

Councillor Ann Davies proposed this item be DEFERRED  
This was seconded by Councillor Arwel Roberts

**On being put to the vote**

18 voted to DEFER  
4 voted not to defer

**THIS ITEM WAS THEREFORE DEFERRED**

## **Application No: 45/2006/0816/PF**

**Location:** Land at Brookdale Road Rhyl

**Description:** Erection of 18 No. dwellings and construction of new vehicular access

A revised report was circulated and had been previously circulated by e mail to all Councillors.

The proposal now provided 1 affordable unit and an open space commuted sum in place of the 5 affordable units referred to in the unsigned 106 agreement drawn up in 2006.

Councillors asked if it was better to ask for a Bond in light of a recent appeal decision in Llangollen.

Officers felt this was a different issue. In this case the applicant could not meet the terms of the 106 agreement but offered to provide one unit of affordable housing and a commuted sum in order to develop the site and to retain jobs for their workforce.

It was also acknowledged that house prices in this area of Rhyl were lower than average. .

Councillor Joan Butterfield asked about the time limits associated with commuted sums and asked if this was going to run out of time. Susan Cordiner (Legal Officer) explained that the time limits started on the receipt of the funds, not the signing of the Agreement.

Officers urged that the committee deals with the merits of the application submitted.

Councillor Meirick Ll. Davies considered that lessons should be learnt, and that it was not advisable to wait 6 years before addressing such an issue.

Councillor McCarroll welcomed that affordable unit proposed.

### **Proposals**

Councillor Pat Jones moved that permission be GRANTED, in accordance with the revised report circulated.

This was seconded by Councillor Brian Blakely.

**On being put to the vote**

22 voted to GRANT

2 voted to REFUSE

There were no abstentions

**RESOLVED THEREFORE THAT PLANNING PERMISSION BE GRANTED  
SUBJECT TO the signing of a 106 Obligation to secure one affordable unit  
on site and a commuted sum payment for open space**

**Application No: 45/2012/0061/PF**

**Location: 16 West Parade Rhyl**

**Description:** Sub-division of existing dwelling unit on upper floors to provide 2 no. self-contained flats

It was reported that the Head of Highways had raised no objection subject to Highways Supplementary Notes.

Councillor Joan Butterfield referred to the Rhyl Going Forward document soon to be published and felt this was against the principles of the document. There was an attempt to reduce living density in Aquarium Street but this site was, in Councillor Butterfield's opinion, over-intensification.

Officers advised that through negotiation the applicants had agreed to reduce the number of flats from three to two which complied with the Supplementary Planning Guidance. There was little scope for alternative development for this vacant space above a commercial unit. Rhyl Going Forward had been consulted and had been supportive.

In reply to queries, officers advised committee that Building Control would ensure suitable means of escape, and both flats had external doors.

Conditions were proposed to ensure the loft space (previously proposed as a flat) would be used as storage by Flat 2 and another condition dealing with access to rear yard /bin storage.

**Proposals:**

Councillor Joan Butterfield proposed the permission be **REFUSED**  
This was seconded by Councillor Ian Armstrong.

On being put to the vote

**VOTE:**

13 voted to GRANT  
8 voted to REFUSE  
3 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Subject** to the following New Note To Applicant:

Your attention is drawn to the enclosed Highways Supplementary Notes

- i) Highway Supplementary Notes 1,3,4,5,& 10
- ii) New Roads and Street Works Act 1991 – Part N form

**Application No:** 45/2012/0716/PF

**Location:** 60/62 High Street Rhyl

**Description:** Change of use of Class A1 (Shops) to Class A2 (Financial and Professional Services) with ancillary accommodation to upper floors

A letter from the applicant's agent was reported

Councillor Joan Butterfield was not in favour of this proposal as she felt it was against the Rhyl Going Forward policy. She felt there was a proliferation of this type of use in the area and it gave the wrong impression.

Paul Mead (Development Control Manager) advised that this was a former "Millets" shop and the proposed change of use to A2 was suitable in principle. In this particular area, A2 uses did not dominate the area, there was a mixture but mostly A1 (34 units). He stated that the A2 use proposed was the same planning use as a bank or building society.

**Proposals:**

Councillor Joan Butterfield proposed that permission be REFUSED  
This was seconded by Councillor Mullen James.

On being put to the vote

13 voted to GRANT  
9 voted to REFUSE  
2 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 45/2012/0774/PF

**Location:** 2 Seabank Road Rhyl

**Description:** Change of use of first floor of day nursery to form manager's accommodation

**General Debate:**

Councillor Joan Butterfield explained the history of this property, and her involvement in the neighbours' problems with it. There had been a number of extensions to the property, including accommodation for a supervisor. The neighbours feared that the proposed flat would be rented out. There were now fewer children in the Nursery so the need for a full time manager was questioned.

If permission was to be granted, Councillor Butterfield asked that the use be closely monitored.

Councillor Meirick Ll. Davies thought that a separate flat would need a fire floor and noise attenuation measures but could not see this on plan.

Planning Officer Sarah Stubbs explained that although permission had been given for a supervisor's flat in 2008, this had not been implemented. The proposal was to have a Day Nursery with Manager's accommodation above. If the day nursery closed, permission would be required to use the building as a dwelling.

**Proposals:**

Councillor Joan Butterfield proposed permission be REFUSED  
This was seconded by Councillor Pat Jones

On being put to the vote

13 voted to GRANT  
9 voted to REFUSE  
1 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 46/2012/0167/PF

**Location:** Talardy Park Hotel The Roe St. Asaph

**Description:** Erection of two-storey block at rear of hotel to provide visitor accommodation with associated car parking and landscaping

There was no debate on this item

Councillor Bill Cowie proposed that permission be GRANTED  
This was seconded by Councillor Meirick Ll. Davies.

On being put to the vote

**24 voted to GRANT**  
**0 voted to REFUSE**  
**There were no abstentions**

**PERMISSION WAS THEREFORE GRANTED**

*At this juncture (it being 1pm) a proposal was made to break for lunch. A counter-proposal was made to continue with business as the end of the agenda was in sight. It was proposed a vote to be taken.*

*17 voted to continue business*  
*7 voted to break for lunch*

**RESOLVED: To continue business to a conclusion**



## **ENFORCEMENT ITEMS**

### **Ref ENF/2012/00021**

**Location:** Land to rear Hillside, Holywell Road, Rhualt

**Description:** Unauthorised engineering operation to create hardstanding. Erection of portal framed building and storage of additional detached portable building

Officers displayed photographs of the site which back onto the A55 at Rhualt. There is a history of unauthorised development at this property. In this case a portal building hard standing and fencing had been erected without permission.

### **Proposals:**

Councillor Brian Blakely proposed Enforcement Action be authorised  
This was seconded by Councillor B Murray.

On being put to the vote

21 voted to take Enforcement Action  
1 voted against

### **RESOLVED:**

That the Planning Committee authorise the service of an Enforcement Notice with a 3 month compliance period, requiring

- (i) Removal of the unauthorised portal-framed building from the agricultural land,
- (ii) Removal of the unauthorised detached portable building stored on the agricultural land,
- (iii) Removal of the unauthorised hard-standing and
- (iv) The restoration of the land to its previous state as an agricultural field.

## **Ref ENF/2010/00058**

**Location:** **Pentre Mawr, Llandyrnog, Denbigh**

**Description:** (unauthorised use of land for the erection of 3 tented bedroom canvas lodges)

Development Control Manager Paul Mead explained the history – permission was given for 6 lodges but subject to a 106 Agreement to fund the restoration of the Listed Dairy Block. This agreement was not signed but 3 of the 6 units were built. Officers are still continuing negotiations but felt Authorisation to take Enforcement Action (even if not used) would move this forward.

Councillor M Parry stated that applicants had offered £50K towards the restoration but the economic climate had changed. They built 3 lodges to try and make funds available. This was a valuable attraction in the locality and should be supported.

Principal Planning Officer Ian Weaver advised that no planning permission exists so this is unauthorised development.

The 106 agreement has not been signed and it had taken time to get detail from the applicant to show how the Listed Building would be saved.

Officer's has received a schedule this week. This could move things forward but authorisation to take enforcement Action could help. It was possible to withhold action during negotiations.

Councillor Bobby Feeley was on Committee when permission was given in 2008 but could not find evidence of a 106 Agreement. She thought the applicant to be genuine and hoped something could be worked out.

Councillor J Thompson Hill was minded towards leniency and asked for action to be deferred.

Councillor H Hilditch Roberts asked about the 106 agreement and felt that deferring action would be sensible.

Councillor Meirick LI. Davies suggested that this should have been reported back to committee after 1 year but thought Enforcement Action should be authorised, even if is not taken.

Development Control Manager Paul Mead stated that taking action was always a last resort but felt it was prudent to have authorisation on file to use if necessary. He was happy to extend the compliance period to 6 months.

Councillor J Thompson Hill suggested that an Enforcement Notice is not served for 6 months.

**Proposals:**

Councillor J Thompson Hill formally proposed that Enforcement Action be authorised, subject to it being held in abeyance for 6 months.  
This was seconded by Councillor Bob Murray

On being put to the vote

**22 voted in FAVOUR**  
**1 voted AGAINST**

**Resolved:**

That the Planning Committee authorise the service of an Enforcement Notice with a month compliance period, requiring the removal of the unauthorised tented bedrooms/canvas chalets from the land and to restore the land to its previous use as agricultural land.

To instigate prosecution proceedings where any person on whom an Enforcement Notice has been served, fails or refuses to comply with the requirements thereof.

The service of the notice to be deferred for 6 months to allow further negotiation

## Item 8

### SUPPLEMENTARY PLANNING GUIDANCE

#### Pontcysyllte Aqueduct and Canal Heritage Site

Submitted - Written report Informing Members of the consultation responses received and outlining proposed changes to the Supplementary Planning Guidance. Final approval of the document will be undertaken at Full Council on 9<sup>th</sup> October 2012.

Planning Officer Bryn Bowker outlined the history of consultation undertaken and the changes made .

Councillors expressed views about the affect the designation has had on the Dee Valley. Some feeling was expressed that lack of consultation prior to the extension of the Area of Outstanding Natural Beauty (AONB) has resulted in mistrust.

There followed discussion about the composition of the AONB Joint Advisory Committee and the lack of Llangollen members on the World Heritage Site panel.

Officers were asked to clearly highlight the changes prior to the Full Council meeting for ease of reference.

**Resolved** that Planning Committee notes the comments received during the consultation and subsequent changes made to the WHS Pontcysyllte Aqueduct and Llangollen canal Supplementary Planning Guidance.

Officers to highlight the changes made and report to Full Council on 9<sup>th</sup> October 2012 for final approval.

## **Item 9**

### **West Rhyl Supplementary Planning Guidance**

Submitted report detailing the draft West Rhyl Supplementary Planning Guidance. Councillors were asked for comments and officers sought authorisation to consult upon this document.

Planning Officer Bryn Bowker gave an outline of the Supplementary Planning Guidance proposed. He stated that West Rhyl was a deprived area and the SPG would be used to ensure consistency in tenure type, open space provision and to supply a Masterplan for the area. He requested the committee's view on consultation.

Councillors welcomed the document and pointed out some errors in street names on map. Officers noted the changes requested and asked for suggestions for bodies to consult. Councillor J Butterfield offered to supply a list.

There was some discussion about whether to restrict the consultation to local members or to allow other areas to be involved. It was generally agreed to consult local groups and local Councillors.

RESOLVED to approve the draft Supplementary Planning Guidance (subject to road names being corrected) for consultation for an 8 week period commencing at the end of September 2012.

The meeting closed at 1.50 pm

This page is intentionally left blank

**DENBIGHSHIRE COUNTY COUNCIL  
PLANNING COMMITTEE 17<sup>th</sup> October 2012  
INDEX TO PLANNING APPLICATIONS**

| <b>Item No</b> | <b>Application No</b> | <b>Location and Proposal</b>   | <b>Page No</b> |
|----------------|-----------------------|--|----------------|
| 1              | 07/2012/0539/<br>PFT  | <b>Sirior Llandrillo Corwen</b><br>Installation of 2 No. 50kw micro-generation wind turbines with control box and access track   | 49             |
| 2              | 11/2012/0373/<br>PFT  | <b>Cil Llwyn Bontuchel Ruthin</b><br>Installation of a 50kw micro-generation wind turbine (No. 1) with control box and access track  | 77             |
| 3              | 40/2012/0456/PF       | <b>Pengwern Farm Nant Y Faenol Road Bodelwyddan Rhyl</b><br>Erection of a loose housing building for cattle  | 99             |
| 4              | 44/2012/0780/PF       | <b>4 Seymour Drive Rhuddlan Rhyl</b><br>Erection of a single storey flat roof extension to side and conversion of garage into habitable accommodation  | 105            |
| 5              | 45/2012/1181/PF       | <b>Rear of Town Hall, part Market Street, part Glanglasfor and Part High Street Rhyl</b><br>Use of land as market for sale of Class A1 (retail goods) and Class A3 (hot food and drink) on Thursdays and Saturdays with 14 additional days in any one year | 113            |

This page is intentionally left blank





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

Graham Boase  
 Head of Planning & Public Protection  
 Denbighshire County Council  
 Caledfryn  
 Smithfield Road  
 Denbigh  
 Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

REFERENCE NO. 07/2012/0539/PFT  
 SIRIOR FARM  
 LLANDRILLO, CORWEN



Application Site

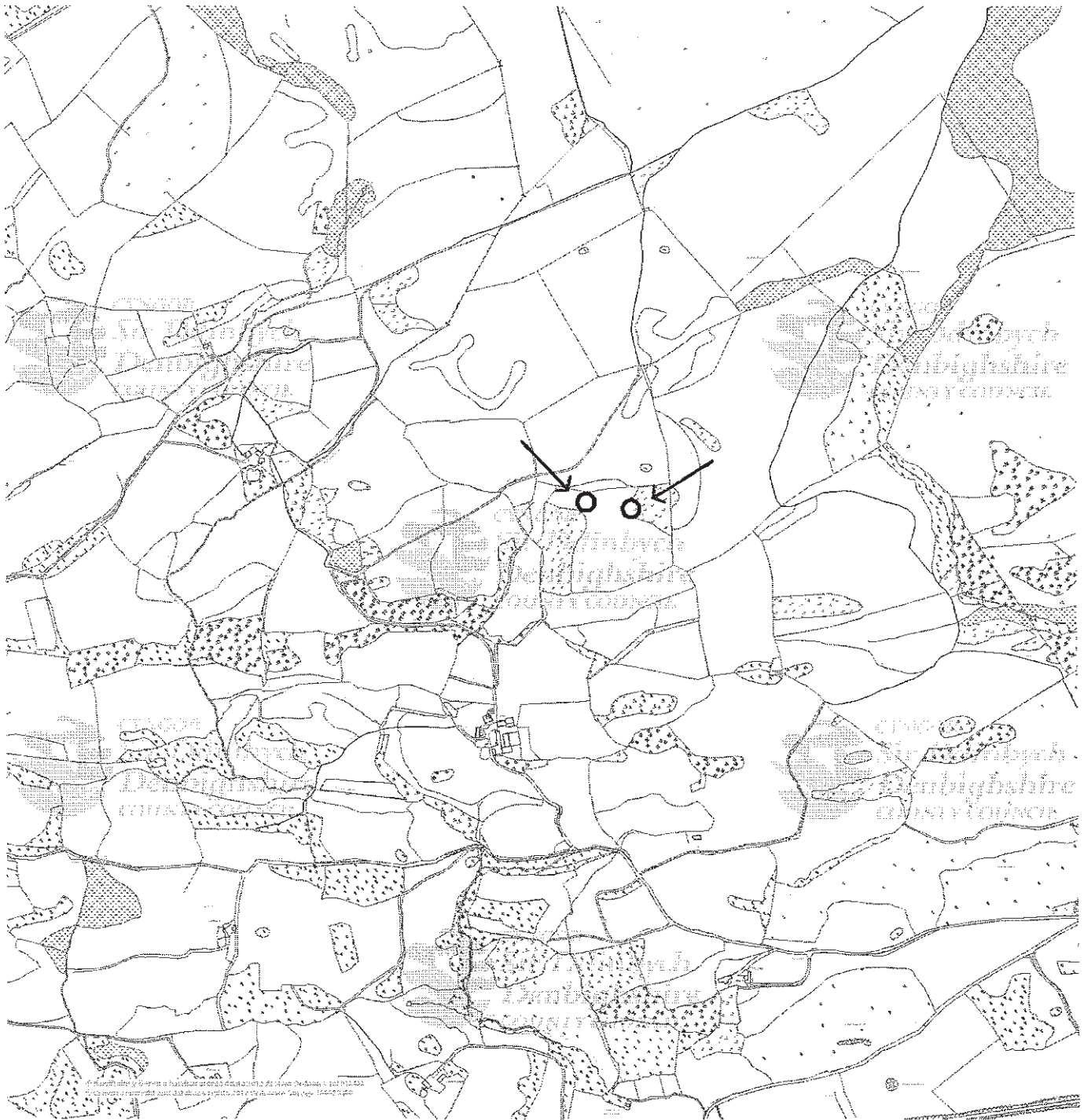


Date 4/10/2012

Scale 1/10000

Centre = 300514 E 338434 N

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



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Denbighshire County Council. 100023408. 2011.

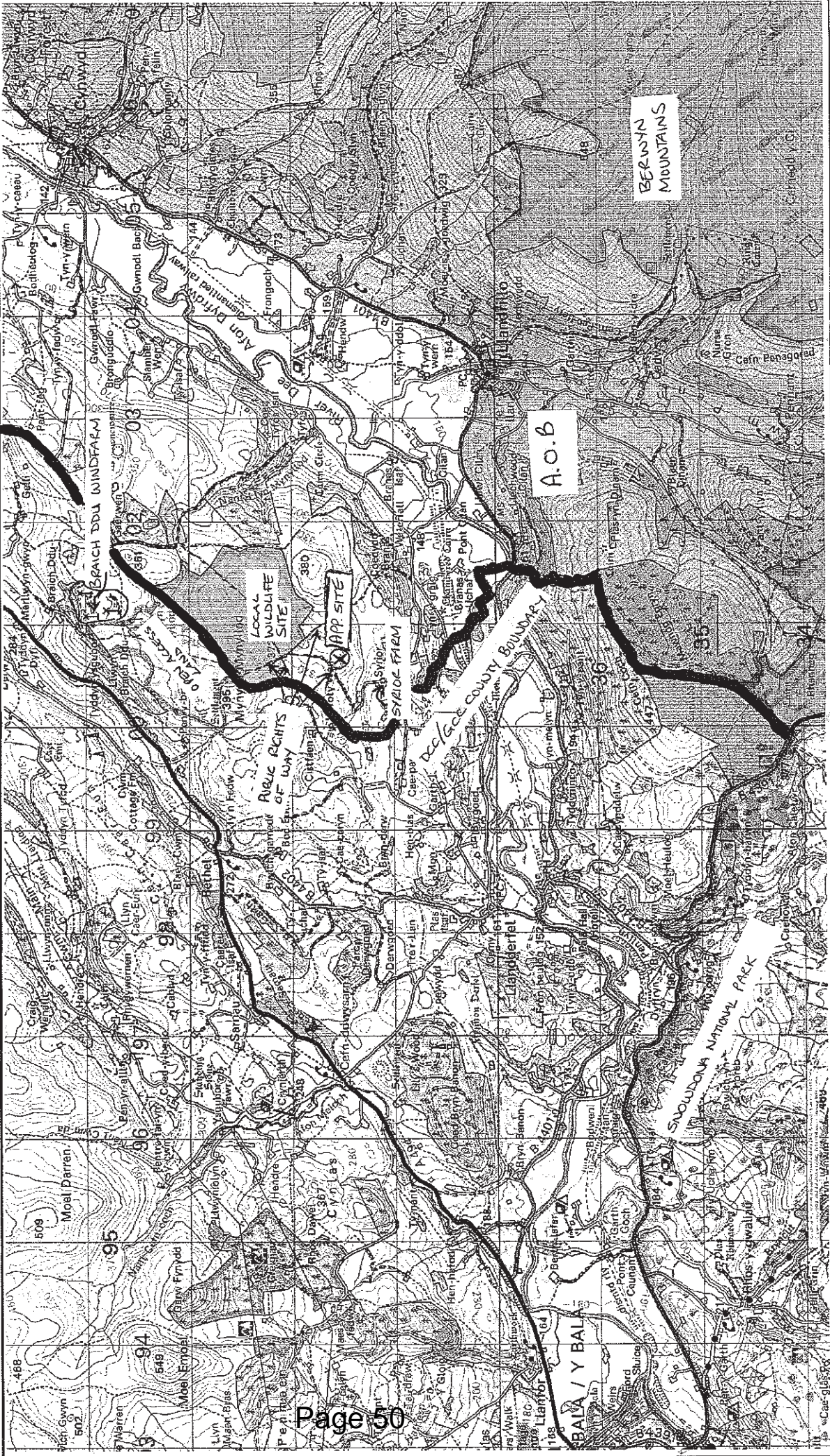
Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey gyda'r awdurdod hyspysu a gwybodaeth. © Crown copyright. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain i brosesu neu brosesu sifil. Cyngor Sir Ddinbych. 100023408. 2011.



07/2012/0539 2 no. 50kw wind turbines, Synoc Farm, Llandinilo.

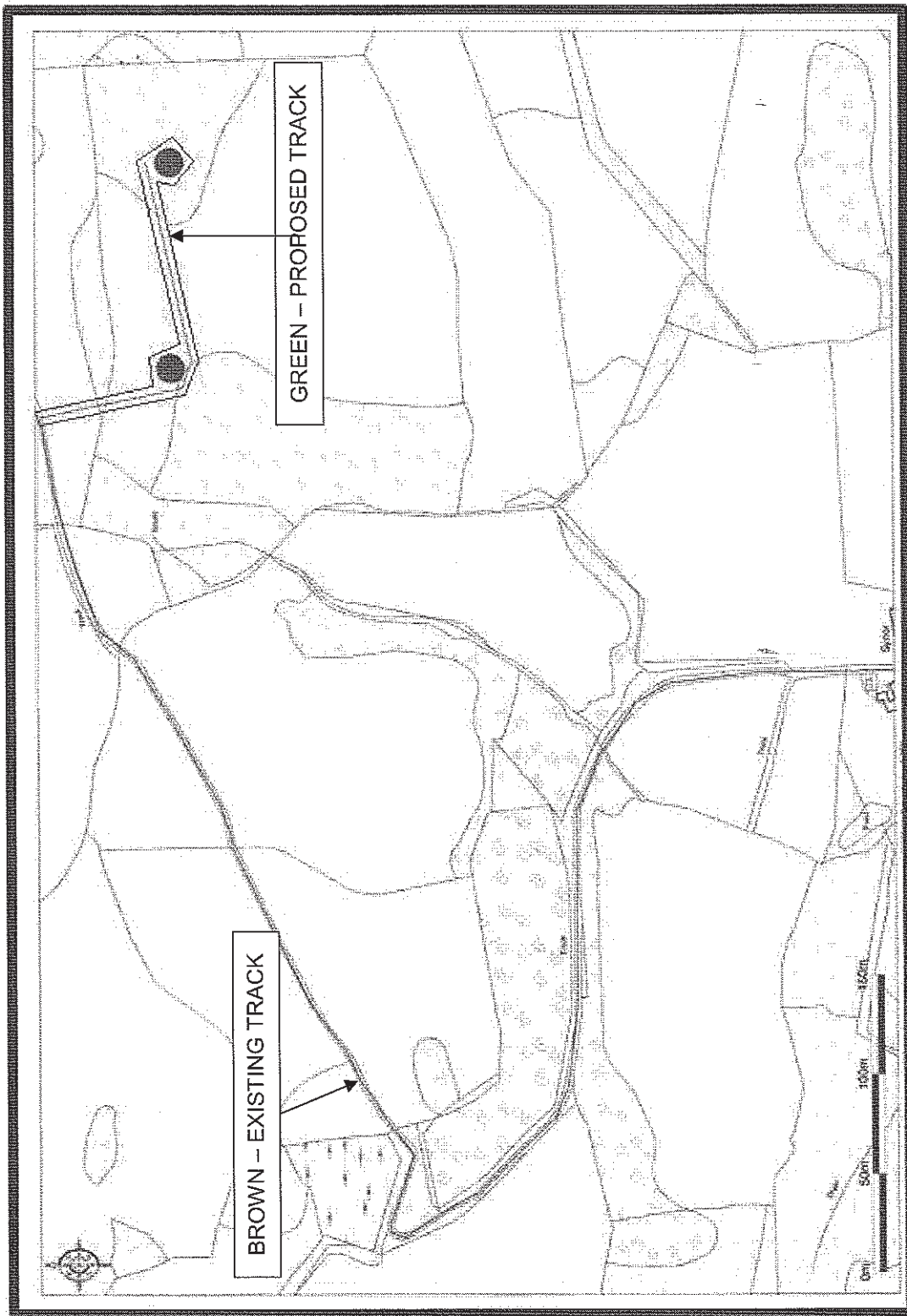


Date 1/10/2012  
 Scale 1/35000  
 Centre = 300006 E 337798 N



This is an extract of the millennium map 74 which is copyright Crown copyright, 1995  
 © Crown copyright and database rights 2012, Ordnance Survey 100022408





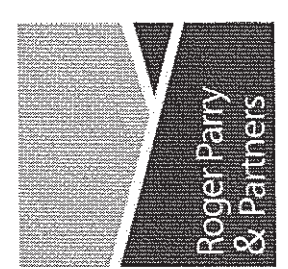
|             |  |
|-------------|--|
| JOB:        | Proposed Wind Turbines                   |
| CLIENT:     | DH & DR JONES                            |
| TITLE:      | Site Plan as Proposed                    |
| LOCATION:   | Syrfor Farm, Landrillo, Corwen, LL21 0TA |
| SCALE:      | 1:2500                                   |
| DATE:       | May-12                                   |
| DRAWING NO: | SYRIOR 01                                |
| DRAWN BY:   | GEL                                      |

Based on Ordnance Survey with the permission of the Controller of HMSO © Crown Copyright Licence No. 100020449

● = Turbine Location  
 □ = Application Site

www.rogerparry.net  
 richard@rogerparry.net  
 Tel: 01691 655 334

Roger Parry & Partners LLP  
 The Property Experts





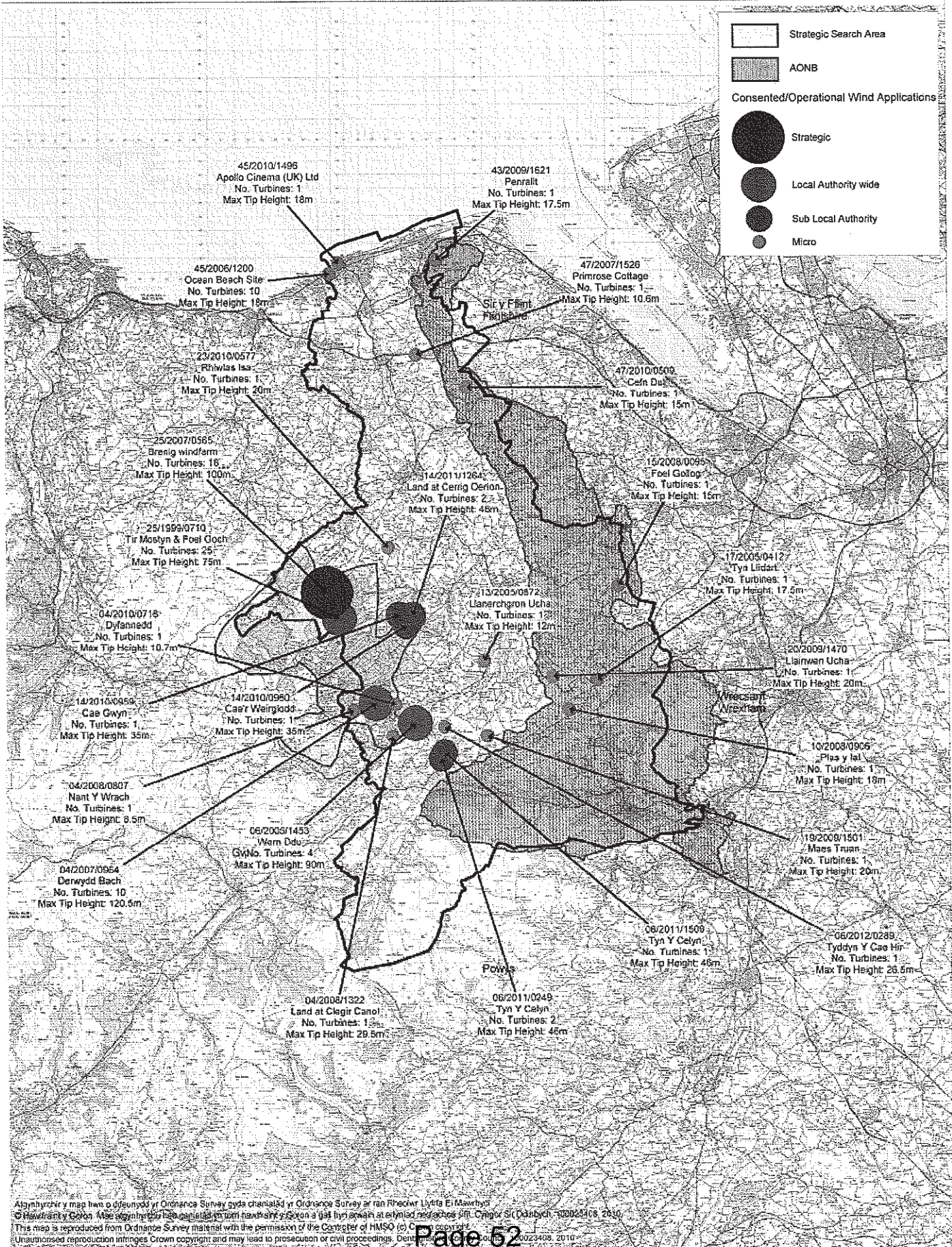


**Consented/Operational Wind Applications as of 1st June 2012**

Scale: 1: 250000  
Date: 01/06/2012  
Map Sheet:



**Environment Directorate**





**ITEM NO:** 1  
**WARD NO:** Llandrillo  
**APPLICATION NO:** 07/2012/0539/ PFT  
**PROPOSAL:** Installation of 2 No. 50kw micro-generation wind turbines with control box and access track  
**LOCATION:** Sirior Llandrillo Corwen  
**APPLICANT:** Messrs D H & D R Jones DH & DR Jones  
**CONSTRAINTS:** PROW  
**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
 Press Notice - No  
 Neighbour letters - No

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Member request for referral to Committee

**CONSULTATION RESPONSES:**

**LLANDRILLO COMMUNITY COUNCIL**

"No objection to the erection of two 50kW wind turbines, but some Members did point out that they are spoiling the natural beauty"

Re-consultation response:

"Following our Llandrillo Community Council meeting, we have no objection to the additional information"

**COUNTRYSIDE COUNCIL FOR WALES (CCW)**

Proposal has the potential to have adverse effects on landscape and protected species which has not been adequately addressed in additional information. CCW object to issue of consent for this proposal unless additional information can show it would not have adverse effects.

Re-consultation comments:

Landscape: Proposal is within 4km of Snowdonia National Park, 6.2km from the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and within 4.4km of two Landscape of Historic Interest Areas (Y Berwyn and Y Bala a Glannau Tegid).

Scheme will generate adverse visual effect from parts of north Berwyn (including parts of Landscape of Historic interest area) and in particular the access land and public rights of way in this area. Photomontages from viewpoint 5 and 'additional' viewpoint confirm this.

Cumulative effect of the proposal has not been considered – CCW advise that a revised landscape assessment to be submitted which assesses cumulative impact of proposal in combination with Braich Ddu windfarm and proposed Mynydd Mynyllod windfarm.

Protected Sites: proposal will not affect any statutory protected sites of ecological, geological or geomorphological interest. Whilst within 3km of the Berwyn SPA, unlikely to impact on ornithological features of SPA.

Protected Species: CCW are aware of several bird species in the environs of the application site, most notably breeding curlew. Wind turbines up to 600m of curlew nesting sites have the potential impact on curlew breeding territories through displacement and/or disturbance.

Ornithological report submitted shows curlew were recorded in area, however it contains no assessment of the possible impact on curlew - CCW advise that further additional information is required in on proximity of the nearest curlew breeding sites, and an assessment of possible impacts on curlew breeding territories.

In conclusion, CCW would object to issue of consent for this proposal until further additional information is provided.

#### ROYAL SOCIETY FOR THE PROTECTION OF BIRDS

No response received.

#### NATS (EN ROUTE) PUBLIC LIMITED COMPANY (NERL)

NERL is responsible for civilian en-route air traffic control over the UK and is regulated by the CAA.

No safeguarding objection to the proposal.

#### MINISTRY OF DEFENCE

No response received.

#### AIRBUS

No aerodrome safeguarding objection.

#### GWYNEDD COUNTY COUNCIL

Do not make specific comments on the proposal except to draw attention and consideration in respect of any cumulative effects. Also note that Gwynedd County Council have issued a scoping opinion for the erection of 2 no. 125m turbines at Bodelith Isaf, Bethel, Llandderfel, which is close to the application site.

#### SNOWDONIA NATIONAL PARK AUTHORITY

Turbine may be visible from areas within the Snowdonia National Park and also newly extended Clwydian Range AONB. Whilst some photomontages have been provided, they are limited to locations close to the development.

There may be viewpoints to east of the proposed site where the two turbines will be seen against the backdrop of the Aran range of mountains and consequently the proposed development may impact adversely on the National Park's setting, and the setting of the AONB. Consider the main impacts to be views out of the National Park down the Dee valley from its eastern boundary on the B4391 at Parc Caletwr and on views into Snowdonia from the public rights of way and open access land on Mynydd Mynyllod.

Note that the visual and landscape analysis does not consider cumulative impacts of turbines with existing (Braich Ddu) and proposed (Mynydd Mynyllod and Bodelith) in the locality.

Consider the visual impact of turbines of different sizes and design would be inharmonious and visually confusing.

Re-consultation comments: no further comments to add.

#### CLWYDIAN RANGE AND DEE VALLEY AONB JOINT ADVISORY COMMITTEE

The JAC objects to this proposal on the grounds of its harmful impact on important views from the nationally important landscape of Y Berwyn. In particular, the JAC considers the proposal will have an unacceptable industrialising effect on the unspoilt and open views of the wild and remote landscape of Snowdonia and Y Berwyn. Although development is more distance from existing AONB, there will be similar effects on views of Snowdonia from higher ground of the AONB.

Note there are a number of existing turbines visible to the north of the proposed site, and JAC is concerned about cumulative effects of a further spread of such development between Clocaenog SSA and Snowdonia.

Consider the harmful landscape impacts significantly outweigh the renewable energy benefits.

#### KEN SKATES AM FOR CLWYD SOUTH

Has been contacted by applicant (a constituent) regarding this application. Has clarified that this application has nothing whatsoever to do with Scottish Power Renewables and requests that this application is considered separately from the Mynydd Mynyllod windfarm and the benefits of the proposal are given due consideration.

### DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

#### TRANSPORT AND INFRASTRUCTURE – HIGHWAYS

No objections in principle, but have concerns regarding construction traffic as it is a difficult route from A roads to the site.

Requested additional information from applicant to clarify the specific access / egress route and specific type and size of vehicles to be used.

Re-consultation comments: No objection to the proposal following re-consultation. Request the applicant's attention is drawn to Advisory Notes should planning permission be granted.

#### TRANSPORT AND INFRASTRUCTURE - PUBLIC RIGHTS OF WAY

Public Bridleway 6 (Llandrillo Community) will be affected due to the fact it will be used as an access track for heavy vehicles during construction. Planning conditions would be required to safeguard the Public Right of Way (PRoW). Permission from the local highways authority would be required to temporarily close the PRoW.

#### TECHNICAL OFFICER (POLLUTION)

No objection to the proposal subject to planning conditions being imposed to control the noise emitted from the turbine to ensure it does not exceed 35dB in accordance with industry guidance (ETSU-R-97).

#### SENIOR SCIENTIFIC TECHNICAL OFFICER

(Consulted in response to public objections raising concerns regarding impact on private water supplies)

The properties referred to in the public representations are in Gwynedd. From Council's mapping, do not think that the spring source would not be in proximity, but Gwynedd County Council would hold the site specific information.

#### BIODIVERSITY OFFICER

No objection in principle, but more information required to assess ecological impacts.

Mynydd Mynyllod Wildlife Site and other nearby habitat are known to support red and amber list bird species. Limited ecological information submitted with the application was not sufficient to be able to determine the potential impacts of the proposal.

The farm is part of the Tir Gofal scheme and had previously carried out a phase 1 habitat survey. Following discussions with the agent and a site visit, the Council's Biodiversity Officer confirmed that a new phase 1 habitat survey would not be required, but an ornithological survey would be necessary.

Re-consultation comments on Ornithological Desk Survey: The information gathered in survey is fine, however it doesn't go into recommendations (e.g. for surveys). Study does conclude that species from the Berwyn SPA and various protected species could use the site but it doesn't go into potential impacts on these species/sites or any mitigation measures.

#### LANDSCAPE CONSULTANT

The landscape consultant conducted a landscape and visual assessment focussed on the following issues:

- The effect of the proposal upon the landscape character, locally accessible public views and residential amenity
- How the proposal would relate to existing wind development in the locality, the emerging pattern and implications on cumulative landscape impacts.

Summary of comments:

Landscape and Visual Assessment: Site lies within Mynydd Mynyllod LANDMAP visual and sensory character area characterised as a remote visually distinctive upland hill with high scenic value. It is an important transitional landform between farming lowland to the east and the dramatic upland scenery to the west and is distinctive in its own right. It is of regional / county significance for its High scenic quality, High character, High rarity and Moderate integrity.

Visual change in character to this landscape as a result of the proposal would not be very apparent within Dee Valley due to landform and wooded slopes. Turbines would be evident on the skyline of over 3km, and would result in a small magnitude of change upon visual receptor of moderate sensitivity / slight adverse effect on road users.

Longevity of coniferous woodland along valley skyline is integral – removal of woodland could result in proposal significantly change the integrity and character of Dee Valley.

Views from Berwyn open access land and public rights of way network not been considered within DAS. Berwyn is of Outstanding character and high quality, integrity and rarity. Valued as accessible, scenic, wild and remote landscape of national significance and westerly flanks of ridgeline are part of historic landscape.

Sensitive views and cumulative impacts: number of public rights of way descend from Berwyn ridge and into valley – provide panoramic views of regional scale landscape within which Mynydd Mynyllod and Dee Valley sit.

Braich Ddu windfarm is an established prominent feature and Wern Ddu windfarm evident in the distance to the north. Although proposed turbines are of a smaller scale to Braich Ddu, would give the appearance of the incremental spread of wind development extending the broken line from the Clocaenog plateau.

Consider the pattern of development to have an unacceptable cumulative landscape impact upon views from the Berwyn; sense of expanse and uncontained views associated with Berwyn would be harmed. Would be seen against eastern edge of



Snowdonia mountains, where they would harm the wild, remote perceptual qualities of views into Snowdonia.

Summary: Proposal would:

- adversely affect the perceptual qualities of views from the Berwyns;
- compromise views of Snowdonia affecting the wild and remote qualities of landscape;
- in conjunction with existing wind development, lead to an adverse cumulative impact.

Recommendation: Due to adverse and cumulative landscape impacts, contrary to UDP policy and recommend refusal.

## RESPONSE TO PUBLICITY:

### IN SUPPORT:

6 no. representations received from:

|       |           |                      |                     |             |          |
|-------|-----------|----------------------|---------------------|-------------|----------|
| Dan   | Puw       | Gwernydd             | Parc                | Bala        | LL23 7YW |
| John  | Jones     | Mona Tractor Co. Ltd | Denbigh Road        | Ruthin      | LL15 2TN |
| Arwel | Griffiths | Ty'n Ffridd          | Sarnau              | Bala        | LL23 7LG |
| Iwan  | Jones     | Wnallt Bach          | Maerdy              | Corwen      | LL21 0PG |
| Mr S  | Nahed     | Pale Hall            | Pale Estate         | Llandderfel | LL23 7PS |
| Huw T | Jones     | Farmers Union Wales  | Ty Mawr, Llys Owain | Dolgellau   | LL40 1AF |

Summary of planning based representations in support:

Principle: Support principle of development, safer option than nuclear power / Feel email campaign to encourage objections to this scheme is not representative of local opinion / corresponds with Welsh Government sustainable energy policy

Farm Diversification: agricultural industry facing difficult times – important that farmers can diversify and are able to employ local agricultural workers / Single Payment Scheme reductions will mean farm faces a huge loss, and need to secure income from other sources / renewable energy schemes way forward for mountain farms

Economic Benefits: will help to secure farming business, which will in turn benefit local agricultural businesses who are dependent on a vibrant rural economy / venture will ensure farm can provide work for local people / will not impact on tourism

Landscape Impact: size of scheme is small and irrelevant / proposed development will suit landscape

### IN OBJECTION:

80 no. representations received from:

2 no. representations from Campaign for Protection of Rural Wales (CPRW) local branches:

|           |                           |                    |          |          |
|-----------|---------------------------|--------------------|----------|----------|
| E Andrews | CPRW - Meirionnydd Branch | 26 Seaview Terrace | Aberdyfi | LL35 0LL |
|-----------|---------------------------|--------------------|----------|----------|

|               |                     |         |                      |          |
|---------------|---------------------|---------|----------------------|----------|
| Michael Skuse | CPRW - Clwyd Branch | Caenant | Llangynhafal, Ruthin | LL15 1RU |
|---------------|---------------------|---------|----------------------|----------|

69 no. representations from Denbighshire and Gwynedd residents:

|                                      |                         |                |            |          |
|--------------------------------------|-------------------------|----------------|------------|----------|
| David & Bromfield (& Helen Marshall) | Pen y Geulan Bran       | Cynwyd         | Corwen     | LL21 0ET |
| John Broughton                       | Blaen Dinam             | Llandrillo     | Corwen     | LL21 0TB |
| Wayne Carrow                         | 5 Gwern Gwalia          | Glan yr Afon   | Corwen     | LL21 OHG |
| Chris Cheshire                       | Pant Teg                | Cynwyd         | Corwen     | LL21 0EU |
| Ian & Pat Preston Cilan              |                         |                | Llandrillo | LL21 0SY |
| Peter Cottee                         | Bryniau Golau           | Llangower      | Bala       | LL23 7BT |
| Tina Davies                          | Tyn Llechwedd           | Bethel         | Bala       |          |
| J L Davies                           | Tyn Llechwedd           | Bethel         | Bala       |          |
| Eirian Davies                        | Bryn Melyn Farm         | Llandderfel    | Bala       | LL23 7RA |
| Alun Davies                          | 16 Fron Haul            |                | Ruthin     | LL15 1JD |
| Gordon Dyos                          | Ysgubor Newydd          | Llandrillo     | Corwen     | LL21 0SY |
| Peter Field                          | Pen y Bont Touring Park | Llangynog Road | Bala       | LL23 7PH |
| Mr CJ & Mrs B Foster                 | Efail y Bont            | Llandrillo     | Corwen     | LL21 0NB |
| Boris Gold                           | Hafoty Wen              | Llandderfel    | Bala       | LL23 7RG |
| Annabel Gravestock                   | Oak House               | Cynwyd         | Corwen     | LL21 0LW |
| Andrew & Dilys Wyn Greenough         | Pant y Llyn             | Llandrillo     | Corwen     | LL21 0TE |
| John Griffiths                       | Cwm Cottage             | Bethel         | Bala       | LL23 7LB |
| Gareth Griffiths                     | Bryn Teg                | Cae Croes      | Bala       |          |
| Yvette Gulland                       | Tyn y Fron              | Llandderfel    | Bala       | LL23 7RG |
| Brian Gulland                        | Tan y Fron              | Llandderfel    | Bala       | LL23 7RG |
| Sheila Harman                        | Bryniau                 | Llanuwchllyn   | Gwynedd    | LL23 7ST |
| Peter Harman                         | Bryniau                 | Llanuwchllyn   | Gwynedd    | LL23 7ST |
| L Harrison                           | Siamber Wen Farm        | Cynwyd         | Corwen     | LL21 0ET |
| Anna Hayward                         | Ty Hen                  | Sarnau         | Bala       | LL23 7LG |
| Toby & Stephanie Hickish             | Caerau Uchaf            | Sarnau         | Bala       | LL23 7LG |
| S G Hickish                          | Caerau Uchaf            | Sarnau         | Bala       | LL23 7LG |
| Wendy Hollis                         | 12 Bro Helyg            | Llandrillo     | Corwen     | LL21 0TR |
| W E Hollis                           | 12 Bro Helyg            | Llandrillo     | Corwen     | LL21 0TR |
| Michael & Norma Horton               | Sunnyridfe              | Cynwyd         | Corwen     | LL21 0HP |
| D H Insall                           | Blodnant                | Tynant         | Corwen     | LL21 0PS |

|                              |                              |                         |            |          |
|------------------------------|------------------------------|-------------------------|------------|----------|
| LesleyJames                  | Bryn Penllyn                 | Llandrillo              | Corwen     | LL21 0TE |
| Andrew Jedwell               | Heol Gaud                    | Cynwyd                  | Corwen     | LL21 0NE |
| Wyn & Edna Jones             | Fronguddio                   | Cynwyd                  | Corwen     | LL21 0ET |
| Tricia Jones                 | Bod Erw                      | Llandrillo              | Corwen     | LL21 0SW |
| Mair Jones                   | Hendre Gwalia                | Llanuwchllyn            | Bala       |          |
| David Meyrick Jones          | Llawrbetws Uchaf             | Glanrafon               | Corwen     | LL21 0HD |
| Carol Keys-Shaw              | Y Beudy                      | Measmor,<br>Maerdy      | Corwen     | LL21 0NS |
| Mrs P Ledsham                | 5 Rhodfa Gwilym              |                         | Trefnant   |          |
| Paul Lines                   | Penrhos                      | Llandrillo              | Corwen     | LL21 0SU |
| Mrs R Lister                 | 2 Tair Organ                 | Cynwyd                  | Corwen     | LL21 0LG |
| Mrs June Lister              | 2 Tair Organ                 | Cynwyd                  | Corwen     | LL21 0LG |
| Hilary Madeley               | Coed Moelfa                  | Cynwyd                  | Corwen     | LL21 0NA |
| Rachel Madeley-Davies        | Fedw Arian                   | Rhyd Uchaf              | Bala       | LL23 7SB |
| Deborah McLarnon-Riches      | Y Bwthyn                     | Faerdref,<br>Cynwyd     | Corwen     | LL21 0NE |
| Beverly Moss                 | Pen Cefn<br>Cottage Holidays | Ty Hen,<br>Sarnau       | Bala       | LL23 7LG |
| Adrian Moss                  | Pen Cefn<br>Cottage Holidays | Ty Hen,<br>Sarnau       | Bala       | LL23 7LG |
| Hilary Murray                | 1 Arenig Street              |                         | Bala       | LL23 7AH |
| Fay O'Mailey                 | Ballia                       | Waterfall Rd,<br>Cynwyd | Corwen     | LL21 0LH |
| Chris Park                   | Wern Y Pistyll               |                         | Corwen     | LL21 0NA |
| David Poole                  | Blaen Gwnodl<br>Uchaf        | Cynwyd                  | Corwen     | LL21 0ET |
| Dena Proctor                 | Ty Isaf Dinam                |                         | Llandrillo | LL21 0TB |
| Wendy Pryce-Jones            | Glassblobbery                | Glanrafon               | Nr Corwen  | LL21 0HA |
| David Pryce-Jones            | Glanrafon Hall               | Glanrafon               | Nr Corwen  | LL21 0HA |
| Dafydd Roberts               | Byrgoed                      | Llandderfel             | Bala       | LL23 7RE |
| Colin Roberts & family       | Ffron Heulog                 | Llandderfel             | Bala       | LL23 7RD |
| Mrs S Robinson               | Branas                       | Llandderfel             | Bala       | LL23     |
| Karen Roden                  | Waen yr Hydd                 | Cynwyd                  | Corwen     | LL21 0NE |
| Stephen Rose                 | Cilgwri                      | Glanrafon               | Corwen     | LL21 0HA |
| Peter & Jennifer Sandle      | Llygad-Yr-Haul               | Waen                    | Nantglyn   | LL16 5PU |
| John & Susan Steele          | Bryn Hyfryd                  | Llandderfel             | Bala       | LL23 7HP |
| G L Strasst                  | Fron Goch                    | Cynwyd                  | Corwen     | LL21 0NA |
| Peter Stroud & Julia Greaves | Tyddyn Ysgubor               | Glanrafon               | Corwen     | LL21 0HE |
| Mr K G & Mrs K Boys-Yates    | Ty Mawr                      | Ty'n y Cefyn            | Corwen     | LL21 0ER |
| Catherine Upton              | Nantyr                       | Cynwyd                  | Corwen     | LL21 0LY |
| B W Webb                     | Tyddyn Llan                  | Llandrillo              | Corwen     | LL21 0ST |

|                  |                   |              |        |          |
|------------------|-------------------|--------------|--------|----------|
| Melanie Williams | Cysgod y Coed B&B | Llanfor      | Bala   | LL23 7DU |
| Mrs E M Williams | Tan y Castell     | Llanuwchllyn | Bala   | LL23 7TA |
| Mel Williams     | Tan y Castell     | Llanuwchllyn | Bala   | LL23 7TA |
| Mrs N Wivell     | Pen y Bont Farm   | Cynwyd       | Corwen | LL21 0ET |

9 representations received from members of the public from outside of Denbighshire and Gwynedd:

|                 |                          |                |                     |          |
|-----------------|--------------------------|----------------|---------------------|----------|
| Del Brown       | The Crow                 | Wrexham Road   | Whitchurch          | SY13 1JE |
| Emily Burrige   | The Flat                 | Wincombe House | Shaftesbury, Dorset | SP7 9AB  |
| Rosemary Cooper | Greywings, 7 Cross Likey | Church Stoke   | Montgomery, Powys   | SY15 6AL |
| Nina Hansen     | 26 Oadfield Avenue       | Upton Heath    | Chester             | CH2 1LQ  |
| Gwynn Jones     | 19 Averil Vivian Grove   |                | Swansea             | SA2 0JP  |
| Carys Jones     | 19 Averil Vivian Grove   |                | Swansea             | SA2 0JP  |
| Maria Nelson    | 25 Oakfield Avenue       |                | Chester             | CH2 1LQ  |
| Satch Norton    | Slate House              | Llanwnnog      | Caersws, Powys      | SY17 5NE |
| Helen Povey     | 78 Wyndham Drive         | Cefyn y Bedd   | Flintshire          | LL12 9YD |

Summary of relevant planning considerations in objection:

Principle / Policy:

- Contrary to Welsh Government policy aimed at protecting special scenery in the area
- should be treated the same way as non-energy related schemes (e.g. residential & farm applications)

Precedent:

- Set precedent for wind energy development in this area / open floodgates for larger developments / embolden developers
- Encourage many other farmers to erect turbines / just because other farms in county have installed turbines does not justify them here

Farming need / diversification:

- No farming or business viability justification / too large to be classed as a farm diversification scheme / would be establishment of new business venture unrelated to farm / proposal is for financial gain
- Benefit to individual farm but detrimental to other farms who have diversified into tourism enterprises
- Farm is a livestock farm with modest electricity demand – no activities onsite (e.g. dairy unit) to justify need for such large onsite electricity generation / size of turbines should in keeping with farm's actual energy demand
- Farm is in Tir Gofal scheme and may be conflict.

#### Landscape and visual impact:

- Upper Dee Valley is unspoilt area with exceptional natural beauty / will ruin beautiful area / one of last remaining wilderness areas
- Close to statutory designations – would have detrimental impact on Berwyn Mountains, Snowdonia and Clwydian Range AONB / negatively affect views into and out of designated areas / 'Gateway' to Snowdonia National Park and should be protected
- Landscape quality is key asset for Wales – landscape will be spoiled & landscape integrity disrupted / Blight landscape / industrialisation of the landscape
- Tall structures will be visible from Llandderfel to Cynwyd / affect skyline / industrialise Llandrillo skyline / stick out like a sore thumb

#### Visual amenity:

- Clearly visible from B4401 – negative impact on visual amenity of properties along this road and from other properties in area
- Disrupt the peaceful enjoyment of countryside
- Proposition (in DAS) that chosen turbines will be 'pleasing to the eye' is fatuous

#### Cumulative impacts:

- Proliferation of turbines on unspoiled Mynydd Mynyllod mountain / proliferation of turbines in Denbighshire, Conwy & Gwynedd
- Intervisibility with existing turbines (Braich Ddu windfarm, Wern Ddu windfarm and turbines in Gwyddelwern & Cerrigydrudion) will degrade landscape
- Turbines being squeezed in between National Park, AONB, & Berwyns SAC, SPA, SSSI - will lead to the industrialisation of those parts of Denbighshire that do not have highest landscape designation
- Adverse cumulative impact on statutory designations
- Contribute to wider adverse cumulative impacts across Wales (North, Mid & South Wales)
- Change character of countryside – will give rise to dispersed windfarm landscape

#### Quality of supporting landscape information:

- Cumulative impacts not assessed
- photomontages taken in poor light / unrepresentative / diminish size of turbines proposed
- selective viewpoints / viewpoints from nearby dwellings not provided / no viewpoints from tourism businesses, Berwyns, AONB, listed buildings or National Park / additional viewpoint not representative of properties

#### Economic / Tourism impacts:

- local economy reliant on tourism (visitor accommodation, local shops and services) and is sensitive to prominent development of this nature / tourism is one of few growing economies
- Visitors come for the scenery and tranquillity – wind turbine development will deter visitors and have an adverse impact on vital tourism industry
- Village already lost bank and local school – further damage to local economy will see more facilities close and communities damaged
- Benefit of wind energy development will not compensate job losses
- Many farms have diversified into tourism, and turbine development will have a detrimental impact on other rural businesses in area
- Reduction in tourism will increase rural poverty
- Ramblers and walkers will avoid the area / negative affect on recreational amenity of Mynydd Mynyllod

#### Environment / Ecology:

- Close to Berwyns (SSSI, SAC, SPA) & Mynydd Mynyllod local wildlife site - haven for rare and threatened species (esp. red kite, hen harriers and nesting curlew)
- Adverse impact on birds and raptors
- Bat species recorded in area
- Wind turbine development is contrary to conservation aims of agri-environment schemes such as Tir Gofal
- Destruction of natural habitat / diverse and delicate ecosystem disrupted

#### Comments on Bird survey:

- Ornithological impacts not properly assessed / No supporting fieldwork / seasonal surveys should have been carried out
- Identified 48 species that are legally protected / clear inference that protected species (in. red listed species) will be affected
- Survey not objective
- Out of date (dated June 2010)
- Effect to bats not considered
- Dramatic increase in red kite and curlews in area.
- Survey does not make any recommendations or conclusions

#### Noise:

- Close to dwellings and visitor accommodation– detrimental impact on amenity
- Noise emitted at varying frequencies – adverse health impacts from noise, amplitude modulation & 'whooshing'
- Noise will disturb peace and affect ability of neighbour (a composer) to work from home
- Spoil the quiet enjoyment of the countryside
- Braich Ddu windfarm generates significant noise at night / Gwyddelwern residents experience noise disturbance as a result of wind turbine developments

#### Shadow flicker:

- Close to dwellings – detrimental impact on amenity & health
- Disagree with DAS ascertain that 'some degree of flicker is acceptable'
- Public Right of Way within 10 rotor diameter – users of PRoW will experience flicker

#### Hydrology:

- Concern about impact on private water supplies in area (nearby properties have spring feed supply) – may diminish supply / affect drainage
- Groundworks will effect hydrology – not accurately predictable
- Pollution of water courses

#### Archaeology:

- Affect setting of Caer Drewyn Hillfort / archaeological remains in area

#### EIA:

- should have been subject to EIA

#### Decommissioning:

- No certainty that applicant will be solvent when time comes - cost of decommissioning should be set aside and held in escrow by third party
- Decommissioning works should form part of the application and not be subject to a planning condition.

#### Remediation measures:



- DAS states 'following installation, site will be reinstated to former condition' – incorrect as turbines will remain.

Construction / Access (including re-con comments):

- No information on construction route from A5 - vehicles would pass through Llandrillo and Cynwyd and minor local roads (A5104 & B4401) are narrow, with bad bends and bridges, houses along road and no passing places –unsuitable for construction vehicles / road network cannot cope with traffic
- proposed access route along narrow D road to turbine site is a Public Right of Way (access route and bridleway) which may need to be closed during construction
- No justification for the deletion of Section 4 and Section 6 in revised Construction Method Statement
- No case for Sunday working
- Details of 16 tonne vehicular movements not provided
- Describing site access and egress as 1 vehicle per day is disingenuous
- Should include precise route and delivery times

Misc:

- Should apply minimum separation distances between turbines and dwellings
- Health and safety (blades detaching and fire risk).

NON-MATERIAL CONSIDERATIONS:

Need for wind energy: Objectors also raised comments regarding the need for wind energy development and the associated carbon savings / technical performance of wind turbines, however the need for wind energy development is clearly established in UK and Welsh Government policy and legislation and therefore it is not the role of the local planning authority to debate this issue.

Effect on property prices: A number of objectors also raised concerns with regards to the depreciation of property values close to wind energy development, however the impact on property prices is not material to planning decisions.

Relationship with Mynydd Mynllod windfarm: A significant number of objectors have raised concerns regarding the relationship this application has to the proposed Mynydd Mynllod windfarm, and some objectors requested the application be deferred until such time as the Mynydd Mynllod windfarm proposal has been determined.

However, whilst this proposal would be immediately adjacent to the Mynydd Mynllod windfarm site, it is important to stress the need to assess each planning application on its own merits and without prejudice.

It is also important to note that the Mynydd Mynllod windfarm (which is subject to the Planning Act 2008 regime) is still in the pre-application stages and an application is yet to be submitted to the Planning Inspectorate; it cannot therefore be considered to be 'in-planning' and there is no reasonable basis for deferring this planning application until a decision has been made on the Mynydd Mynllod windfarm proposal.

**EXPIRY DATE OF APPLICATION: 05/07/2012**

**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

- re-consultations / further publicity necessary on amended plans and / or additional information

## **PLANNING ASSESSMENT:**

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

#### 1.1 Summary of proposals

- 1.1.1 The proposal is to erect 2 no. Endurance E-3120 50kW wind turbines on agricultural land located at Syrior, Llandrillo. Syrior is an upland organic livestock farm, running both sheep and cattle enterprises and the turbine would be sited approximately 400m to the north of the farm house.
- 1.1.2 The application submission includes the following documents:
- Location, Site and Elevation Plans
  - Design and Access Statement (DAS)
  - Construction Methodology Statement
  - Shadow Flicker Constraints Map
  - Noise Constraints Map
  - Zone of Theoretical Visibility Maps (5km and 15km radius)
  - Photomontages and Wireframes
  - Ornithological Desk Study (additional document)
  - Access Plan (additional document)
  - Additional photomontage and written comments on landscape impacts (additional document)
- 1.1.3 The turbine would be mounted on a 36.7m free standing monopole steel tower on a 7m x 7m concrete foundation pad, with the foundations extending approximately 1.7 metres below ground. The proposed three blade rotor has a diameter of 19.2m and the tip blade height is approx. 46.3m. The proposed colour of the turbine blades and hub are signal white (RAL 9003) and the tower is traffic white (RAL 9016).
- 1.1.4 An equipment cabin is proposed at the base of the turbine which will have the following dimensions: 2.95 metres (L) x 1.15 metres (W) x 2 metres (H).
- 1.1.5 The Construction Methodology Statement states that construction vehicles would access the locale from the A5104, however the A5104 terminates where it joins the A494 to the north of Corwen and no details have been provided regarding the local access route from the A494 / A5 to the farm access track.
- 1.1.6 An Access Plan has been provided to clarify the construction route to the site from the public highway. As the existing farm access track is narrow and constrained, the proposed access route would exit the minor public road and initially follow a linear agricultural / forestry track for approx. 800m, at which point the access route would join the farm access track for approx. 340m to the farmhouse. From the farmhouse, the application site will be accessed from along an existing Public Right of Way (bridleway), and a small length of access track from the Public Right of Way to the turbines is proposed.
- 1.1.7 The construction phase is predicated to last 13 working days. Construction vehicles include articulated crane, articulated lorry, rigid flatbed truck, 16 tonne and 2 tonne medium wheel base vehicles, excavations vehicles, cement deliveries by mixer lorry and contractor private vehicles. Once operational, maintenance vehicles will be standard 4X4 SUV vehicles.
- 1.1.8 The turbine would be connected to the electricity grid via the farm's electricity meter. The predicated annual energy output for each of the turbines in this



location is estimated at approximately 189,220kWh per year, which would be a combined output of 378,440kWh per year. No data has been provided in relation to the electricity consumption of the farm enterprise.

- 1.1.9 The proposal is put forward as a farm diversification scheme. The Design and Access Statement (DAS) interprets diversification to mean the entrepreneurial use of farm resources for a non -agricultural purpose for commercial gain. The DAS states the proposed wind turbine would benefit the applicant in two ways; reduce reliance on imported electricity and create an alternative income stream.

## 1.2 Description of site and surroundings

- 1.2.1 The application site is located on the south western edge of the broad ridge of Mynydd Mynyllod and the turbine would be approximately 400m to the north of the Syrior farm complex.
- 1.2.2 The Gwynedd county boundary is approximately 750m to the west and south-west.
- 1.2.3 There are some isolated residential properties within 1km of the proposed turbine location which includes: Hafoty Wen (600m to the west) Cisfaen (750m to the west) and Tyn y graig (820m to the south).

## 1.3 Relevant planning constraints/considerations

- 1.3.1 In planning policy terms the application site lies in the open countryside.
- 1.3.2 The application site is within 4km of the Snowdonia National Park, 6.2km from the Clwydian Range and Dee Valley Area of Outstanding National Beauty (AONB) and within 4.4km of two Landscape of Historic Interest areas: Y Berwyn and Y Bala a Glannau Tegid.
- 1.3.3 The Berwyn Mountains are also a designated Special Area of Conservation (SAC), Special Protected Area (SPA), Site of Special Scientific Interest (SSSI), a National Nature Reserve (NNR).
- 1.3.4 The Mynydd Mynyllod local wildlife site is approximately 400m to the north of the application site and the locally designated Area of Outstanding Beauty (AOB) is approximately 2km to the south east.
- 1.3.5 There are two public rights of way (bridleway and footpath) close to the application site. At its closest point, the bridleway is approximately 60m to the north east of the proposed turbines and the footpath is approximately 450m to the north-east. The bridleway will be used as an access route for construction and maintenance vehicles.
- 1.3.6 The operational Braich Ddu windfarm is approximately 2.2km to the north, and the proposed Mynydd Mynyllod windfarm site is immediately adjacent of the application site.
- 1.3.7 The Denbighshire Landscape Strategy shows the application site lies within the Mynydd Mynyllod LANDMAP Character Area, which has been evaluated as having a 'High' Visual and Sensory Aspect. It is therefore a landscape of county / regional importance.

## 1.4 Relevant planning history

- 1.4.1 A total of 89 wind turbines have been granted planning permission within the County to date. There is a map of all consented / operational wind turbine development in the County as at 1 June 2012 at the front of this report.

- 1.4.2 The Council has granted planning consent for 8 no. wind turbines of this scale within the County and, including this application, there are currently 4 no. planning applications pending determination for similar 50kW wind turbines

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

- 1.5.1 Additional information was requested to clarify the access and grid connection arrangements, and a desk based ornithological report and additional landscape assessment information was requested in response to issues raised by CCW and other consultees. The additional information was subject to re-consultation.

**1.6 Other relevant background information**

- 1.6.1 A Negative Environmental Impact Assessment screening opinion for 1 no. 50kW turbine was issued by the Council in March 2012.
- 1.6.2 Wind turbines of this scale are eligible for Feed-in Tariffs (FITs), which is a government backed financial incentive designed to encourage renewable electricity generation.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 No determined or consented applications are of direct relevance to this application.

**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 2 Energy  
Policy STRAT 5 Design  
Policy STRAT 7 Environment  
Policy GEN 3 Development Outside Development Boundaries  
Policy GEN 6 Development Control Requirements  
Policy ENV 1 Protection of the Natural Environment  
Policy ENV 2 Development affecting the AONB / AOB  
Policy ENV 5 Sites of Local Conservation Importance  
Policy ENV 6 Species Protection  
Policy CON 12 Historic Landscapes, Parks & Gardens  
Policy ENP 1 Pollution  
Policy MEW 8 Renewable Energy  
Policy MEW 10 Wind Power

**3.2 GOVERNMENT GUIDANCE**

Planning Policy Wales (PPW Edition 4, February 2011)  
TAN 8 Planning for Renewable Energy (2005)  
TAN 5 Nature Conservation and Planning (2009)  
TAN 6 Planning for Sustainable Rural Communities (2010)  
TAN 11 Noise (1997)

**WELSH GOVERNMENT PRACTICE GUIDANCE**

Planning Implications Of Renewable And Low Carbon Energy (Practice Guidance 2011)

**3.3 OTHER MATERIAL CONSIDERATIONS**

Denbighshire Landscape Strategy / LANDMAP Study (2003)

**4. MAIN PLANNING CONSIDERATIONS:**

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

- 4.1.2 Context for the development / Farm diversification
- 4.1.3 Landscape and visual impact, including cumulative effects of / with other wind turbines
- 4.1.4 Biodiversity and nature conservation
- 4.1.5 Noise and amenity
- 4.1.6 Traffic and Transport
- 4.1.7 Tourism / economic impact
- 4.1.8 Aviation

4.2 In relation to the main planning considerations:

4.2.1 Principle

Welsh Government policy and guidance

The UK is subject to the EU Renewable Energy Directive, which includes a target of generating 15% of the UK's total energy demand from renewable energy sources by 2020. Planning Policy Wales (PPW) reaffirms UK and Welsh Government energy policy and recognises that wind energy generation remains the most commercially viable form of renewable energy in Wales. As illustrated in PPW, the total capacity for energy generation from onshore wind by 2020/2025 is estimated at 2GW.

For planning purposes, PPW defines the following renewable and low carbon energy scales, which is of relevance to the application before Committee:

| Scale of development       | Threshold ( Electricity and heat)   |
|----------------------------|---|
| Strategic                  | Over 25 MW for onshore wind and over 50 MW for all other technologies                       |
| Local Authority - Wide     | Between 5MW and 25 MW for onshore wind and between 5 MW and 50MW for all other technologies |
| <b>Sub local authority</b> | <b>Between 50kW and 5MW</b>   |
| Micro                      | Below 50kW  |

This application therefore falls within the 'sub local authority' scale of development in PPW. Sub local-authority scale renewable energy projects are applicable in all parts of Wales subject to the assessment of site specific impacts.

TAN 8 supplements PPW and provides technical advice and guidance on renewable energy projects; TAN 8 introduced the principle of spatial planning for the delivery of energy policy and identifies 7 Strategic Search Areas (SSAs) where large scale onshore wind developments should be concentrated.

TAN 8 makes reference to smaller scale (less than 5MW) schemes in para. 2.11 - 2.14, however this puts the onus on local planning authorities to define what is meant by 'smaller scale' schemes. It also refers to the need for local planning authorities to consider the cumulative impact of smaller schemes in areas outside of the defined Strategic Search Areas and the need to strike the right balance between the desirability of renewable energy and landscape protection. Whilst that balance should not result in severe restriction on the development of wind power capacity, TAN8 acknowledges there is a case for avoiding a situation where wind turbines spread across the whole of a county.

Chapter 15 of the Welsh Government Practice Guidance: Planning Implications of Renewable and Low Carbon Energy (2011) defines cumulative effects as '*where more than one renewable energy scheme is proposed by one or more developers or where a single scheme is proposed in an area with existing schemes, the combined effect of all schemes taken together is known as the 'cumulative effect'*' (para. 15.1). The Guidance mentions that potential cumulative effects of renewable energy

developments could impact on landscape and visual amenity; viability of bird populations; ecological features; and noise levels.

Given the increasing number of consented wind turbine development both within the Denbighshire and in neighbouring counties, it is imperative that cumulative effects are fully considered when planning applications are assessed.

#### Denbighshire Unitary Development Plan Policies

The strategic policies contained in the UDP promote a sustainable approach to development, with STRAT 2 supporting the principle of generating energy from renewable sources so far as they are compatible with the Plan's policies.

UDP Policy MEW 8 supports renewable energy development in principle, provided that proposals do not give rise to unacceptable effects on the environmental quality of the locality. Policy MEW 10 is a criteria based policy which specifically deals with wind power developments. It states that wind turbine development will be permitted subject to compliance with the policy criteria.

Policy GEN 6 refers to general development control requirements which applies to all development proposals and ENV 1 relates to the protection of the natural environment. It states "*Development must be designed to maintain or enhance the landscape character of the countryside and biodiversity of the natural environment*".

Taken together, the policies contained in the UDP provide support in principle for renewable energy development subject to the detailed assessment of localised impacts, taking into account the cumulative impact and spread of wind turbine development of varying scales throughout the County.

#### 4.2.2 Context for the development / Farm diversification

The application has been put forward as a farm diversification scheme. TAN6 supports national planning policy on sustainable rural communities and section 3.7 focuses on farm diversification. It states that "*When considering applications for farm diversification projects, planning authorities should consider the nature and scale of the activity*". It goes on to state that "*many economic activities can be sustainably located on farms. Small on-farm operations such as..... renewable energy, are likely to be appropriate uses*". Therefore the principle of installing a wind turbine may be a valid farm diversification activity, subject to consideration of the nature and scale of the activity.

Public consultation responses raise questions over the farm diversification arguments, given the size of the proposed turbine and the energy needs of the enterprise.

Whilst the County Council has previously given weight to the agricultural benefits of wind turbine development when considering similar on-farm wind turbine applications, each application has to be assessed on its own merits. As there has been a significant increase in the number of proposals for on-farm wind turbine applications either pending determination or in the pre-application stages, there is a need to establish a consistent approach to the manner which the farm diversification merits should be assessed. In this context it is suggested that due consideration should be given to the nature of the farming enterprise, how the turbine would fit into the wider farming picture, the size and siting of the turbine relative to the farm complex, the energy needs of the enterprise and how the energy generated will be used.

The DAS states the proposed wind turbine would benefit the applicant in two ways; to reduce reliance on imported electricity and creating an additional income stream through guaranteed payments under the Feed-in Tariff. To assess whether or not this



is an appropriate farm diversification scheme, Officers feel the following points are of relevance:

- Syrior is an upland livestock (sheep and cattle) farm, and therefore cannot be described as an energy intensive enterprise.
- The siting of the turbine is unrelated to the farm complex, and therefore the turbine would appear to be an isolated structure.
- No details of the farm's annual energy consumption have been provided. However based on the data provided in the DAS and Ofgem household electricity consumption data, the two turbines proposed would generate approximately 114 times more electricity each year than an average residential property would consume per annum. It is therefore concluded that the turbine has not been sized to offset the farm's onsite energy demand.
- The turbine would connect to the electricity grid via the farm's meter, therefore the energy generated can be used by the farm with excess electricity exported.

On balance, Officers view is that the above scenario does not suggest this is a farm diversification scheme and that consequently limited weight should therefore be apportioned to the diversification arguments in TAN6. Officers feel the scheme should instead be viewed as a commercial venture and assessed on its own merits accordingly.

#### 4.2.3 Impact on landscape and visual amenity, including cumulative implications.

PPW and TAN 8 provide the overriding strategic policy framework for assessing wind energy development and contain some specific guidance on the detailed consideration of landscape and visual impact to assist local planning authorities' determination of planning applications. TAN8 clarifies that outside of designated Strategic Search Areas, the implicit objective is to maintain the landscape character i.e. no significant change in landscape character from wind turbine development, and PPW confirms that, when assessing renewable energy proposals, local planning authorities should ensure that international and national statutory obligations to protect designated areas are observed.

Detailed UDP policies relevant to the visual and landscape impact associated with wind energy development are policy GEN 6 and policy MEW 10. GEN 6 requires consideration of ii) *the effect of development on the form and character of surrounding landscape*; iii) *the effect on prominent views into, out of, or across any area of open countryside*; iv) *incorporating existing landscape features and taking account of site contours and changes in levels and avoids prominent skylines*; and v) *the impact on residential amenity*.

MEW 10 (iii) *requires that proposals do not unacceptably harm the character and appearance of the landscape*, (viii) *requires that proposals would not lead to an unacceptable cumulative visual impact in an area where zones of visibility (with other wind turbine development) overlap, and that particular attention will be paid to the potential proliferation of such developments in any one area*; and vii) *the proposal does not cause unacceptable harm to the enjoyment of the landscape*.

The Denbighshire Landscape Strategy is based on the LANDMAP study, which provides useful background material on the essential characteristics and quality of the landscape of the County. LANDMAP places the site within the Mynydd Mynyllod character area which is of county / regional importance and is characterised as a remote visually distinct upland hill with a high visual quality which overlooks the adjacent Dee Valley. The primary management objective set out in the Denbighshire Landscape Strategy is to maintain the open moorland character and high visual quality of the hill top. The site is also close to statutory and nationally important landscapes including the Snowdonia National Park, Y Berwyn and Y Bala a Glannau

Tegid, both Landscape of Historic Interest Areas, and the newly extended Clwydian Range AONB.

Chapter 4 of the DAS sets out the Landscape Impact Assessment which seeks to examine the potential impacts of the proposed development on the landscape and visual amenity of the study area. Zone of Theoretical Visibility (ZTV) maps (5km radius and 15km radius respectively) and a series of photomontages and wireframes taken from 6 no. viewpoints have been used to inform the Assessment and a visual appraisal of each viewpoint has been undertaken. It concludes that the resultant predicated impact of the proposal on the selected receptors to be:

- Low (B4401 north west of Llandrillo)
- Low to negligible (B4401 near Cilan and B4401 adjoining footpath T52)
- None (Llandderfel, Bridge near Branias Lodge, and B4401 south west of Cynwyd)

However, viewpoints from residential properties and from sensitive locations (such as Y Berwyn or Snowdonia National Park) have not been provided and the cumulative impact of the proposal in combination with the operational Braich Ddu windfarm has not been considered.

Following receipt of consultation responses, additional landscape information was requested and an additional photomontage was provided to illustrate the visual impact from views to the east together with a letter from the agent which responds to the concerns raised by statutory consultees.

The letter from the agent argues that due to the comparatively small scale of the turbines combined with the considerable distance from sensitive receptors and the screening which would be provided by the surrounding woodland, the proposal would lead to a negligible effect on the visual enjoyment of the area and concludes that the proposed wind turbines will have a limited effect on the baseline conditions in terms of both landscape character and visual amenity. The letter confirms the applicant does not intend to fell woodland within his control and has offered to protect a 10m band of trees for the lifetime of the turbines and submit a woodland management plan should planning permission be granted; this could be secured through a planning condition.

However a revised landscape assessment has not been provided and the cumulative impact of the proposal in combination with the operational Braich Ddu windfarm has not been assessed.

The Council's Landscape Consultant has carried out an assessment of the proposal which focussed on the following issues:

- The effect of the proposal upon the landscape character, locally accessible public views and residential amenity
- How the proposal would relate to existing wind development in the locality, the emerging pattern and implications on cumulative landscape impacts

The Landscape Consultant has taken into account LANDMAP data, Denbighshire Landscape Strategy management objectives and the findings of his site assessment and concluded that the proposal would:

- place the wind turbines in a location which adversely affects the perceptual qualities of views from the Y Berwyn - as an accessible landscape of Outstanding character and national historic significance;
- compromise views of Snowdonia affecting the wild and remote qualities of that landscape; and
- in conjunction with existing local and regional wind development, including Braich Ddu windfarm in Gwynedd and Wern Ddu windfarm in Denbighshire, would lead to an adverse cumulative impact.

**The Landscape Consultant has therefore objected to the proposal due to the adverse visual and cumulative landscape impacts.**

The Countryside Council for Wales initially objected to the proposal and re-requested additional information. Having reviewed the additional information provided by the applicant, CCW still consider the scheme will generate adverse visual effects from parts of north Berwyn, and in particular from access land and public rights of way in the area, and when taking into consideration the potential cumulative effect when viewed in combination with the existing Braich Ddu windfarm and the proposed, Mynydd Mynyllod windfarm, there is potential for significant adverse effects from wind turbine development on the landscape character and quality of the area and settings of the protected landscape area.

**In conclusion, CCW would object to the issue of consent until such time as sufficient information has been provided by the applicant to adequately overcome their concerns.**

The Snowdonia National Park Authority and the Clwydian Range AONB Joint Advisory Committee have also raised concerns regarding the impact of the proposal on the setting of the Snowdonia National Park, Y Berwyn, and the newly extended Clwydian Range AONB, as well as having concerns regarding the cumulative impact of the proposal. Public objections to the scheme have also cited adverse visual and landscape impacts.

In concluding on the issue of landscape and visual impact, and having regard to the comments of the Landscape Consultant and statutory consultees, it is likely that the proposal will have an adverse impact on the setting of protected landscape areas, including Y Berwyn and the Snowdonia National Park, and have a detrimental impact on the open character and visual quality of Mynydd Mynyllod, a non-statutory landscape of county / regional importance. It would also have adverse visual effects when viewed from parts of north Berwyn, public access land and public rights of way in the area.

On the issue of cumulative impact, whilst Officers consider limited weight should be apportioned to the cumulative impact of the proposal in combination with the proposal Mynydd Mynyllod windfarm on the basis that an application for Development Consent is yet to be submitted to the Planning Inspectorate, Officers have concern regarding the potential adverse cumulative effects of the proposal when taken into consideration with operational Braich Ddu windfarm, which is little over 2km away from the application site, which has not been adequately assessed in the landscape assessment submitted with the application.

In conclusion, Officers consider the harmful landscape impacts significantly outweigh the renewable energy benefits and the proposal is in conflict with UDP policies GEN6 i), ii), iii), ENV1, CON12 and MEW10 iii), vii).

#### 4.2.4 Biodiversity and nature conservation

The general requirement to consider the impact of development on biodiversity interests is set out in PPW Chapter 5, TAN 5, UDP policies STRAT 1, STRAT 7, GEN 6, ENV 5 and ENV 6 and SPG 18. Specific to wind turbine development is policy MEW 10 criterion x) which states that wind turbine development will be permitted provided that *'There is no unacceptable effect on nature conservation.'*

The application site is agricultural land and is outside of any statutory or local nature conservation designation, however the site is less than 400m from the Mynydd Mynyllod local wildlife site boundary, approximately 4km from the Berwyn Mountains, an European and national statutory nature conservation designation (SPA, SAC,

SSSI and NNR) and nearby habitat is also known to supported protected bird species.

The Ecological chapter in the DAS provides generic information only and no site specific ecological data was originally provided, however additional supporting information was requested following consultation with statutory consultees.

Syrrior farm is part of the Tir Gofal agri-environment scheme and a phase 1 habitat survey had previously been completed for the farm; following a site visit and a review of the existing habitat survey, the Council's Biodiversity Officer confirms a new habitat survey would not be required, however CCW are aware of several bird species in the environs of the application site, most notably breeding curlew, and therefore requested a ornithological desk based survey be submitted to enable the impact on protected bird species to be fully considered. However, CCW have confirmed that the proposal is unlikely to have a direct or indirect impact on any statutory protected sites of ecological, geological and geomorphological interest, including the ornithological features of the Berwyn SPA.

An ornithological survey has subsequently been provided by the applicant, which concludes that a wide range of bird species have been recorded in the study area, including 48 legally protected species, and many of these potentially could use the site to a greater or lesser degree. Whilst the Council's Biodiversity Officer and CCW are satisfied with the extent of the information gathered, the survey does not address the potential impact on protected species or put forward any mitigation measures which could be implemented to overcome any adverse impacts identified. CCW are particularly concerned with possible impact on curlew which the survey shows were recorded in the area. Wind turbines located up to 600m of curlew nesting sites have the potential to impact on curlew breeding territories through displacement and / or disturbance to local populations of curlew. In the absence of further information on the proximity of the nearest curlew breeding sites, and an assessment of possible impacts on curlew breeding territories, CCW would object to this proposal.

In concluding on the issue of biodiversity and nature conservation, insufficient information has been provided to justify that there will be no adverse impacts on protected species, and it is therefore reasonable to conclude that the proposal has the potential to have adverse impacts on biodiversity and nature conservation interests. In the absence of further information and assessment of the possible impacts on curlew breeding territories, the proposal is in conflict with policy ENV 6 and MEW 10 criterion x)

#### 4.2.5 Noise and amenity

##### Noise

Policy GEN 6 and MEW 10 seek to ensure development does not impact on residential amenity. The latter requires that particular consideration has to be given to noise and shadow flicker. TAN 11 relates to the assessment of noise in relation to development proposals. The general guidance is that local planning authorities should ensure noise-generating development does not cause an unacceptable degree of disturbance, but in some instances it may be acceptable to allow noise-generating activities near to noise sensitive receptors.

ETSU-R-97 is industry standard for the Assessment and Rating of Noise from Wind Farms. The guidance sets out indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on the development. The levels are set relative to background noise limits, rather than absolute limits, with separate limits for day-time and night-time. They are presented in a manner that makes them suitable for noise related planning conditions.



For single turbines ESTU-R-97 proposes that a simplified noise condition may be suitable and recommends that noise is limited to 35dB<sub>LA90,10min</sub> (A) up to wind speed of 10m/s at 10m height and considers that this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary.

Onsite noise assessments have not been carried out and the noise section in the DAS makes general assumptions about background noise levels. However Chapter 2.8 of the DAS has been informed by a desk based assessment of predicated noise levels at nearby residential receptors. The assessment has been conducted using software which predicts the noise effects of the turbine based on the sound power level provided by the turbine manufacture (94.8dBA). A Noise Constraints Plan is also submitted as an appendix to the DAS which shows the noise impact of the 2 turbines proposed.

The desk based assessment contained in the DAS concludes noise attributable to the turbine will not exceed 35dB at any of the properties assessed and therefore meets the criteria set by ETSU-R-97.

The Council's Technical Officer (Pollution) has raised no objection to the proposal and is satisfied that a suite of planning conditions can be imposed to limit noise levels emitted from the turbine to below 35dB<sub>LA90,10min</sub> for wind speeds of up to 10m/s at 10m height when cumulatively measured freefield at the nearest noise sensitive receptor should planning permission be granted.

#### Shadow flicker

The incidence of shadow flicker depends on the position of the sun in the sky. It only occurs at certain times and tends to only affect nearby buildings within 130 degrees either side of north which are within 10 rotor diameters of a turbine. The likelihood of shadow flicker occurring and the duration of such an effect depends on a range of factors, including the time of the year, the size of the turbine, the direction and speed of the wind and the relative cloud cover.

The Design and Access Statement contains a short section on shadow flicker and is accompanied by a shadow flicker constraints map which shows the area around the turbines which may be susceptible to the occurrence of shadow flicker. The DAS concludes that there are no dwellings within 10 rotor diameters of the turbine, it is unlikely that any properties will be affected by shadow flicker which is illustrated on the shadow flicker constraints map. Shadow flicker analysis is not an exact science, so as a precautionary measure a condition can be imposed to ensure any incidence of shadow flicker experienced by nearby properties can be controlled.

Subject to the inclusion of detailed planning conditions to address noise and shadow flicker, it is reasonable to conclude that the proposal would comply with policy GEN 6 criterion v) and MEW 10 criterion iv) and v).

#### 4.2.6 Traffic and Transport

Policy TRA 6 seeks to ensure new development proposals do not unacceptably affect the safe and free flow of traffic, and the capacity of the surrounding road networks are satisfactory.

A significant number of representations from the public have raised concerns regarding the impact of the proposal on the local road network. Whilst the Council's Highways department raised no objection the proposal, additional information was requested to clarify the access route from the public highway to the application site, and to provide further details of the construction traffic.

Following submission of a site access plan and a revised Construction Method Statement, the Council's Highways department have confirmed they have no objection to the proposal on highways grounds.

The access route to the site will follow an existing Public Right of Way (bridleway). The Council's Footpaths Officer has not objected to the proposal, but has advised planning conditions be applied to safeguard the right of way, and there is a separate regulatory process to be followed should it be necessary to temporarily close the Public Right of Way during construction.

Subject to the inclusion of planning conditions to safeguard the Public Right of Way, it is reasonable to conclude that the proposal would comply with policy GEN 6 criterion vii) and MEW 10 criterion iv) and v).

#### 4.2.7 Tourism & Economic Impact

Policy MEW 10 criterion vii) seeks to ensure wind energy proposals would not cause an unacceptable harm to the enjoyment of the landscape for recreational and tourism purposes.

A significant number of public consultation responses have raised concerns regarding the detrimental impact of the proposal on local tourism based businesses and noted the importance of the tourism economy in the Dee Valley.

There is limited research which relates to this issue, however the Wales Tourism Board did commission an investigation into the potential impacts of windfarms on tourism in Wales in 2003, and the Tourism Company completed a literature review focussing on the tourism impact of wind turbine development on behalf of Anglesey County Council earlier this year (The impact of wind turbines on tourism – a literature review, February 2012).

However, the Wales Tourism Board investigation reported both positive and negative findings, and the Tourism Company literature review found very little evidence about the actual impacts on tourism volume and value in areas where windfarms have been established. It is also of note that the literature that is available focuses on large windfarm development, rather than smaller scale proposals.

In conclusion, Officers consider that given the size and scale of the development proposed, there is no tangible evidence to suggest that the proposal alone would have a direct detrimental impact on the local tourism economy, and without further research on the cumulative impact of wind turbine development on tourism in Denbighshire, there would be no reasonable planning justification to refuse the application on this basis.

#### 4.2.8 Communication and aviation

In certain locations wind turbines can affect communication and aviation infrastructure which may also need to be addressed. Airbus, who operate Hawarden Airport, the NATS (en route) public limited company (who are responsible for civilian en-route air traffic control over the UK) and the Ministry of Defence have been consulted on this application.

No objections have been raised by the aviation authorities and therefore Officers are satisfied that the proposal will not have any adverse effects on communication and aviation infrastructure

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 The report sets out a number of considerations Officers suggest are relevant to the determination of this application. As with all wind energy developments, inevitably there will be factors that weigh against and in favour of the grant of planning permission.

- 5.2 Officers continue to have concerns over the sporadic spread of 'one-off' medium / sub-local authority scale wind turbine developments outside of the Strategic Search Area, which will have strategic implications upon the ability to conserve the integrity of wider Denbighshire landscapes in the longer term. Officers continue to stress the need for Members to take a strategic approach to the determination of one-off applications such as this. It is important to consider the landscape and visual impact of wind turbine development in combination with operational, consented and in-planning wind turbine proposals to ensure cumulative effects are fully addressed, in order to prevent the windfarm landscape encroaching beyond the boundaries of the Strategic Search Area.
- 5.3 The application site is within a high quality landscape of county / regional importance and is also close to the Berwyns Mountains, which is a nationally important landscape of outstanding character and a statutory nature conservation area of European importance. Concern has also been raised regarding the impact of the proposal on the setting of the Snowdonia National Park and the extended AONB. CCW, our own landscape consultant, neighbouring authorities and the AONB JAC have all raised concerns as to the impact this proposal will have on landscape interests.
- 5.4 Mynydd Mynyllod is a designated as a local wildlife site and nearby habitat is known to support protected bird species. Whilst an ornithological survey has been submitted which concludes that protected bird species are likely to be found at the application site, it makes no reference to the likely impact of the proposal, and nor does it recommend mitigation measures to overcome any identified adverse impact. Officers consider this to warrant refusal of the proposal.
- 5.5 Members have previously accepted in other locations that 50kW/55kW wind turbines maybe of a suitable scale, size and capacity to qualify as a form of farm diversification and have used this as a basis of support for the farming community. Respectfully, Officers do not consider the Council is bound by previous decisions and have suggested a number of tests against which applications may be assessed to determine the farm diversification merits on a case by case basis.
- 5.6 Officers continue to recommend a precautionary approach is taken where adverse landscape and visual impacts have been identified, to ensure the integrity of high quality local landscapes is not eroded by incremental wind turbine development. It is therefore suggested in relation to the application that limited weight is given to the farm diversification merits, and that the benefits of the proposal in terms of the increase in renewable energy generation do not outweigh the identified adverse landscape, visual and ecological impacts.

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

1. It is the opinion of the Local Planning Authority that the erection of 2 no. 46 metre high 50kW turbines in this location would have an adverse impact on the setting of protected landscape areas, including Y Berwyn and the Snowdonia National Park, and have a detrimental impact on the open character and visual quality of Mynydd Mynyllod, a non-statutory landscape of county / regional importance, resulting in adverse visual effects when viewed from parts of north Berwyn, public access land and public rights of way in the area. It is also the opinion of the Local Planning Authority that insufficient information has been provided to demonstrate the proposal will not give rise to adverse cumulative effects when considered in combination with operational and consented windfarm development, and in particular the Braich Ddu windfarm. In conclusion, the harmful landscape impacts are considered to significantly outweigh the benefits of increased renewable energy generation and the proposal is in conflict with UDP policies GEN6 i), ii), iii), ENV1, CON12 and MEW10 iii), vii) and the principles set out in TAN8 and PPW Edition 4.

2. Insufficient information has been provided to justify that there will no adverse impacts to protected species, and in particular, on curlew. In the absence of further information and assessment of the possible impacts on curlew breeding territories, the proposal is in conflict with policy ENV 6 and MEW 10 criterion x) and the principles set out in TAN5 and PPW Edition 4.

**NOTES TO APPLICANT: None**



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

Graham Boase  
Head of Planning & Public Protection  
Denbighshire County Council  
Caledfryn  
Smithfield Road  
Denbigh  
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

REFERENCE NO. 11/2012/0373/PF  
Cil Llwyn, Bontuchel,  
Ruthin

2



Application Site

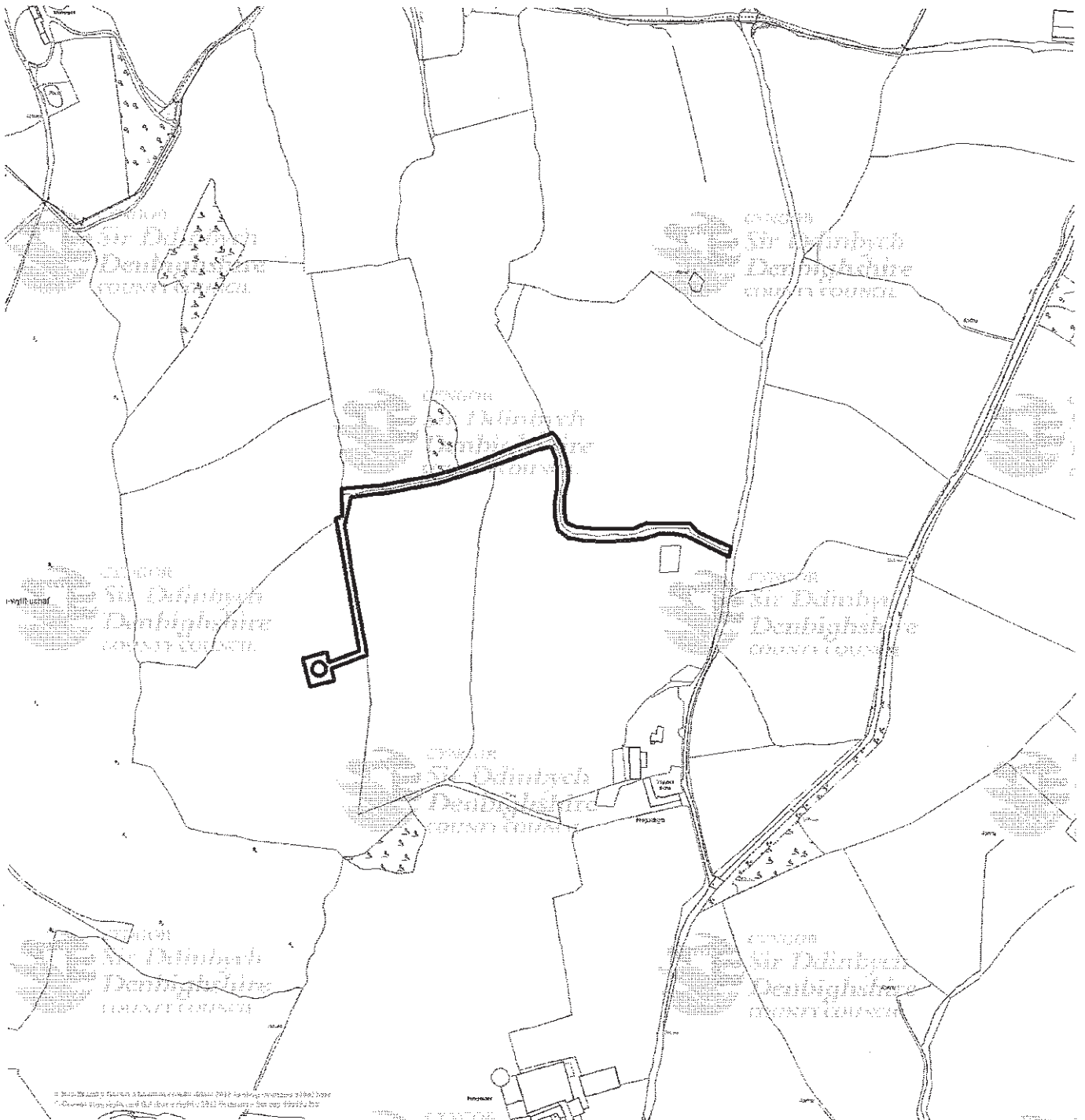


Date 22/8/2012

Scale 1/5000

Centre = 308950 E 355681 N

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



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Denbighshire County Council. 100023408. 2011.

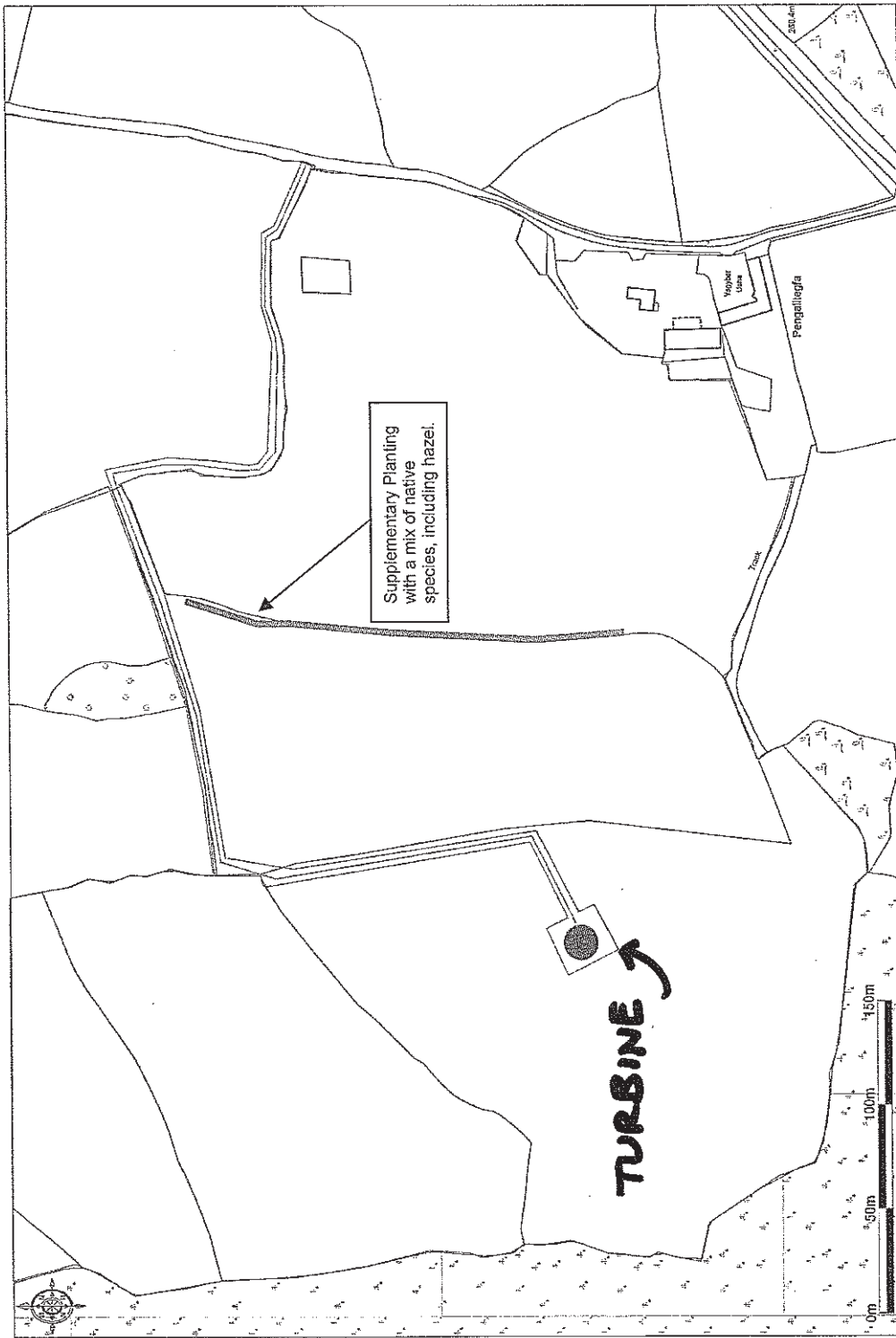
Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chariatâd yr Ordnance Survey a rai o'r awdurdodau Llywodraethol. Ei Mawrthdi © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at eryniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.



11 / 2012 / 0373 / P

# SITE PLAN



## ADDITIONAL PLAN



Ordnance Survey © Crown Copyright 2012. All rights reserved. Licence number (600387), Spatial Scale - 1:2500



Based on Ordnance Survey with the permission of the Controller of HMSO © Crown Copyright Licence No. 100020449

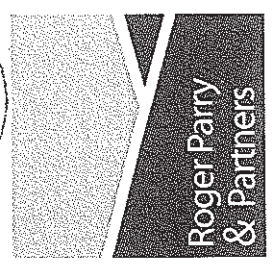
-  = Turbine Location
-  = Application Site

|              |  |
|--------------|--|
| JOB:         | Proposed Wind Turbine                  |
| CLIENT:      | Dylan Wyn Roberts                      |
| TITLE:       | Site Plan as Proposed                  |
| LOCATION:    | Cil Llwyn, Bontuchel, Ruffin, LL15 2BD |
| SCALE:       | 1:2500                                 |
| DATE:        | Jun-12                                 |
| DRAWING NO.: | Cil Llwyn 01                           |
| DRAWN BY:    | GEL                                    |

www.rogerparry.net  
 richard@rogerparry.net  
 Tel: 01691 655 334

Roger Parry & Partners LLP  
 The Property Experts

11 / 2012 / 0373



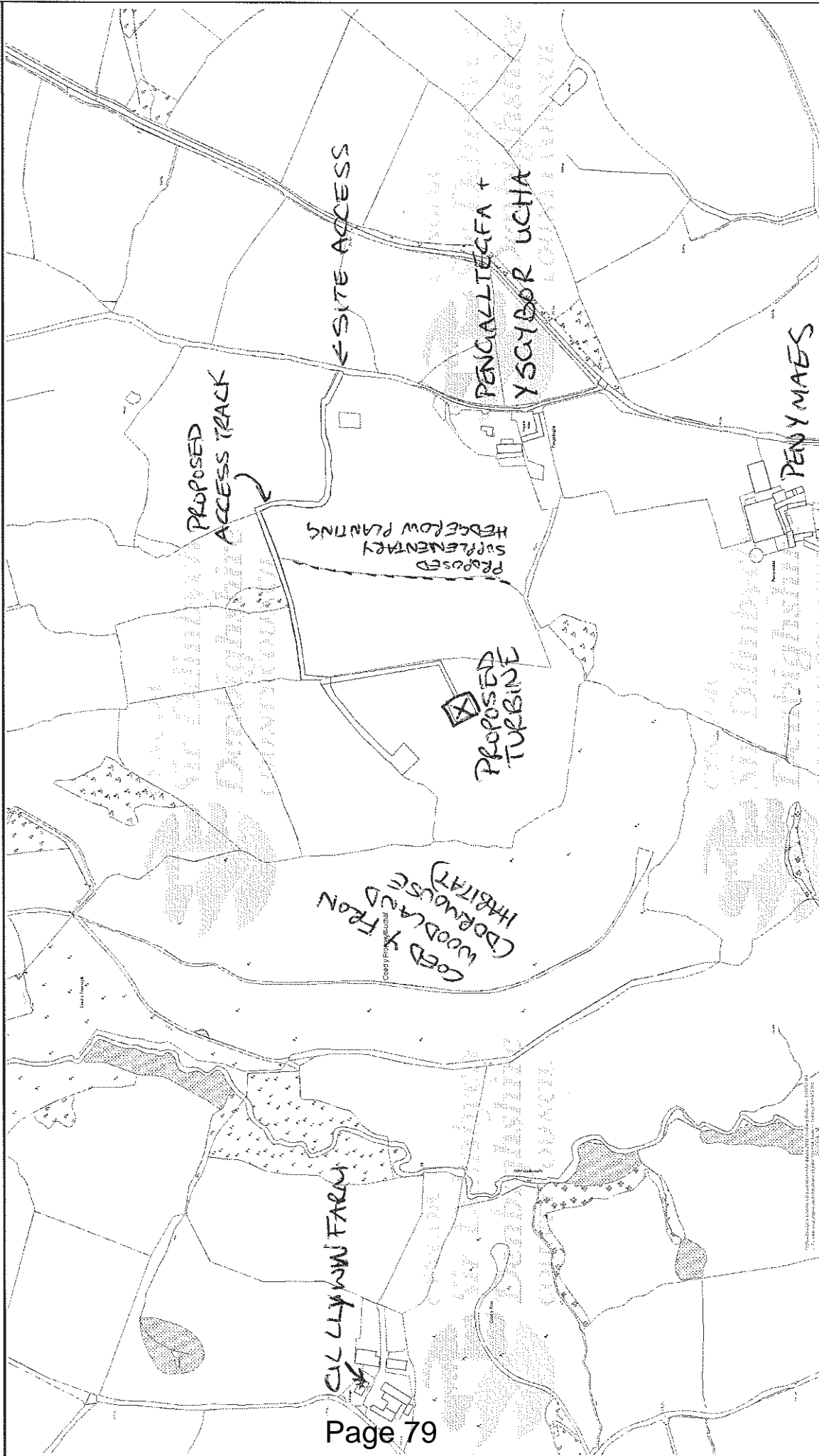


Date 1/10/2012

Scale 1:5000

Centre = 308717 E 355614 N

11/2012/0373 CIC LLWYN TURBINE





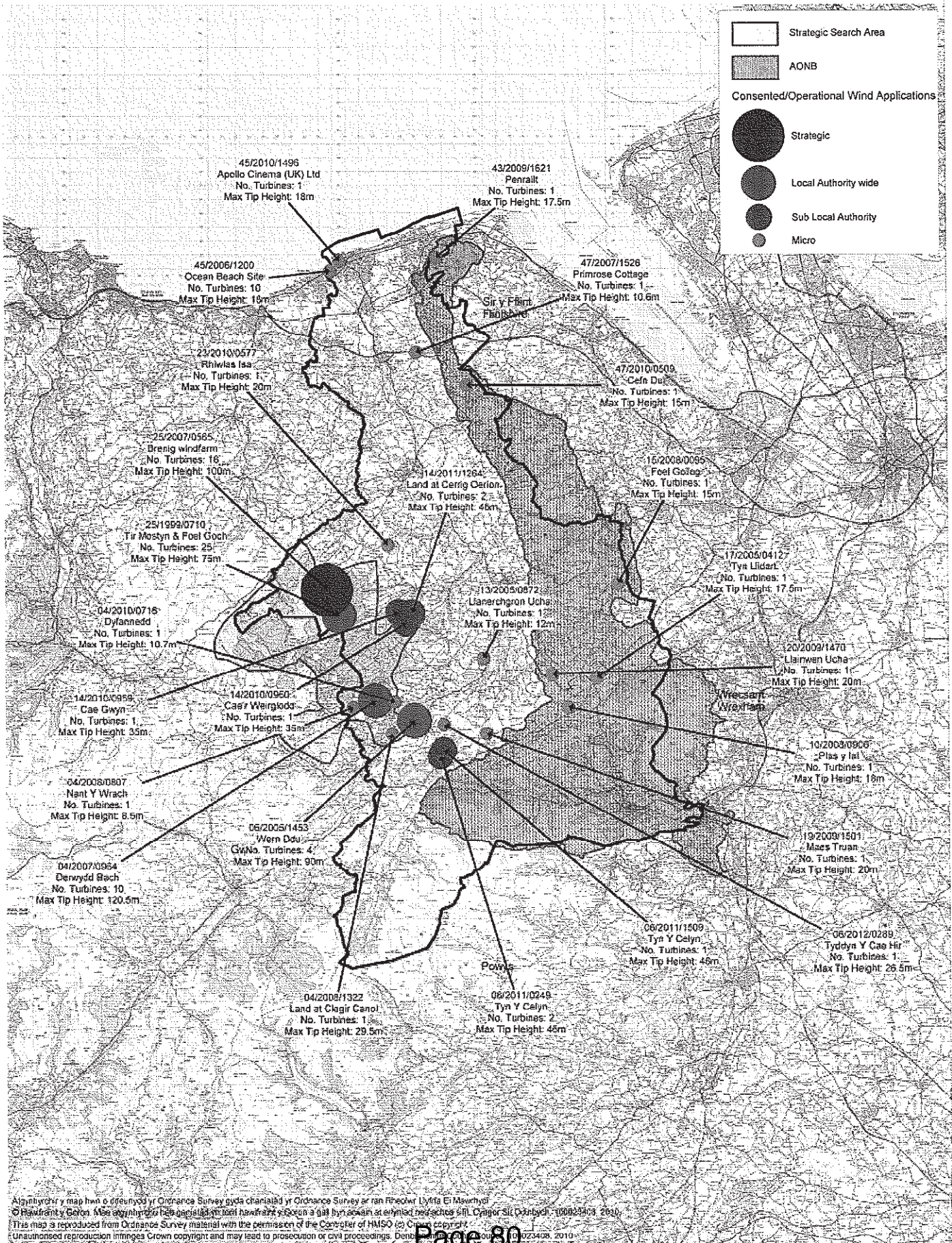


**Consented/Operational Wind Applications as of 1st June 2012**

Scale: 1: 260000  
Date: 01/06/2012  
Map Sheet



**Environment Directorate**



Allynydd y map hon o ddiwydd y Ordnance Survey gyda chartered y Ordnance Survey ar ran Rhecwr Llyfrfa Eri Mawrthys  
© Herffordd Gwyn. Mae awydd y map hon yn cael ei hysgrifio gan y gŵyl hysgrifio at ymlededig hysgrifio. Cymerir yr Ordnance Survey, 10003/2012  
This map is reproduced from Ordnance Survey material with the permission of the Controller of HMSO (to whom all copyright  
unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Denbighshire Council, 01/06/2012



**ITEM NO:** 2  
**WARD NO:** Efenechtyd  
**APPLICATION NO:** 11/2012/0373/ PFT  
**PROPOSAL:** Installation of a 50kw micro-generation wind turbine (No. 1) with control box and access track  
**LOCATION:** Cil Llwyn Bontuchel Ruthin  
**APPLICANT:** Mr D Roberts  
**CONSTRAINTS:** Airport Zone  
**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
 Press Notice - No  
 Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Member request for referral to Committee

**CONSULTATION RESPONSES:**

**CLOCAENOG COMMUNITY COUNCIL**

"Wishes to register its objection to this application, which was discussed at the recent meeting of full council on 14 May 2012. The meeting was attended by many local residents with an interest in the proposal.

The Community Council is advised that a second application, 11/2012/0540, has been submitted for a further identical turbine on the same site. At the time of writing details were not posted on the Denbighshire County Council's Planning Portal website. The comments offered by Clocaenog Community council should be applied equally to both applications owing to the indicated proximity of siting.

Planning applications of this nature should be determined in accordance with the Denbighshire Unitary Development Plan and proposals not in accordance with the UDP should not be allowed unless material considerations justify the granting of planning permission. There is a need to balance the harm that will be caused against any material considerations relevant to this proposal to provide renewable energy generation.

There is currently no strategy in place for determining applications for single / independent turbines. The Community Council submits that the harm to be done by allowing this application outweighs any benefit to the community in general. It is imperative Denbighshire County Council arrives at the correct decision, as creating the wrong precedent will open the flood gates to a proliferation of similar schemes, thus extending the windfarm landscape already created by the Clocaenog Forest Strategic Search Area created by TAN8. Clocaenog Community Council considers it inappropriate to deal with this individual application outside the wider context.

The Community Council objects to the proposal on the following grounds:

### Site & Layout

Whilst these applications may appear to be more modest when compared to other large scale turbines, the turbines are nonetheless over 150 feet high with a blade diameter of approximately 63 feet. The proposed location for both is an elevated site above the villages of Clawddnewydd and Clocaenog in an area of open countryside, only 240 metres from the nearest homestead, yet completely isolated from the applicant's farm. The site is outside TAN8 CFSSA and the whole purpose of the TAN8 document was to restrict the industrialisation of the countryside to within defined boundaries.

The proposed location of the turbine has been selected to maximise efficiency and profitability for the applicant at the expense of the effect on local residents and landscape – this is not acceptable. Indeed, the Design and Access Statement, section 2.2, clearly states that 'any effects to reduce visibility' of the turbine would also reduce performance and this is not in the interest of the applicant – a clear sign of the lack of any concern for local residents. There appears to have been no community consultation prior to application and local residents complain of the lack of notification in writing. Section 2.3 of the Statement attempts to dismiss the proximity to homes and visual intrusion, not just to immediate residents but rather the wider inhabitants of both villages by stating that the area only has 'a very few visual receptors'.

### Noise

Analysis of the effect of potential noise emissions on nearby properties is inadequate. Design and Access Statement, section 2.8 states that owing to the site chosen 'the noise from the wind turbine will not be a nuisance or a material consideration in determining this application'.

Further assumptions and indications abound including the conclusion that, under most operating conditions any noise generated would likely be masked by rustling leaves! It is interesting to note that the applicant's property is at a considerable separation from the proposed turbines. Section 2.8 of the Design and Access Statement states that the nearest independent property is 340 metres from the nearest turbine by the Noise Prediction Tables shows Pengalltegfa to be only 240 metres away and Penymaes within 320 metres. Inaccuracies such as this are at best unacceptable.

### Shadow Flicker

In section 2.9 of the Statement it is stated that 'it is generally accepted that some degree of shadow flicker is acceptable' – To Whom?

Nothing in this section of the application in any way alleviates the very real concerns of local residents.

### Decommissioning

As with much of the application this contains vague statements, section 2.12. It appears that the turbine may be operational for 'around 30 years' with no finite term defined. This ambiguity is unacceptable.

### Benefits and Farm Diversification

This section, 3.2., attempts to define farm diversification. The essence should surely be reutilisation of existing farm resources. Increasing economic viability of an individual farm business should not be pursued at the expense of the wider community. The purpose of this application is stated to be of benefit to the applicant, not only for reducing electricity costs to the farm but also for the income derived from Feed in Tariffs. The capital payment time is estimated at between 7-9 years, leaving 'around' 23 years for profit to be generated at the continued expense of harm caused to the wider community and landscape.

TAN6 p25, states that Local Planning Authorities should consider the nature and scale of farm diversification activity that would be appropriate. On balance Clocaenog Community Council does not consider the scale of this turbine appropriate, as the size and generating capacity appears dictated by the need to generate income rather than electricity for farm use.

#### Landscape

The photomontages supplied, as is generally the case, do not adequately reflect the true impact of the proposed development.

Residents in this area are already being forced to host numerous large scale windfarms under TAN8 and feel that these individual turbines are equally intrusive. Moreover, turbines will be visible whilst entering and leaving settlements, thus creating a sense of being unable to escape the presence of these structures and increasing the sense of being imposed upon.

The Zone of Theoretical Visibility Map clearly shows that the proposal would lead to an unacceptable cumulative visual impact in an area where zones of visibility overlap with other turbines. Indeed, a recent site visit emphasised the clear and uninterrupted view of both operational wind turbine sites at Wern Ddu and Tir Mostyn. The prominence of the site offers a full 360 degree vista over many miles of surrounding countryside.

In section 4.3, the applicant seeks to mitigate the impact of a 46 metre high turbine by suggesting that the landscape has already been altered by housing, signage and wooden telegraph / electricity poles. This is wholly unrealistic comparison and takes no account of the fact that a wind turbine is not an immobile structure but will tower over the landscape and has 19 metre plus blades which will turn to further increase intrusion. This intrusion should be multiplied by 2 with the addition of the second proposed turbine.

In terms of Visual Appraisal, Section 4.4.3, with the exception of Pengalltegfa, the visual receptors designated are all view points from highways and lanes rather than residential addresses. Local appraisal and map study indicates many properties will be affected. The site is visible from all sides and all main routes into the villages of Clawdnewydd and Clocaenog. This will lead to an unacceptable visual impact for residents and visitors alike. With regards to Pengalltegfa, the proposed turbines will dominate the landscape and the 240 metres distance is only equivalent just to over 5 turbine lengths.

#### Planning Policy

The proposal seeks to use Planning Policy Wales (Edition 4, 2011) to justify the acceptability of and need for this application (Chapters 12 & 17 as quoted). The central plank of the argument appears to be that the scheme is supported by national, regional and local planning policy. It is the contention of Clocaenog Community Council that this is not the case.

TAN8 identified areas for large scale development and when this was drafted the Welsh Assembly Government could not have envisaged that this would lead to a proliferation of large turbines (and at 46 metres this is a large turbine in this context) outside the planning Strategic Search Area. This site is outside of the Clocaenog Forest Strategic Search Area, but the application appears to seek determination under WAG's expectation that Local Planning Authorities will encourage individual applications for smaller community based schemes, see Section 5.5 of the Statement. No definition yet appears available of what is actually meant by 'smaller' or 'community based', but this is certainly not a community scheme and is not appropriate to local circumstances.

The Statement Section 5.6 seeks to address acceptability of the application under the Denbighshire Unitary Development Plan. The Community Council contend that the application is contrary to policies MEW8, MEW10, STRAT7 & GEN6 for the reasons stated and as identified in the application.

#### Conclusion

Clocaenog Community Council consider that on the basis of the information provided and as a result of objections and representations received from local residents, that this application, outside TAN8 CFSSA, would have an unacceptable landscape and visual impact and contribute to an unacceptable cumulative impact in light of other developments in the area which are in various stages of planning. Any potential benefit will not outweigh the landscape objectives as set out in the Denbighshire UDP and the application is contrary to MEW8, MEW10, STRAT7 & GEN6. Further, the proposal should not truly be considered as a farm diversification scheme and as there is no community involvement the application should fail as being contrary to Planning Policy Wales (2011) and TAN8.

We urge this application is rejected as there is a clear danger of precedent being set which would indicate acceptable of the spread of large turbines throughout the county, further extending the wind farm landscape beyond the Clocaenog Forest SSA. The need for renewable energy generation should not override the truly significant impact on and harm to this high quality landscape and nearby communities.”

#### DERWEN COMMUNITY COUNCIL

“The Observations of the Derwen Community Council are:-

1. The positioning of the proposed turbine is located away from Cil Llwyn which cannot be seen from this property, but has been located near and in view of a large number of other local properties.
2. The turbine will generate money for self gain.
3. Members are fully supportive of the local objections made on the planning application.”

#### COUNTRYSIDE COUNCIL FOR WALES (CCW)

The proposal is in a prominent position and will clearly be visible over a widespread area. The separation distance to the Clwydian Range means there will be no significant adverse impact on the AONB, therefore CCW does not object to the proposal.

(CCW does not routinely provide comment on the likely impact of wind turbine proposals on landscapes or nature conservation interests of local or regional importance; this remains the responsibility of the local planning authority)

#### ROYAL SOCIETY FOR THE PROTECTION OF BIRDS

No response received.

#### NATS (EN ROUTE) PUBLIC LIMITED COMPANY (NERL)

NERL is responsible for civilian en-route air traffic control over the UK and is regulated by the CAA.

No safeguarding objection to the proposal.

#### MINISTRY OF DEFENCE

No objection to the proposal.

#### AIRBUS

No aerodrome safeguarding objection.

## DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

### TRANSPORT AND INFRASTRUCTURE - HIGHWAYS

No objection to the application subject to a condition requiring further details relating to the site compound, temporary vehicular access, traffic management and treatment of the public rights of way to be approved prior to commencement and a note to the applicant relating to the Street Works Act.

### TECHNICAL OFFICER (POLLUTION)

No objection to the proposal subject to planning conditions being imposed to control the noise emitted from the turbine to ensure it does not exceed 35dB in accordance with industry guidance (ETSU-R-97).

### BIODIVERSITY OFFICER

Requested additional information to ensure proposal does not have a detrimental effect on the favourable conservation status of dormice. One of the most important dormice populations in Britain is located in Coed y Fron Wylt which is adjacent to the proposed site and the construction works could have an impact if any hedgerows are removed or damaged. Mitigation / avoidance measures will be required to ensure no dormouse habitat is affected during construction.

After a site visit and walk along proposed access track, happy that no hedgerow would have to be removed, so there will be no impact on any potential dormouse habitat. The hedges themselves didn't look particularly suitable for dormice, but it would be best practice to put in place measures to protect them from damage during the construction phase. An enhancement measure to improve the existing hedgerows, which are gappy and relatively species-poor, by supplementary planting with a mix of native hedge species including hazel would be beneficial.

The proposed cable route should cross hedgerows at existing gaps.

In addition, a 50m buffer zone between the turbine and the hedgerow should be maintained in accordance with national guidance on bats.

### CONSERVATION ARCHITECT

No objection from a conservation point of view.

Pool Park house is listed grade 2\*. Other structures within the grounds, and the garden and parkland are listed grade 2. The parkland extends a considerable distance to the north and to the south. To the west towards the proposed wind turbines there is only a small area of essential setting which does not cover the area where the turbines are to be located.

Take the view that the setting of the listed buildings will not be affected by the turbines as they are screened by topography and woodland. In addition, whilst it may be possible to glimpse the turbines from the parkland their impact will be minimal.

### LANDSCAPE CONSULTANT

Object to the application.

Landscape consultant conducted a landscape and visual assessment focussed on the following issues:

- The effect of the proposal upon the landscape character, locally accessible public views and residential amenity
- How the proposal would relate to existing wind development in the locality, the emerging pattern and implications on cumulative landscape impacts

Summary of comments:



Landscape and Visual Assessment: site lies in hill top in southern end of Nant Melin-dwr valley, within the LANDMAP Denbigh and Derwen Hills character area. Eastern valley sides are steep and covered in irregular broadleaved woodland and some coniferous plantation (incl. replanted ancient semi natural woodland). Western valley comprise irregular pasture fields rising to coniferous plantations of Clocaenog plateau.

Nant Melin-dwr valley is particularly scenic and distinctive area of landscape due to landform and availability of attractive open views. Contrasts markedly with other parts of the Denbigh and Derwen Hills character area. Landscape integrity could become rapidly eroded if inappropriately sited wind turbines are permitted.

Sensitive Views: Turbines would be seen on skyline above valley within a number of local scenic views: from western slopes, scattered farmsteads, Clwydian Way, from properties along northern edge of Clocaenog village and from B5105 when travelling from Clawddnewydd.

Turbine 1 is likely to be seen from various points within the village of Clocaenog. Viewing distance of 1.5km would lessen the apparent scale of turbine, but rotor movement against skyline would attract attention and be evident to prominent. These views have not been identified in the visual impact assessment submitted with application.

Consider views to be Slight to Moderate magnitude of change upon community outlook of high sensitivity = Moderate to Moderate Major impact upon the community of Clocaenog.

Cumulative Impact: From journeys along B5105 is an emerging pattern of wind turbine development in area associated with TAN strategic search area and applications for single turbines.

The approval of development at this site location would result in wind development appearing to creep beyond the Clocaenog Plateau and into the settled, deciduous wooded landscape of Denbigh and Derwen, which would have strategic implications upon the ability to conserve the integrity of the wider Denbighshire landscape.

Recommendation: The proposals in combination and due to siting would have significant impact upon landscape of county significance, and a number of views of this scenic landscape.

Comments following withdrawal of application for second turbine at Cil Llwyn (11/2012/0540): Original assessment of impact still applies. The site would put a turbine within a landscape of scenic quality which is experienced in several locations. Cannot see where within the hill top location a single turbine could be micrositied without affecting more than one sensitive view. The sense of wind development stepping beyond the SSA within views from B5105 would remain the same irrespective of the number of turbines proposed at Cil Llwyn.

## **RESPONSE TO PUBLICITY:**

### **IN SUPPORT**

Representations received from:

Darren Millar AM Clwyd West (email)

C. Roberts, NFU, 28 Well Street, Ruthin (letter)

Llyr Huws Gruffydd AM North Wales (letter)

1 no. petition in support of the proposal submitted by the applicant (9 signatories)

Summary of planning based representations in support:

Principle: Support for wind energy and small scale renewables projects, such as single wind turbine developments, which enjoy the support of the local community / contribution towards national renewable energy and greenhouse gas reduction targets.

Farm Diversification: 75% of land is in the agricultural sector. Farming community well placed to capture renewable energy, whilst maintaining role in food production. Farmers should be given the opportunity to diversify their business. Many farmers have already installed wind turbines or are considering the same. Support for agricultural entrepreneurship.

Economic: Supports green jobs by creating business for renewable energy service suppliers, diversifying the local economy and sustaining rural jobs.

**IN OBJECTION:**

Representations received from:

Campaign for the Protection of Rural Wales (CPRW) (letter)

Summary of planning based representations in objection:

Principle: A clear national and local strategy to determine the acceptability of single wind turbine proposals should be in place before any more schemes of this nature are approved.

Landscape and cumulative impact: Turbine with a tip height of 46m would have an unnecessarily harmful impact on attractive rural landscape and it would be inter-visible with other turbines in the area, including turbines west of Cyffylliog and current applications at Maestyddyn Isa, Clawdnewydd.

When preparing TAN8, Welsh Government cannot have had in mind the proliferation of large turbines outside of the carefully planned Strategic Search Area; the point of the document was to restrict such industrial developments to defined and delineated upland areas.

**EXPIRY DATE OF APPLICATION: 07/06/2012**

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

- delay in receipt of key consultation response(s)
- additional information required from applicant
- previous deferral by officers for further assessment

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

1.1.1 The proposal is to erect a single Endurance E-3120 50kW wind turbine on agricultural land at Cil Llwyn, Bontuchel. Cil Llwyn is an upland livestock farm, running both cattle and sheep enterprises and the turbine would be sited approximately 750 metres from the farm house.

1.1.2 Members will recall that Officers requested this application be deferred from the last Planning Committee in September 2012. This was because a proposal for a second turbine at the site, which was the subject of a separate planning application, was withdrawn by the applicant. The report now refers to



the impacts of a single turbine and not any combined impacts of two turbines at the site.

- 1.1.3 The application submission includes the following documents:
- Location, Site and Elevation Plans
  - Design and Access Statement (DAS)
  - Construction Methodology Statement
  - Shadow Flicker Constraints Map
  - Noise Constraints Map
  - Zone of Theoretical Visibility Maps (5km and 15km radius)
  - Photomontages and Wireframes
  - Supplementary Planting Plan (additional document)
- 1.1.4 The turbine would be mounted on a 36.7m free standing monopole steel tower on a 7m x 7m concrete foundation pad, with the foundations extending approximately 1.7 metres below ground. The proposed three blade rotor has a diameter of 19.2m and the tip blade height is approx. 46.3m. The proposed colour of the turbine blades and nacelle are signal white (RAL 9003) and the tower is traffic white (RAL 9016).
- 1.1.5 An equipment cabin is proposed at the base of the turbine which would have the following elevations: 2.95 metres (L) x 1.15 metres (W) x 2 metres (H).
- 1.1.6 The application site would be accessed via the existing farm gate off the lane from Pengalltegfa to Crossroads, Llanfwrog. No new site access arrangements are proposed.
- 1.1.7 The Construction Methodology Statement states that construction vehicles will access the site via a dedicated construction access track and the construction phase is predicated to last 13 working days. Construction vehicles include articulated crane, articulated lorry, rigid flatbed truck, 16 tonne and 2 tonne medium wheel base vehicles, excavations vehicles, cement deliveries by mixer lorry and contractor private vehicles. Once operational, maintenance vehicles will be standard 4X4 SUV vehicles.
- 1.1.8 The turbine would be connected to the electricity grid via the nearby 11kV 3-phase line. The predicated annual energy output for the specified turbine in this location is estimated at approximately 167,780kWh per year. No data has been provided in relation to the electricity consumption of the farm enterprise.
- 1.1.9 Additional hedgerow planting is proposed on land within the control of the applicant as a dormouse habitat enhancement measure.
- 1.1.10 The proposal is put forward as a farm diversification scheme. The DAS interprets diversification to mean the entrepreneurial use of farm resources for a non -agricultural purpose for commercial gain. The DAS states the proposed wind turbine would benefit the applicant in two ways; reduce reliance on imported electricity and create an additional income stream through guaranteed payments under the Feed-in Tariff.

## 1.2 Description of site and surroundings

- 1.2.1 The application site is in an open elevated hillside location in open countryside approximately 1.4km to the north of Clocaenog and 2.2km to the south of Bontuchel.
- 1.2.2 The turbine would be sited approximately 750m to the east of the farm complex. There are also several residential properties within a 1km radius of

the application site which includes Ysgubor Ucha and Pengalltegfa which are both approximately 310m to the east, Penymaes and Penymaes Lodge approximately 450m and 600m to the south respectively, Gweithdy, Tyddyn Uchaf and Tyddyn y Cook approximately 620m, 800m and 850m to the north respectively, Bron y Gof approximately 630m to the north west, Tyn y Celyn approx. 920m to the north east, Pentre approximately 930m to the west and Ty Braf approximately 970m to the south west.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 In planning policy terms the site lies in the open countryside and is not affected by any statutory landscape or nature conservation designations.
- 1.3.2 Coed y Fron Wylt Uchaf woodland lies approx. 120m to the south-west and 170m to the west of the site where one of Britain's most important dormice populations can be found.
- 1.3.3 The western boundary of the Pool Park Historic Park and Gardens lies approximately 400m to the south east and 700m to the east of the site.
- 1.3.4 The easternmost boundary of the Clocaenog Forest Strategic Search Area (SSA) lies approximately 2km to the west of the application site. In accordance with TAN8, large scale wind farm development in Wales should be directed to within SSA boundaries.
- 1.3.5 Within a 5km radius of the site there are 5 no. operational/consented wind turbines (2 no. 50kW turbines with a tip height of 35m, 2 no. 50kW turbines with a tip height of 46m and 1 no. 6kW turbine with a tip height of 12m) and a further 2 no. wind turbines which are subject to current undetermined planning applications (50kW turbines with a tip height of 46m; one of which is immediately adjacent to the application site).
- 1.3.6 The Denbighshire Landscape Strategy shows the application site lies within the Denbigh and Derwen (Ruthin) Hills LANDMAP Character Area, which is defined as an area of extensive and remote upland landscape of rounded and undulating hills often with exposed hill tops, rising immediately to the west of the Vale of Clwyd. The Character Area has been evaluated as having a 'High' Visual and Sensory Aspect.

### 1.4 Relevant planning history

- 1.4.1 An applications for a second 50kW turbine at Cil Llwyn immediately adjacent to the application site was withdrawn prior to being considered at the September Planning Committee.
- 1.4.2 A total of 89 wind turbines have been granted planning permission within the County to date. There is a map of all consented / operational wind turbine development in the County as at 1 June 2012 at the front of this report.
- 1.4.3 The Council has granted planning consent for 8 no. wind turbines of this scale within the County and, including this application, there are currently 4 no. planning applications pending determination for similar 50kW wind turbines.

### 1.5 Developments/changes since the original submission

- 1.5.1 Additional information was requested to clarify the access and grid connection arrangements. Further information was also requested to enable the Council's Biodiversity Officer to assess the impact of the proposal on dormice habitat during the construction phase.

### 1.6 Other relevant background information

- 1.6.1 A negative Environmental Impact Assessment screening opinion for 1 no. 50kW turbine at was issued by the Council in March 2012.
- 1.6.2 Wind turbines of this scale are eligible for Feed-in Tariffs (FITs), which is a government back financial incentive designed to encourage renewable electricity generation.

## 2. DETAILS OF PLANNING HISTORY:

- 2.1.1 11/2012/0540. Application for the installation of a 50kW micro-generation wind turbine with control box and access track at Cil Llwyn, Bontuchel (turbine 2). Withdrawn 21 September 2012

## 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

### 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy STRAT 1 General  
 Policy STRAT 2 Energy  
 Policy STRAT 5 Design  
 Policy STRAT 7 Environment  
 Policy GEN 3 Development Outside Development Boundaries  
 Policy GEN 6 Development Control Requirements  
 Policy ENV 1 Protection of the Natural Environment  
 Policy ENV 6 Species Protection  
 Policy MEW 8 Renewable Energy  
 Policy MEW 10 Wind Power

### 3.2 GOVERNMENT POLICY GUIDANCE

Planning Policy Wales (PPW Edition 4, February 2011)  
 TAN 8 Planning for Renewable Energy (2005)  
 TAN 5 Nature Conservation and Planning (2009)  
 TAN 6 Planning for Sustainable Rural Communities (2010)  
 TAN 11 Noise (1997)

### WELSH GOVERNMENT PRACTICE GUIDANCE

Planning Implications Of Renewable And Low Carbon Energy (Practice Guidance 2011)

### 3.3 OTHER MATERIAL CONSIDERATIONS

Denbighshire Landscape Strategy (2003) / LANDMAP

## 4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Context for the development / Farm diversification
- 4.1.3 Landscape and visual impact, including cumulative effects of / with other wind turbines
- 4.1.4 Biodiversity and nature conservation
- 4.1.5 Noise and amenity
- 4.1.6 Aviation

4.2 In relation to the main planning considerations:

- 4.2.1 Principle

#### Welsh Government policy and guidance

The UK is subject to the EU Renewable Energy Directive, which includes a target of generating 15% of the UK's total energy demand from renewable energy sources by 2020. Planning Policy Wales (PPW) reaffirms UK and Welsh Government energy policy and recognises that wind energy generation remains the most commercially

viable form of renewable energy in Wales. As illustrated in PPW, the total capacity for energy generation from onshore wind by 2020/2025 is estimated at 2GW.

For planning purposes, PPW defines the following renewable and low carbon energy scales, which is of relevance to the application before Committee:

| <b>Scale of development</b> | <b>Threshold ( Electricity and heat)</b>  |
|-----------------------------|---|
| Strategic                   | Over 25 MW for onshore wind and over 50 MW for all other technologies                       |
| Local Authority - Wide      | Between 5MW and 25 MW for onshore wind and between 5 MW and 50MW for all other technologies |
| <b>Sub local authority</b>  | <b>Between 50kW and 5MW</b>   |
| Micro                       | Below 50kW  |

This application therefore falls within the 'sub local authority' scale of development in PPW. Sub local-authority scale renewable energy projects are applicable in all parts of Wales subject to the assessment of site specific impacts.

TAN 8 supplements PPW and provides technical advice and guidance on renewable energy projects; TAN 8 introduced the principle of spatial planning for the delivery of energy policy and identifies 7 Strategic Search Areas (SSAs) where large scale onshore wind developments should be concentrated.

TAN 8 makes reference to smaller scale (less than 5MW) schemes in para. 2.11 - 2.14, however this puts the onus on local planning authorities to define what is meant by 'smaller scale' schemes. It also refers to the need for local planning authorities to consider the cumulative impact of smaller schemes in areas outside of the defined Strategic Search Areas and the need to strike the right balance between the desirability of renewable energy and landscape protection. Whilst that balance should not result in severe restriction on the development of wind power capacity, TAN8 acknowledges there is a case for avoiding a situation where wind turbines spread across the whole of a county.

Chapter 15 of the Welsh Government Practice Guidance: Planning Implications of Renewable and Low Carbon Energy (2011) defines cumulative effects as '*where more than one renewable energy scheme is proposed by one or more developers or where a single scheme is proposed in an area with existing schemes, the combined effect of all schemes taken together is known as the 'cumulative effect'*' (para. 15.1). The Guidance mentions that potential cumulative effects of renewable energy developments could impact on landscape and visual amenity; viability of bird populations; ecological features; and noise levels.

Given the increasing number of consented wind turbine development both within the Denbighshire and in neighbouring counties, it is imperative that cumulative effects are fully considered when planning applications are assessed.

#### Denbighshire Unitary Development Plan Policies

The strategic policies contained in the UDP promote a sustainable approach to development, with STRAT 2 supporting the principle of generating energy from renewable sources so far as they are compatible with the Plan's policies.

UDP Policy MEW 8 supports renewable energy development in principle, provided that proposals do not give rise to unacceptable effects on the environmental quality of the locality. Policy MEW 10 is a criteria based policy which specifically deals with wind power developments. It states that wind turbine development will be permitted subject to compliance with the policy criteria.

Policy GEN 6 refers to general development control requirements which applies to all development proposals and ENV 1 relates to the protection of the natural environment. It states "*Development must be designed to maintain or enhance the landscape character of the countryside and biodiversity of the natural environment*".

Taken together, the policies contained in the UDP provide support in principle for renewable energy development subject to the detailed assessment of localised impacts, taking into account the cumulative impact and spread of wind turbine development of varying scales throughout the County.

#### 4.2.2 Context for the development / Farm diversification

The application has been put forward as a farm diversification scheme. TAN6 supports national planning policy on sustainable rural communities and section 3.7 focuses on farm diversification. It states that "*When considering applications for farm diversification projects, planning authorities should consider the nature and scale of the activity*". It goes on to state that "*many economic activities can be sustainably located on farms. Small on-farm operations such as..... renewable energy, are likely to be appropriate uses*". Therefore the principle of installing a wind turbine may be a valid farm diversification activity, subject to consideration of the nature and scale of the activity.

Consultation responses from the Clocaenog and Derwen Community Council raise questions over the farm diversification arguments, given the size of the proposed turbine and the energy needs of the enterprise.

Whilst the County Council has previously given weight to the agricultural benefits of wind turbine development when considering similar on-farm wind turbine applications, each application has to be assessed on its own merits. As there has been a significant increase in the number of proposals for on-farm wind turbine applications either pending determination or in the pre-application stages, there is a need to establish a consistent approach to the manner which the farm diversification merits should be assessed. In this context it is suggested that due consideration should be given to the nature of the farming enterprise, how the turbine would fit into the wider farming picture, the size and siting of the turbine relative to the farm complex, the energy needs of the enterprise and how the energy generated will be used.

The DAS states the proposed wind turbine would benefit the applicant in two ways; to reduce reliance on imported electricity and creating an additional income stream through guaranteed payments under the Feed-in Tariff. To assess whether or not this is an appropriate farm diversification scheme, Officers feel the following points are of relevance:

- Cil Llwyn is an upland livestock (sheep and cattle) farm, and therefore cannot be described as an energy intensive enterprise.
- The siting of the turbine is unrelated to the farm complex, and therefore the turbine would appear to be an isolated structure.
- No details have been provided regarding how the wind turbine proposal would fit into the wider farming picture, or what contribution the revenue generated by the turbine would make to the business. Officers feel that to be considered a farm diversification scheme, the financial return from wind turbines should be clearly subsidiary to the main farming business.
- No details of the farm's annual energy consumption have been provided. However based on the data provided in the DAS and Ofgem household electricity consumption data, the turbine proposed would generate approximately 50 times more electricity each year than an average residential property would consume per annum. It is therefore concluded that the turbine has not been sized to offset the farm's onsite energy demand.



- The turbine would be directly connected to the electricity grid via the 11kV supply and therefore 100% of the electricity generated by the turbine would be exported to the grid rather than being used by the farm with only excess electricity exported. The scheme as proposed would not therefore reduce the farm's reliance on imported energy (it could however be considered to offset the farm's electricity consumption).

On balance, Officers view is that the above scenario does not suggest this is a farm diversification scheme and that consequently limited weight should therefore be apportioned to the diversification arguments in TAN6. Officers feel the scheme should instead be viewed as a commercial venture and assessed on its own merits accordingly.

#### 4.2.3 Impact on landscape and visual amenity, including cumulative implications

PPW and TAN 8 provide the strategic policy framework for assessing wind energy development and contain some specific guidance on the detailed consideration of landscape and visual impact to assist local planning authorities determine planning applications. TAN8 clarifies that outside of designated Strategic Search Areas, the implicit objective is to maintain the landscape character i.e. no significant change in landscape character from wind turbine development.

Detailed UDP policies relevant to the visual and landscape impact associated with wind energy development are policy GEN 6 and policy MEW 10. GEN 6 requires consideration of ii) *the effect of development on the form and character of surrounding landscape*; iii) *the effect on prominent views into, out of, or across any area of open countryside*; iv) *incorporating existing landscape features and taking account of site contours and changes in levels and avoids prominent skylines*; and v) *the impact on residential amenity*.

MEW 10 (iii) *requires that proposals do not unacceptably harm the character and appearance of the landscape*, (viii) *requires that proposals would not lead to an unacceptable cumulative visual impact in an area where zones of visibility (with other wind turbine development) overlap, and that particular attention will be paid to the potential proliferation of such developments in any one area*; and vii) *the proposal does not cause unacceptable harm to the enjoyment of the landscape*.

The Denbighshire Landscape Strategy is based on the LANDMAP study, which provides useful background material on the essential characteristics and quality of the landscape of the County. The site lies on a hill top towards the southern end of the Nant Melin-dwr valley, which LANDMAP places within the Denbigh and Derwen Hills character area and is identified as an area of High value of county / regional significance for its high scenic quality, high character, with attractive, tranquil setting, and traditional rolling farmland qualities.

Chapter 4 of the DAS sets out the Landscape Impact Assessment which seeks to examine the potential impacts of the proposed development on the landscape and visual amenity of the study area. Revised Zone of Theoretical Visibility (ZTV) maps (5km radius and 15km radius respectively) and a series of photomontages and wireframes taken from 6 no. viewpoints have been used to inform the Assessment.

The Landscape Impact Assessment includes a visual appraisal of each of the selected viewpoints, which includes roads and lanes and the neighbouring residential property. It concludes the resultant predicated impact of the proposal on the selected receptors to be:

- Medium to negligible (road 185 metres south of lodge and lane near Tyddyn Cook Woodland)
- Medium to negligible to low (Road 140 metres to the north of Cae Segwen)

- Medium (Council maintained road to south of Clocaenog, private residential lane leading to Tyddyn Roger and Pengalltegfa Cottage).

The Council's Landscape Consultant has carried out an assessment of the proposal which focussed on the following issues:

- The effect of the proposal upon the landscape character, locally accessible public views and residential amenity
- How the proposal would relate to existing wind development in the locality, the emerging pattern and implications on cumulative landscape impacts

The Landscape Consultant has taken into account LANDMAP data, Denbighshire Landscape Strategy management objectives and the findings of his site assessment and concluded that the landscape and visual context within which the proposals are located are of high sensitivity to change and that development of the type and scale proposed would have adverse effects upon landscape character and its visual appreciation within public and private residential views.

The Landscape Consultant has therefore objected to the proposal and considers that the approval of development at this location would result in wind turbine development appearing to creep beyond the Clocaenog plateau, giving rise to adverse cumulative landscape impacts which will have strategic implications upon the ability to conserve the integrity of wider Denbighshire landscapes.

Following the withdrawal of the planning application for a second turbine at Cil Llwyn, the Landscape

Consultant was re-consulted and has confirmed that the original site assessment still applies, and concludes that the sense of wind development steeping beyond the SSA within views from the B5105 would remain the same irrespective of the number of turbines at Cil Llwyn.

The Clocaenog Community Council have also raised concerns regarding the adverse impact of the proposal on the local landscape and note that additional wind turbine development in this area would give rise to an unacceptable cumulative impacts and increase the sense of being imposed upon.

Sensitive viewpoints identified by the Council's Landscape Consultant were not included in the applicant's landscape assessment, and it is considered that the potential landscape and visual impact of the proposed turbine is underplayed in the DAS. The applicant's agent has submitted additional comments in response to the Landscape Consultant's assessment, which puts forward the proposition that the visual impact of the turbine would be mitigated by the topography of the site and the woodland backdrop. The applicant has also volunteered to plant hedgerows and native species trees along the existing fence line as a dormouse habitat enhancement measure. However, no landscaping scheme has been proposed and no information has been submitted to demonstrate whether or not the proposed planting would also mitigate the adverse landscape impacts. Without this information, Officers cannot be satisfied that the proposed planting would provide an adequate screen from sensitive viewpoints.

In concluding on the issue of landscape and visual impact, and having regard to the comments of the Landscape Consultant and the Community Council, it is likely that the proposal will give rise to adverse landscape impacts in an area of high quality landscape of County value, which may give rise to cumulative visual impacts by virtue of extending the windfarm landscape into areas outside of the Strategic Search Area. Officers therefore consider the proposal is in conflict with UDP policies GEN6 i), iii), v) and MEW10 vii), viii).

#### 4.2.4 Biodiversity and nature conservation



The general requirement to consider the impact of development on biodiversity interests is set out in PPW Chapter 5, TAN 5, UDP policies STRAT 1, STRAT 7, GEN 6 and ENV 6 and SPG 18. Specific to wind turbine development is policy MEW 10 criterion x) which states that wind turbine development will be permitted provided that *'There is no unacceptable effect on nature conservation.'* Policy ENV 6 deals with species protection and states *'development which would unacceptably harm species given special protection by law will not be permitted unless appropriate steps can be taken to secure their protection'*.

The application site is agricultural land which is currently used for grazing sheep and whilst the site itself is outside of any statutory or local nature conservation designation, it is in close proximity to Coed y Fron Wyllt woodland which provides habitat for one of Britain's most important dormouse populations.

The dormouse is listed as a UK Biodiversity Action Plan species and is protected under the Wildlife and Countryside Act 1981 (as amended) and the European Habitat Regulations.

The Ecological chapter in the DAS provides generic information only and no site specific ecological data had originally been provided by the applicant. Following receipt of further information, the Council's Biodiversity Officer is satisfied that dormouse habitat can be adequately protected by the erection of temporary fencing along the hedgerow during the construction stage, which can be controlled through the use of an appropriate planning condition should planning permission be granted. The applicant has also offered to plant native species along an existing hedgerow adjacent to the application site (which is within the applicants control) to reduce the number of gaps and improve the biodiversity value of the site, which would be a dormouse habitat enhancement measure.

As a precautionary measure, the Biodiversity Officer has also recommended that the underground cables to connect the turbine to the electricity grid should cross hedgerows only at existing gaps. Again this is something which can be controlled through the use of an appropriate planning condition.

The turbine would be more than 50m away from any linear features such as hedgerows, tree lines or streams, and it is therefore unlikely to have any adverse impact on bats and there is no evidence to suggest protected bird species frequent the site.

Neither CCW nor the Council's Biodiversity Officer have raised any objection to the proposal, and it is therefore reasonable to conclude that the proposal would not have any adverse impacts on biodiversity and nature conservation interests, subject to the use of appropriate planning conditions and therefore does not conflict with policy ENV 6 and MEW 10 criterion x).

#### 4.2.5 Noise and amenity

##### Noise

Policy GEN 6 and MEW 10 seek to ensure development does not impact on residential amenity. The latter requires that particular consideration has to be given to noise and shadow flicker. TAN 11 relates to the assessment of noise in relation to development proposals. The general guidance is that local planning authorities should ensure noise-generating development does not cause an unacceptable degree of disturbance, but in some instances it may be acceptable to allow noise-generating activities near to noise sensitive receptors.

ETSU-R-97 is industry standard for the Assessment and Rating of Noise from Wind Farms. The guidance sets out indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on the development. The levels are set relative to background noise limits, rather than absolute limits, with separate limits for day-time and night-time. They are presented in a manner that makes them suitable for noise related planning conditions.

For single turbines ESTU-R-97 proposes that a simplified noise condition may be suitable and recommends that noise is limited to  $35\text{dB}_{\text{LA90,10min}}$  (A) up to wind speed of 10m/s at 10m height and considers that this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary.

Onsite noise assessments have not been carried out and the noise section in the DAS makes general assumptions about background noise levels. However Chapter 2.8 of the DAS has been informed by a desk based assessment of predicted noise levels at nearby residential receptors. The assessment has been conducted using software which predicts the noise effects of the turbine based on the sound power level provided by the turbine manufacture (94.8dBA). A Revised Noise Constraints Plan is also submitted as an appendix to the DAS which shows the noise impact of the individual turbine proposed.

There is some discrepancy between the separation distances quoted in the noise assessment chapter of the DAS and with Officers own assessment. For example, Officers have calculated Pengalltegfa as being 310 metres away, whereas the introduction to Chapter 2.8 quotes a figure of 340m and the desk based assessment has used a separation distance of 240m. However as the desk based noise assessment assumes the properties are much closer to the application site than the Officer's own assessment, Officer's consider this approach to be valid.

The desk based assessment contained in the DAS concludes noise attributable to the turbine will not exceed 35dB at any of the properties assessed and therefore meets the criteria set by ETSU-R-97; the closest property is Pengalltegfa and the noise constraints map illustrates this property falls outside of the 35dB noise contour.

The Council's Technical Officer (Pollution) has raised no objection to the proposal and is satisfied that a suite of planning conditions can be imposed to limit noise levels emitted from the turbine to below  $35\text{dB}_{\text{LA90,10min}}$  for wind speeds of up to 10m/s at 10m height when cumulatively measured freefield at the nearest noise sensitive receptor should planning permission be granted.

#### Shadow flicker

The incidence of shadow flicker depends on the position of the sun in the sky. It only occurs at certain times and tends to only affect nearby buildings within 130 degrees either side of north which are within 10 rotor diameters of a turbine. The likelihood of shadow flicker occurring and the duration of such an effect depends on a range of factors, including the time of the year, the size of the turbine, the direction and speed of the wind and the relative cloud cover.

The Design and Access Statement contains a short section on shadow flicker and is accompanied by a revised shadow flicker constraints map which shows the area around the turbine which may be susceptible to the occurrence of shadow flicker. The DAS concludes that there are no dwellings within 10 rotor diameters of the turbine, which is also illustrated on the shadow flicker constraints plan, and therefore it is unlikely that any properties will be affected by shadow flicker. However, shadow flicker analysis is not an exact science, so as a precautionary measure Officers would advise a planning condition is imposed to ensure any incidence of shadow flicker

experienced by nearby properties can be controlled should planning permission be granted.

Subject to the inclusion of detailed planning conditions to address noise and shadow flicker, it is reasonable to conclude that the proposal would comply with policy GEN 6 criterion v) and MEW 10 criterion iv) and v).

#### 4.2.6 Communication and aviation

In certain locations wind turbines can affect communication and aviation infrastructure which may also need to be addressed. Airbus, who operate Hawarden Airport, the NATS (en route) public limited company (who are responsible for civilian en-route air traffic control over the UK) and the Ministry of Defence have been consulted on this application.

No objections have been raised by the aviation authorities and therefore Officers are satisfied that the proposal will not have any adverse effects on communication and aviation infrastructure.

### 5. SUMMARY AND CONCLUSIONS:

- 5.1 The report sets out a number of considerations officers suggest are relevant to the determination of this application. As with all wind energy developments, inevitably there will be factors that weigh against and in favour of the grant of planning permission.
- 5.2 Officers continue to have concerns over the sporadic spread of 'one-off' medium / sub-local authority scale wind turbine developments outside of the Strategic Search Area, which will have strategic implications upon the ability to conserve the integrity of wider Denbighshire landscapes in the longer term. Officers continue to stress the need for Members to take a strategic approach to the determination of one-off applications such as this, and to consider the landscape and visual impact of wind turbine development in combination with operational, consented and in-planning wind turbine proposals to ensure cumulative effects are fully addressed, in order to prevent the windfarm landscape encroaching beyond the boundaries of the Strategic Search Area.
- 5.3 The application site is within a high quality landscape of county/regional value. Taking into account the views of the Council's Landscape Consultant and the Community Council, Officers assessment has identified that a turbine of the scale proposed in this location will give rise to adverse landscape and visual impacts, and further contribute to wind turbine development appearing to creep beyond the Clocaenog plateau, giving rise to cumulative landscape impacts to which is contrary to UDP policy GEN6 and MEW10, and of concern to the Clocaenog Community Council.
- 5.4 Members have previously accepted in other locations that 50kW/55kW wind turbines maybe of a suitable scale, size and capacity to qualify as a form of farm diversification and have used this as a basis of support for the farming community. Respectfully, Officers do not consider the Council is bound by previous decisions and have suggested a number of tests against which applications may be assessed to determine the farm diversification merits on a case by case basis.
- 5.5 Factually that there are 5 no. 50kW/55kW wind turbines that have been granted planning consent within the LANDMAP Denbigh and Derwen Hills landscape character area. Despite being with the same LANDMAP character area, 4 of these consented proposals are near Cyffylliog, where the local landscape characteristics differ significantly to the application site, and the 1 turbine is adjacent to the Clocaenog Forest where the vast conifer forest landscape was could absorb a turbine

of this scale. In response to the planning application consultation on these proposals, the Council's landscape consultant did not raise significant landscape objections, nor were there any objections received from the Community Council or the public. However, in this instance, the landscape consultant has clearly identified adverse landscape and visual impacts and a detailed objection has been received from the Community Council which highlights local concerns over these impacts.

5.6 Officers continue to recommend a precautionary approach is taken where adverse landscape and visual impacts have been identified, to ensure the integrity of high quality local landscapes is not eroded by incremental wind turbine development. It is therefore suggested in relation to the application that limited weight is given to the farm diversification merits, and that the benefits of the proposal in terms of the increase in renewable energy generation do not outweigh the identified adverse landscape and visual impacts.

**RECOMMENDATION: - Refuse** subject to the following reasons:-

1. It is the opinion of the Local Planning Authority that the erection of a 46 metre high 50kW turbine in a high quality landscape of County importance would have unacceptable landscape and visual impacts and further contribute to wind turbine development appearing to creep beyond the Strategic Search Area boundary, giving rise to cumulative landscape impacts. The farm diversification merits of the proposal and the potential benefits of increased renewable energy generation are not considered to outweigh national and local policy objectives which seek to protect the local landscape and visual amenity. The proposal is therefore considered contrary to Denbighshire Unitary Development Plan policies STRAT 7, GEN 6, ENV1, MEW 8 and MEW 10, and the principles set out in TAN 8 (para. 2.11 – 2.13) and PPW Edition 4 (para.12.10).

**NOTES TO APPLICANT:**

None





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

Heading:

REFERENCE NO. 40/2012/0456/PF  
 PENGWERN FARM  
 NANT Y FAENOL ROAD, BODELWYDDAN

3

Graham Boase  
 Head of Planning & Public Protection  
 Denbighshire County Council  
 Caledfryn  
 Smithfield Road  
 Denbigh  
 Denbighshire LL16 3RJ



Application Site



Date 3/10/2012  
 Centre = 301862 E 376409 N

Scale 1/2500

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



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Denbighshire County Council. 100023408. 2011.

Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chariatâd yr Ordnance Survey gyda hysbysu. © Crown copyright. Mae atgynhychir heb ganiatâd yn tori hawlfraint y Goron a gall hyn arwain at brosesau masnachol a hysbysu sifil. Cyngor Sir Ddinbych. 100023408. 2011.

**ITEM NO:** 3

**WARD NO:** Bodelwyddan

**APPLICATION NO:** 40/2012/0456/ PF

**PROPOSAL:** Erection of a loose housing building for cattle

**LOCATION:** Pengwern Farm Nant Y Faenol Road Bodelwyddan Rhyl

**APPLICANT:** Mr Huw Jones

**CONSTRAINTS:** PROW

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:  
Scheme of Delegation Part 2**

- Application submitted by son of County Councillor

**CONSULTATION RESPONSES:**

**BODELWYDDAN COMMUNITY COUNCIL:**  
No response received

**COUNTRYSIDE COUNCIL FOR WALES:**  
No objections subject to a condition relating to great crested newt surveys.

**RAMBLERS ASSOCIATION:**  
An objection was raised to the initial scheme on the basis that the proposed building would be on a (disputed) public right of way. There has not yet been a response to the revised position of the building which is not on the public right of way.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:**  
**FOOTPATH OFFICER:**  
No objection subject to conditions/notes to applicant ensuring that the public right of way is not obstructed.

**BIODIVERSITY OFFICER:**  
No objections

**PUBLIC PROTECTION:**  
Response to be reported

**RESPONSE TO PUBLICITY:**  
None

**EXPIRY DATE OF APPLICATION:** 17/06/2012

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

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

## PLANNING ASSESSMENT:

### 1. THE PROPOSAL:

#### 1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the erection of an agricultural building to house cattle. The additional loose housing is stated to be needed to increase the cow numbers, and progress the business.
- 1.1.2 The building would measure approximately 46 metres by 15 metres, and feature a pitched roof with a ridge height of 5.8 metres.
- 1.1.3 Construction materials would be steel stanchions, with concrete panels to the rear and side elevations to a height of 2 metres, above which would be timber boarding. The front (north east) elevation would be open to allow the cattle to feed. The roof would be constructed using fibre cement sheeting.
- 1.1.4 The building would be located approximately 20 metres to the south of the existing yard.

#### 1.2 Description of site and surroundings

- 1.2.1 The existing yard features a wide range of buildings including cow accommodation, silage storage, milking parlour, and slurry lagoon.
- 1.2.2 Further north of the farm yard are the buildings which comprise Pengwern Hall, west are the dwellings 1 and 2 Glan y Wern and to the south lies Little Pengwern and Llys Menyn. The rest of the surrounding area is characterised by open fields in agricultural use.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside, and adjacent to public right of way no.8.

#### 1.4 Relevant planning history

- 1.4.1 None relevant to this application.

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

- 1.5.1 Since the original submission Officers and the applicant have been involved in lengthy discussions as to whether or not the building as originally shown would have been located on a public right of way. Officers, using the 'Definitive Rights of Way Map' have advised that to build the building in the original location would have obstructed a Public Right of Way, and on that basis could not support the application.
- 1.5.2 The applicants, having good local knowledge over many years, do not agree that there is a public right of way in the location shown on the 'Definitive Rights of Way Map'. However, a planning application is not the forum to dispute the existence or otherwise of a Public Rights of Way, and the



application must be considered on the basis of what is shown on the 'Definitive Rights of Way Map'. The applicants have accepted this and agreed to site the building in a location 4 metres south of the original location.

- 1.5.3 The applicants wish it to be known that in relocating the building, they are not accepting the validity of Public Footpath No. 8 as shown on the Definitive Rights of Way Map.

1.6 Other relevant background information

- 1.6.1 Pengwern Farm is a dairy farm with about 300 dairy cows and dairy heifers are reared as replacements. The farm extends to about 400 acres with the majority in grassland.

**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 POLICY GUIDANCE

- Planning Policy Wales 2011  
TAN 6 – Planning for Sustainable Rural Communities

**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 Visual Amenity  
4.1.3 Impact upon Public Right of Way  
4.1.4 Protected Species

4.2 In relation to the main planning considerations:

4.2.1 Principle:

Policy GEN 3 allows for certain types of development outside development boundaries, criterion vi) permits agricultural development providing there is no unacceptable impact on the social, natural and built environment. EMP 13 relates specifically to agricultural development, the aim of this policy is to ensure agricultural development has no unacceptable impact on the environment. Proposals must comply with four criteria relating to; the need for the development, the use of alternative existing buildings, the impact of development on the character and appearance of the countryside and the siting relating well to the existing complex. The building is to increase the cow numbers, and progress the business. It is noted there are no existing buildings which could currently accommodate this need. It is therefore considered that the proposal complies with criteria i) and ii) of EMP13 and is acceptable in terms of principle and need. Other detailed matters of consideration are dealt with below.

4.2.2 Impact on Visual Amenity:

Policy GEN 6 contains general criteria which seek to ensure that development does not harm visual amenity. Policy EMP 13, more specifically, requires agricultural development proposals to be well sited in relation to the existing farm complex, and to not result in harm to the character/appearance of the area.

The proposed building is sited within close proximity to the existing buildings, and would be seen in this context. The size and scale of the proposed building is comparative to the existing complex, and in terms of height is comparable to the existing development.

In terms of visual amenity, it is considered that the building would not result in injury to the visual amenity of the area. Accordingly it is considered that the proposal meets the aims of Policies EMP 13 and GEN 6 and is therefore acceptable in respect of visual amenity.

#### 4.2.3 Impact on Public Right of Way:

Policy TRA 10, Public Rights of Way, requires careful assessment of the impact of development upon public rights of way. Welsh Office Circular 5/95 advises on how Public Rights of Way should be taken into account when determining planning applications.

Since the initial submission the proposal has been amended so that potential users of public footpath no.8 may pass unhindered along its route which would run between the proposed new building and the existing loose yard (as shown on the Definitive Public Rights of Way Map). The County Council's Public Footpath Officer has removed his objection to the proposal on this basis.

It is considered therefore that the proposal would not have an adverse impact on the public right of way and the proposal complies with Policy TRA 10 and accords with Welsh Office Circular 5/95.

#### 4.2.4 Protected Species:

Unitary Plan policies, Welsh Government guidance and national legislation oblige due consideration of impact on ecological interests, and in particular protected species, (Unitary Plan policies ENV 1, ENV 6 and GEN 6). This approach is supported by SPG 18 – Nature Conservation and Species Protection.

The Countryside Council have responded that Great Crested Newts may be present within the site. Subject to a scheme of reasonable mitigation measures being agreed and implemented there are no objections to the proposal. Such reasonable mitigation measures are expected to be the erection of a 1-way amphibian fence prior to and throughout the duration of construction operations.

With regard to the requirements of ENV 6 and GEN 6, and the comments of the Countryside Council for Wales, it is not considered that the proposal as conditioned would result in a harm to the longevity of a protected species.

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is considered acceptable under the relevant planning policies and it is therefore recommended that planning permission be granted.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. **PRE-COMMENCEMENT CONDITION**

Prior to the commencement of the development, provision for the presence of Great Crested Newts shall be made in the form of a reasonable avoidance measure scheme which shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed strictly in accordance with such approved details and recommendations implemented.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure no harm to protected species at the site.

**NOTES TO APPLICANT:**

You are advised that a public right of way lies adjacent to the development. The right of way must not be disrupted during the duration of building works.



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

Graham Boase  
 Head of Planning & Public Protection  
 Denbighshire County Council  
 Caledfryn  
 Smithfield Road  
 Denbigh  
 Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

44/2012/0780  
 4 Seymour Drive  
 Rhuddlan

4



Application Site

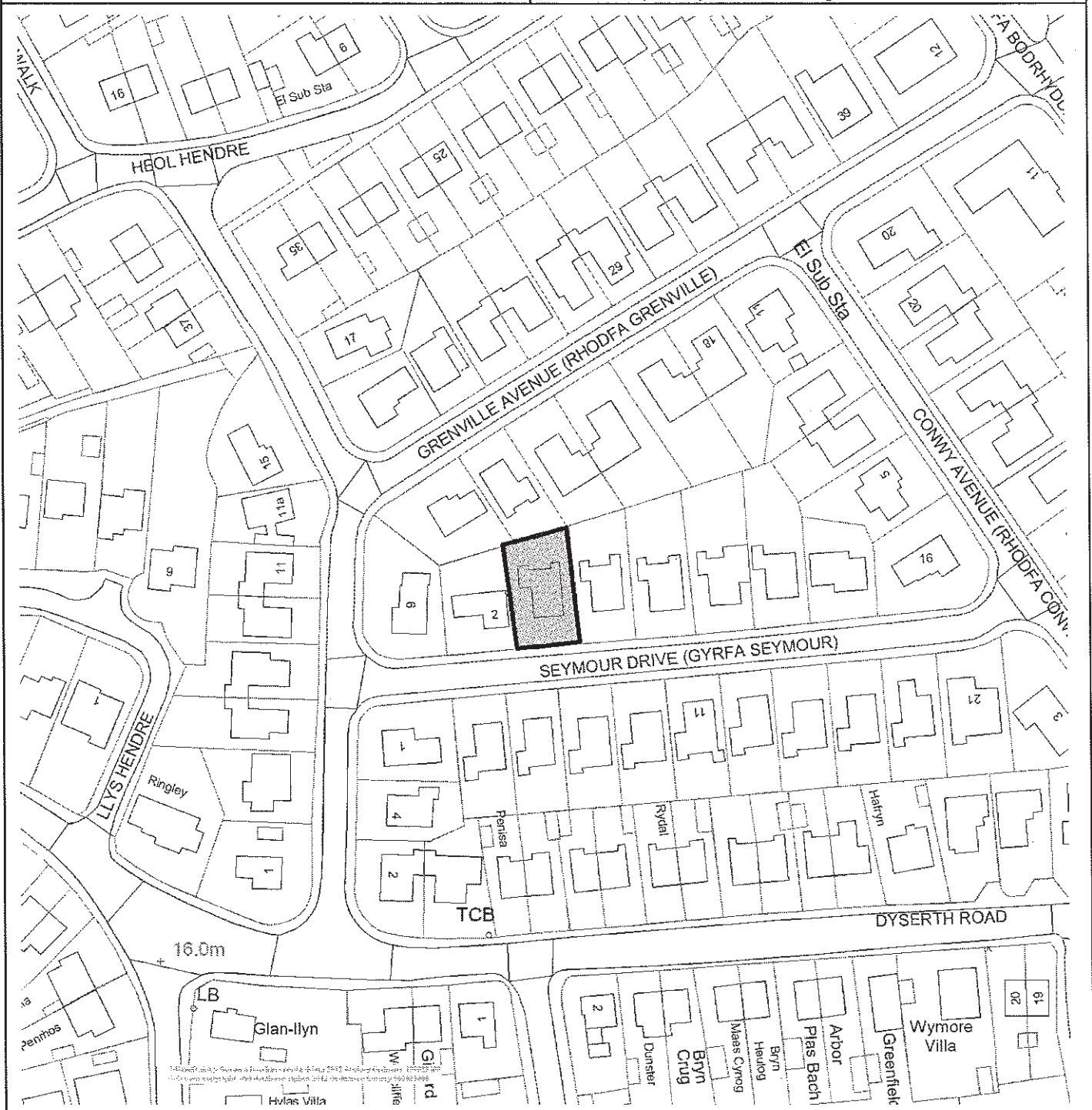


Date 5/9/2012

Scale 1/1250

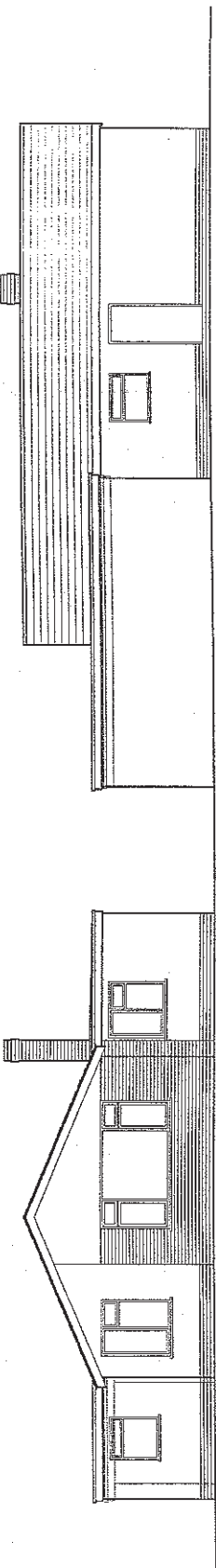
Centre = 302849 E 378085 N

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

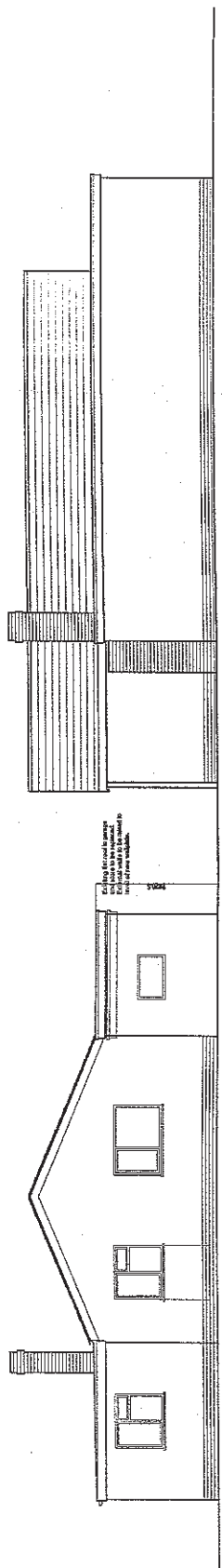


This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Denbighshire County Council. 100023408. 2011.

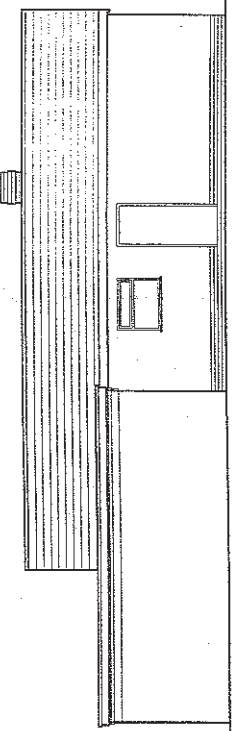
REVISED PLAN



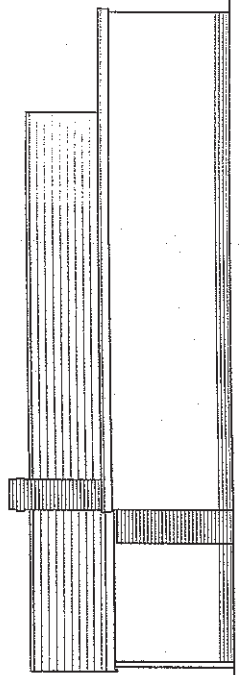
FRONT ELEVATION



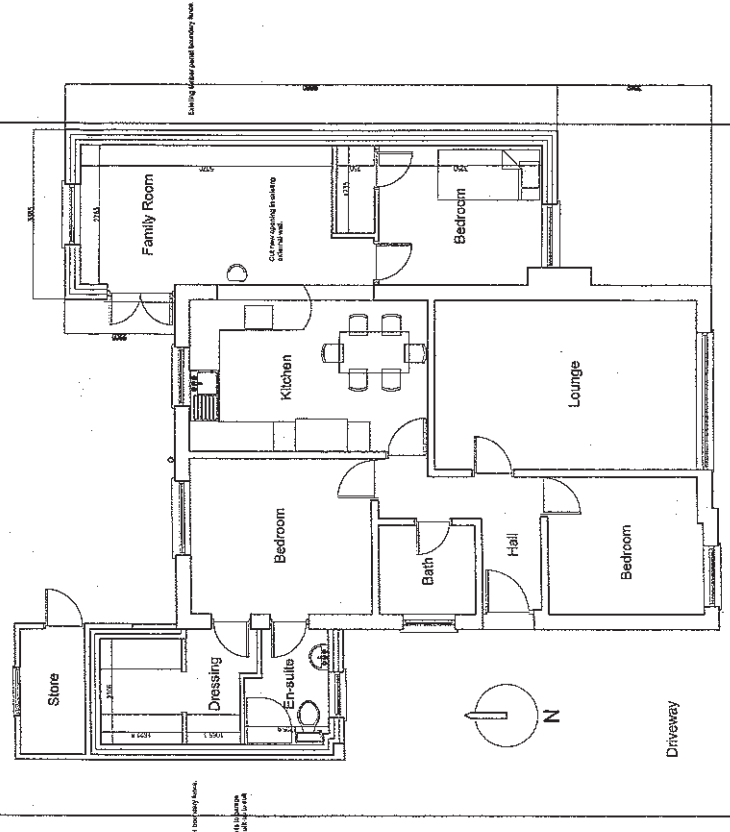
REAR ELEVATION



SIDE ELEVATION

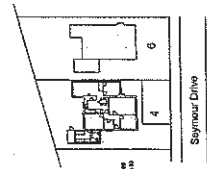
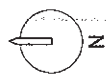


SIDE ELEVATION



FLOOR PLAN

PROPOSAL  
4 SEYMOUR  
DRIVE



SITE PLAN  
Scale: 1:500



EXTERNAL MATERIALS:  
WALLS: Brickwork to be finished with external  
white cement render and painted white.  
ROOF: Red brick chimney with blue slate roof.  
FLOORING: Hardwood flooring with dark grey oil.  
DOORS: All internal doors to be finished with  
white PVC and to match existing Caspar White  
interior.  
FLOORING: All internal PVC to match existing Caspar White  
interior.

RECEIVED  
15 AUG 2012  
CALEDFRYN

REVISIONS  
A 24/05/12  
B 09/06/12  
C 09/06/12  
D 09/06/12  
E 09/06/12  
F 09/06/12  
G 09/06/12  
H 09/06/12  
I 09/06/12  
J 09/06/12  
K 09/06/12  
L 09/06/12  
M 09/06/12  
N 09/06/12  
O 09/06/12  
P 09/06/12  
Q 09/06/12  
R 09/06/12  
S 09/06/12  
T 09/06/12  
U 09/06/12  
V 09/06/12  
W 09/06/12  
X 09/06/12  
Y 09/06/12  
Z 09/06/12



Mr & Mrs Simon Egan  
Proposed Extension and Alterations to  
Dwelling,  
4 Seymour Drive  
Rhuddlan  
1:50  
9 June 2012  
E.1221/2 B





**ITEM NO:** 4  
**WARD NO:** Rhuddlan  
**APPLICATION NO:** 44/2012/0780/ PF  
**PROPOSAL:** Erection of a single storey flat roof extension to side and conversion of garage into habitable accommodation  
**LOCATION:** 4 Seymour Drive Rhuddlan Rhyl  
**APPLICANT:** Mr & Mrs Simon Eames  
**CONSTRAINTS:**  
**PUBLICITY UNDERTAKEN:** Site Notice - No  
 Press Notice - No  
 Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

RHUDDLAN TOWN COUNCIL – Recommended permit on the original scheme but “refuse” on the revised, smaller extension. “Reason – the extensions are considered too near the adjoining property.”

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Mr. Phillip Tebbutt, 12 Grenville Avenue, Rhuddlan on original and revised scheme  
 Mr. D. N. Vicary, 6, Seymour Drive, Rhuddlan on original and revised scheme  
 F. J. Dart, 8, Grenville Avenue, Rhuddlan on original only  
 A N Storey, 10 Grenville Avenue, Rhuddlan on original and revised scheme

Summary of planning based representations:

- Concerns over size of side extension
- Impact on character of the area

**EXPIRY DATE OF APPLICATION: 15/08/2012**

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

- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information



## **PLANNING ASSESSMENT:**

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

#### 1.1 Summary of proposals

- 1.1.1 The application proposes the adaptation of an existing garage to the west side of the existing bungalow to create an en-suite bathroom and dressing area. This would involve the insertion of a domestic sized window to the front of this flat roofed element with no other external extensions or alterations.
- 1.1.2 In addition it is proposed to erect a single storey, flat roofed extension to the east side of the dwelling to create an additional bedroom and family room. This side extension will project some 3.3m to the east side and measure some 9.8m in length. The highest point of the roof of the proposed extension would be some 2.6m from ground level. The extension would be set back from the front wall of the existing property by some 3m.
- 1.1.3 The extension would be rendered to match the existing with a felt flat roof. The elevations and floor plans are shown at the front of this report.
- 1.1.4 Members will recall that this application was deferred from the last Planning Committee, at their request, to enable a neighbour to attend this Committee and speak.

#### 1.2 Description of site and surroundings

- 1.2.1 The existing dwelling is a small detached bungalow property on a road containing similar such dwellings. The property enjoys an existing flat roofed former garage structure to the west at the end of a driveway. This is the structure which it is proposed to convert to a bathroom/dressing room. The dwelling to the east, No.6, also has a driveway to its west side containing a garage structure.
- 1.2.2 The bungalows along Seymour Drive are set back from the road with driveways and open plan front garden areas bounded by low front walls. The dwelling to the east at No.6 appears to be set at a slightly higher level than the application property. A boundary fence of approximately 1.8m exists along the eastern boundary between the application site and No.6 Seymour Drive.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhuddlan.

#### 1.4 Relevant planning history

- 1.4.1 None

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

- 1.5.1 At the request of Officers the proposed extension to the east has been reduced in length and height. The extension has been set back further from the front of the property and reduced from an original 12m length to 9.8m. The height has been reduced by 0.16m from the original submission.

#### 1.6 Other relevant background information

- 1.6.1 The application was originally referred to Committee at the request of the local Members. This was based on the original Town Council recommendation to permit. The Town Council have subsequently changed their recommendation.
- 1.6.2 It should be noted that a flat roofed side/rear extension was permitted and built at No.10 Seymour Drive, on the same side as the application site. A plan

of that permitted extension is also shown at the front of this report.

## 2. DETAILS OF PLANNING HISTORY:

- 2.1 None at the application site but at No. 10 Seymour Drive:-  
2/RHU/134/88 – Kitchen extension, new bedroom and utility room – GRANTED under delegated powers 7<sup>th</sup> July 1988  
44/366/98/PF – Single storey flat roofed extension at rear – GRANTED under delegated powers 26<sup>th</sup> June 1998

## 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 1 – Development within development boundaries
- Policy GEN 6 – Development Control Requirements
- Policy HSG 12 – Extensions to Dwellings

### 3.2 Supplementary Planning Guidance

- SPG Note No. 1 Extensions to Dwellings
- SPG Note No. 24 Householder Development Design Guide

### 3.3 GOVERNMENT POLICY GUIDANCE

- Planning Policy Wales Edition 4

### 3.4 Other material considerations

None.

## 4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle
- 4.1.2 Detailed Design and Impact on Amenity

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

#### 4.2.1 Principle

The principle of extensions to existing dwellings is generally acceptable in terms of current policies, subject to consideration of detailing and impacts.

Policy HSG 12 relates specifically to extensions to dwellings and recognises householders have the right to alter and extend dwellings providing they meet the criteria relating to: size/scale, character, amenity considerations and the scheme would not result in an overdevelopment of the site.

Policy GEN 6 contains a wide range of general development control amenity considerations aimed at ensuring such developments have minimal impacts.

SPG 24 offers basic advice on the principles to be adopted when designing domestic extensions.

It should be noted that issues of building covenants are not material considerations when the Local Planning Authority assess planning applications. Applications must be assessed on their merits having regard to the relevant Policies and guidance. Where relevant regard should also be had to whether similar developments have been approved and carried out in the

area. Such considerations can be highly relevant where Planning Inspectors look at appeals.

The assessment of the detailed impacts of the proposed extension are set out in the following sections:-

#### 4.2.2 Detailed design and impact on amenity

*Scale and form* – Test i) of Policy HSG 12 requires extensions to be subordinate in scale and form to the original dwelling.

The application proposes only one extension. The adaptation of the existing garage structure to the west side of the dwelling does not involve any extension. The proposed flat roofed, side extension to the east is well below the footprint of the original dwelling clearly making it subordinate.

The proposal is therefore considered to comply with test i) of Policy HSG 12 and advice within the SPG.

*Design and materials* – Test ii) of Policy HSG 12 requires extensions to dwellings to be sympathetic to the original dwelling and the character of the area in terms of design and materials.

Whilst a pitched roof side extension would be more in keeping with the design of the bungalow one must have regard to the presence of a similar flat roofed extension at No. 10 Seymour Drive. The materials on the walls of the proposed side extension would match the existing and would be in keeping with the property. Having the extension to the east side set back from the frontage of the dwelling reduces its visual impact and it is not considered that the flat roofed design in itself would be sufficient to justify refusal.

The proposal is therefore considered to comply with test ii) of Policy HSG 12.

*Amenity of area and dwelling* – Test iii) of Policy HSG 12 seeks to ensure that proposals to extend dwellings do not harm the amenity of the area by way of loss of privacy or light to neighbouring dwellings.

The single storey, flat roofed extension to the east side of the dwelling would have an impact on the neighbouring dwelling to the east at No.6. However, given the flat roofed design of the extension, the fact it is set back from the frontage of the dwelling by 3m, the presence of an existing garage to the side of No.6 and a boundary fence between the properties it is not considered this impact would be significant enough to warrant refusal. To the side of No.6 there is a front door and an obscure glass bathroom window. The proposed extension would not unduly harm the amenity of the door or window. The side extension would project close to the side boundary of the dwelling at No.6, however, given the lack of any direct significant impact from the extension, this issue in itself is not enough to refuse the proposal.

A very important consideration would be that a similar flat roofed, or pitched roof, extension could be built onto the side of this dwelling under permitted development rights. Such an extension, especially if built with a higher, pitched roof, could have a much greater impact on the neighbouring dwelling to the east.

*Overdevelopment* – Test iv) of Policy HSG 12 states that proposals should not result in overdevelopment of the site. As mentioned above the single storey extension to the east is the only extension to the dwelling proposed. There would remain a significant area of front and rear garden area to the plot

meaning that there would be no overdevelopment.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The proposal is considered acceptable under the relevant policies and guidance.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials and finishes of the external surfaces of the walls of the development hereby permitted shall be of the same texture, type and colour as those on the external walls of existing buildings.
3. The existing timber panel boundary fence to the east boundary between the application site and No. 6 Seymour Drive shall be retained and maintained at the existing height and shall not be removed unless otherwise agreed in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of neighbour amenity.

**NOTES TO APPLICANT:**

None

Graham Boase  
Head of Planning & Public Protection  
Denbighshire County Council  
Caledfryn  
Smithfield Road  
Denbigh  
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

REFERENCE NO. 45/2012/1181/PF  
REAR OF TOWN HALL, PART OF MARKET ST,  
GLANGLASFOR AND HIGH ST, RHYL



Application Site

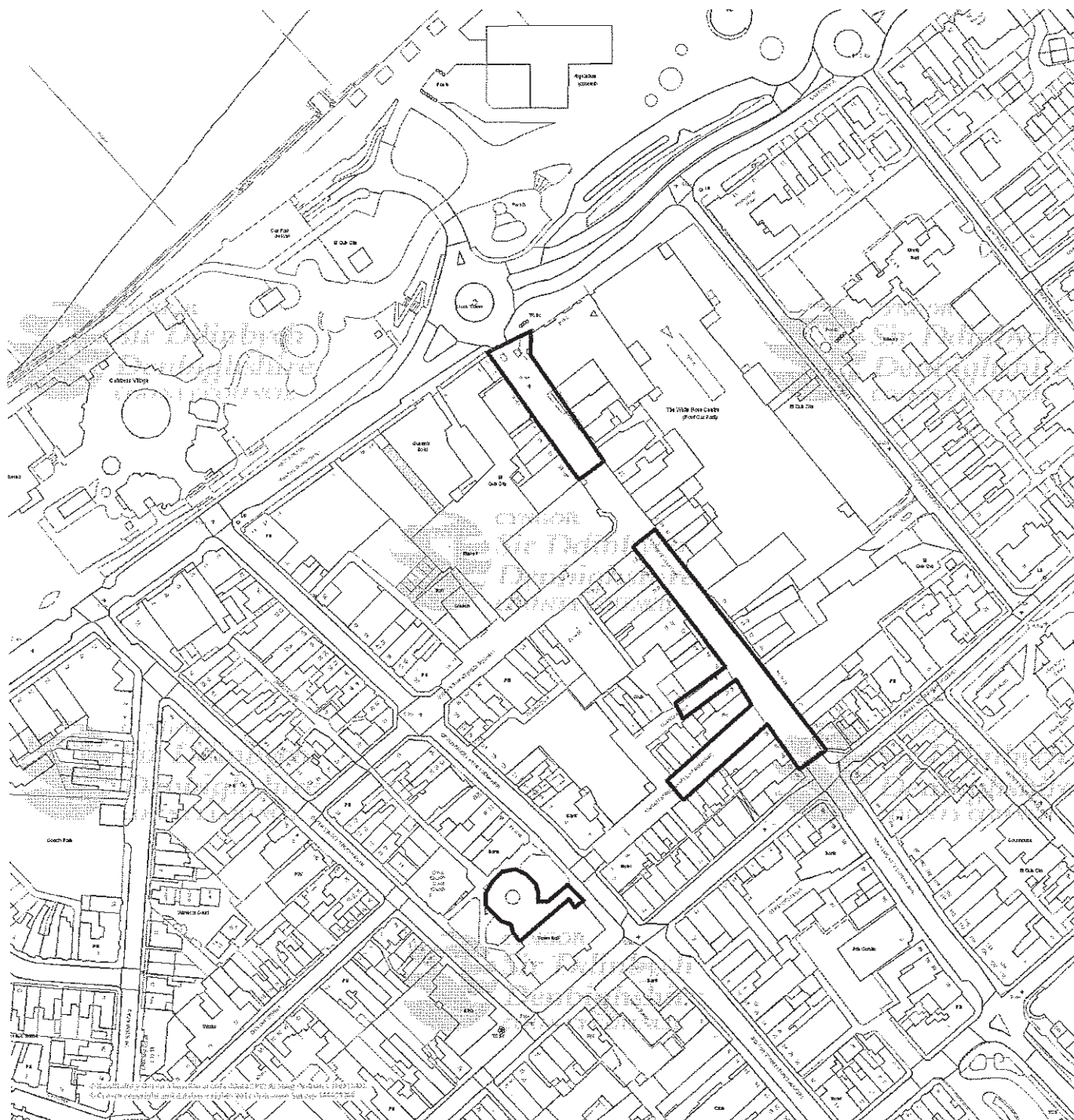


Date 3/10/2012

Scale 1/2500

Centre = 300740 E 381523 N

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





**ITEM NO:** 5

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2012/1181/ PF

**PROPOSAL:** Use of land as market for sale of Class A1 (retail goods) and Class A3 (hot food and drink) on Thursdays and Saturdays with 14 additional days in any one year

**LOCATION:** Rear of Town Hall, part Market Street, part Glanglasfor and Part High Street Rhyl

**APPLICANT:** Denbighshire County Council

**CONSTRAINTS:** C1 Flood Zone  Groundwater Vulnerability 1  Article 4 Direction  Town Heritage Area  Conservation Area  Listed Building

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Referral by Head of Planning / Development Control Manager

**CONSULTATION RESPONSES:**

**RHYL TOWN COUNCIL:**  
Response to be reported

**RHYL GROUP FORUM**  
Response to be reported

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:**  
**HEAD OF HIGHWAYS AND INFRASTRUCTURE:**  
No objections

**STRATEGIC REGENERATION MANAGER:**  
No objections, the independent retail consultants using a statistically valid survey methodology have concluded that the street market makes a positive contribution to the vitality and viability of Rhyl town centre and that the overall increase in footfall that the market generates can provide opportunities from which all the town centre businesses can potentially benefit. The consultants have also made further recommendations about how the market might enhance the town's retail offer and these can be addressed through its on-going management arrangements.

**RHYL TOWN CENTRE MANAGER:**  
No objection in principle, but suggests that there needs to be a concentrated effort to secure a market tenant mix that will enhance the shopping provision of the town, not in direct competition with it.

**RESPONSE TO PUBLICITY:**

The application was publicised by way of 13 site notices, and approximately 100 letters to properties on Water Street, Market Street, Glanglasfor, High Street, Sussex Street and East Parade.

In objection

Representations received from:

Joy Atkins, Snax Cafe, 16 Wellington Road, Rhyl  
Ms G Williams, Aquarius, 2 Market Street, Rhyl, including a petition of 185 names and addresses  
Ms Anthea Davies, Church Secretary, 3 Tai Newydd, Trelawnyd

Summary of planning based representations:

- The market would have a detrimental impact on the viability of the town shops/centre

**EXPIRY DATE OF APPLICATION: 04/11/2012**

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

- n/a

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 This is a County Council application seeking a permanent permission for the use of land in four locations within Rhyl's town centre as an open air retail market. These areas are located to the rear of Rhyl Town Hall, on the north eastern end of Market Street, on Glanglasfor, and on the northern and southern end of High Street, (but not the central part of High Street). However, the market operators have suggested that the inclusion of land to the rear of Rhyl Town Hall is for consistency with the temporary planning permission, and have committed to not using this particular area on a regular basis, instead reserving its use for special events only. Members are referred to the plan at the front of the report which identifies the respective locations and their extent.
- 1.1.2 The current submission follows the granting of a temporary permission last year for the use of these sites as an open air retail market. That permission expires on the 31<sup>st</sup> October 2012. The market has been in operation since November 2010.
- 1.1.3 The market would, if granted permission, continue to operate in a similar manner to how it has operated to date. It is proposed that the market would operate on Thursdays and Saturdays each week, with an additional 14 days in any calendar year reserved for additional use. Hours of operation are proposed to be 9am to 6pm. It has been noted during discussions with the operators that the market may benefit Rhyl Town Centre more by holding it in on two different days of the week instead of Thursdays and Saturdays. This issue is discussed further in the detailed analysis section below.
- 1.1.4 The goods to be sold would continue to be retail goods (an A1 planning use) and hot food and drink (an A3 use).
- 1.1.5 Members will recall that the purpose of granting a temporary permission was to allow for the impacts of the market on the town centre to be assessed. Accordingly the current application is accompanied by a review of the role of



Rhyl street market and its impacts on the wider performance of Rhyl Town Centre. The review has been carried out by an independent retail consultant commissioned by the Council.

- 1.1.6 The application relates solely to the use of the land and does not seek permission for any temporary structures (market stalls) as such structures do not constitute development and are therefore considered beyond the control of planning legislation.
- 1.1.7 Day to day market operations would continue to be regulated by the Council's Licensing Team who would deal with complaints and ensure Council approved 'Market Regulations' are adhered to. The day to day management of the market, including promoting the quality of goods sold, is a matter for the licensing team.

## 1.2 Description of site and surroundings

- 1.2.1 The sites are within the town centre, where the predominant uses are generally retail and commercial. The areas are mostly pedestrianised and feature typical street furniture such as bollards, planting and seats.
- 1.2.2 Typically many of the buildings fronting onto the proposed market areas feature large display windows.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The areas proposed for the markets are within the development boundary of Rhyl (Policy GEN 1). They are also within the designated Town and District Centre (Policy RET 1). The sections of market proposed to the rear of the Town Hall along Market Street up to Sussex Street are in the Conservation Area (subject to policy CON 5).

## 1.4 Relevant planning history

- 1.4.1 The current submission follows the granting of a temporary permission last year for the use of these sites as an open air market. That permission expires on the 31<sup>st</sup> October 2012.

## 1.5 Developments/changes since the original submission

- 1.5.1 None

## 1.6 Other relevant background information

- 1.6.1 Permission is required as the proposed use of the public highway for an open air market would exceed the 'permitted development' tolerances in current planning legislation.
- 1.6.2 Class 4 of the General Permitted Development Order (1995) allows open air markets to be held on sites for up to 14 days per year. This allowance was 'removed' in Rhyl in 1976 by way of an Article 4 Direction, which stipulated open air markets could not be held in Rhyl without the prior grant of planning permission. However, irrespective of the Article 4 Direction, the proposed use would exceed the 14 day annual allowance, and would still require permission.
- 1.6.3 Members' attention is drawn to the limits of planning control in respect of elements of proposals of this nature. For example, stall design and layout

and the type of goods being sold cannot be reasonably controlled through the planning process because of their temporary and variable nature, and attempting to do so would conflict with guidance contained within Circular 11/95 'The Use of Conditions in Planning Permissions'. This stresses that planning conditions must be necessary, reasonable, enforceable, precise and relevant to planning.

- 1.6.4 There are quite separate controls exercisable over markets through other legislation, which allows for the creation of appropriate 'Market Regulations', which are administered and enforced by the regulatory teams within "Public Protection". Should planning permission be granted, then the issue of amendments to the existing 'Market Regulations' would be reported to the Council's Licencing Committee.
- 1.6.5 Members' attention is also drawn to Welsh Office Circular 35/95 which relates to the use of conditions in planning decisions. With specific reference to section 112 which deals with temporary permissions, the Circular states that a temporary permission which serves to assess the impacts of a proposal should only be used once. If at the end of the 'trial period' there are no adverse affect arising from the proposal, then a permanent permission should be given. Similarly, if there are found to be adverse impacts then permission should be refused.

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

- 2.1 45/2011/0220/PF Temporary use of land as market for sale of Class A1 (retail goods) and Class A3 (hot food and drink) on Thursdays and Saturdays (with an additional 14 days in any one year). GRANTED by Planning Committee 11<sup>th</sup> May 2011.

## **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 1 – Development Within Development Boundaries
  - Policy GEN 6 – Development Control Requirements
  - Policy RET 1 – Town and District Centres
  - Policy RET 18 – Markets
  - Policy TRA 6 – Impact of New Development on Traffic Flows

### **3.2 GOVERNMENT GUIDANCE**

- Planning Policy Wales 4 (February 2011)
- Technical Advice Note 4 Retailing and Town Centres (November 1996)

## **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 the vitality and viability of the town centre
- 4.1.3 Highway impact
- 4.1.4 Visual and conservation area impact

4.2 In relation to the main planning considerations:

### **4.2.1 Principle:**

The site is located within the development boundary of Rhyl, where the general principle of suitable commercial/retail development is acceptable. The site is within the designated town centre where Policy RET 1 is of relevance,

and aims to ensure that town and district centres are the main location for retail uses, provided those retail uses are of a scale and type appropriate to the size, character and function of the centre and that there is no harm to the vitality or viability of that centre. Policy RET 18 refers specifically to markets, and permits them provided there are no negative impacts upon the retail function of town centres or amenity of areas. It is therefore considered that the proposal may be acceptable in principle, but is necessarily subject to assessment of the relevant detailed impacts.

#### 4.2.2 Impact on the vitality and viability of the town centre:

Policy RET 1 requires retail proposals within town centres to either maintain or enhance the vitality and viability of the town centre. Policy RET 18 - Markets, emphasises this requirement and relates it specifically to street markets.

To assess the impacts of the market upon the vitality and viability of Rhyl Market, the Council's strategic regeneration team commissioned an independent study which has been submitted as a supporting document to the application. The Rhyl Market Study, undertaken by Roger Tym and Partners, took the form of a comprehensive consultation exercise involving market traders, town centre businesses, town centre shoppers and visitors, and other key stakeholders. The study found that the most popular reason for visiting Rhyl town centre was to visit town centre shops, but that on market days the presence of the street market was the second strongest factor in encouraging visits. 25% of visitors to Rhyl said that the market did make it more likely that they would visit the town centre, and only a very small minority said it would deter them. The study suggests that the market is influential in encouraging footfall within the town centre and that the market is likely to be supporting the overall levels of trade within the town centre.

The study concludes that overall the Rhyl street market makes a positive contribution to the vitality and viability of Rhyl town centre. In acknowledging an inevitable diversion of some trade away from town centre shops it is not considered to be at an unacceptable level, affecting in the main marginal businesses retailing goods of similar price and quality. The study further reminds that competition between in-centre operators is not a material planning consideration.

Based on the findings of the Rhyl Market Study, it is Officers' view that the continuation of Rhyl street market would not result in harm to the vitality or viability of Rhyl town centre, and it is accordingly considered that the proposal complies with planning policies RET 1 and RET 18

#### 4.2.3 Highway impact:

Policy TRA 6 permits development where there would be no detrimental impact upon the safe and free flow of traffic on the highway. In addition Policy RET 18 requires proposals for markets to not result in a traffic hazard on the surrounding highway network and that there is sufficient parking available for traders and customers.

The areas in which the market is to be held are subject to Traffic Orders which prevent vehicles from being there between 10am and 5pm. It is considered the market can be run without significant conflict with these Orders, and subject to controls over the hours of trading to tie in with the Traffic Orders, it is not considered that there would be a significant impact on the safety of pedestrians. It is considered that there is sufficient parking within Rhyl town centre to accommodate the uses. The Head of Transport and Infrastructure has not raised an objection to the proposal.

It is considered that the proposal would not result in a detrimental impact upon the safety of the users of the surrounding highway network. Confidence in this can be found in the preceding 18 months of activity in which limited highway problems have arisen as a result of the market being in operation. The proposal is compliant with policies TRA 6 and RET 18.

4.2.4 Visual and conservation area impact:

Policy GEN 6 includes criteria which seek to preserve to the visual amenity of areas. As three of the sites are located within the conservation area, there is an additional requirement to ensure the historic character of the area is not harmed as required by policy CON 5. These requirements are again emphasised with specific reference to markets by policy RET 18.

As stated in paragraph 1.6.3 above, the specific detailing of market stalls and the layout is not a matter which the planning function can concern itself with as these are temporary and do not fall within the definition of development. The use of the land and the implications of that use on the appearance of the area are material considerations. It is noted, however, that the Council has purchased a number of "gazebos" for use in the market which has resulted in a standard appearance which is considered acceptable.

Whilst a market which draws additional shoppers to a town centre is likely to result in a noticeable increase in activity, it is considered that in this town centre location the 'hustle and bustle' associated with the market is entirely appropriate and relevant to the historic commercial centre of the town, and would not have an adverse impact on visual amenity or on the character of the Conservation Area.

It is considered that the proposal complies with planning policies GEN 6, CON 5 and RET 18, and is acceptable in terms of visual amenity and impact upon the conservation area.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The principle of establishing a street market in Rhyl is considered acceptable with regard to current planning policies. The past year and a half of operation suggests that the concerns which have historically been raised by town retailers can be dealt with satisfactorily through separate Market Regulations.

5.2 It is suggested that the submitted Rhyl Market Study by Roger Tym and Partners adequately demonstrates that a permanent open air retail market would not undermine the vitality or viability of Rhyl Town Centre, and that the market offers opportunities which may be of benefit to all users and retailers in Rhyl Town Centre.

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

1. The market shall only be permitted to operate on the following basis: a) Thursdays and Saturdays, between 1000 hours and 1700 hours. b) A maximum total of 14 additional days in any calendar year (1 Jan - 31 Dec), between 1000 hours and 1700 hours.
2. On all days and hours when the markets operate, the bollards in the positions annotated on the submitted plan shall be put in place to prevent vehicular access between 1000 and 1700 hours, and then shall not be permitted to remain in place outside those hours.
3. No markets shall be held other than on Thursdays and Saturdays unless a minimum of 14 days advance warning has been given in writing to the local planning authority, and the applicants or operators of the markets shall keep an up to date Register of the dates all markets are held. The Register shall be made available on request for inspection by officers of the local planning authority.

4. Within one month of the date of this permission a detailed method statement shall be submitted for approval with regard to the means of setting up and managing the 'Bollards' (physical barriers). The details shall include the following:
- (a) The proposals for setting up, removal and management during the market hours of the Bollards (physical barriers) as shown on the approved plan dated 22/03/2011. The details shall include the type, size, colour, materials, positioning and fixing of any bollards, barriers, signs etc to be used within the public highway.
  - (b) Consultation method and proposed future arrangement and management for the exiting Pedestrian Zone permit holders and the restrictions within Areas 1 and 3 / red and green diagonal lines on the approved drawing during the hours of operation of the market.
  - (c) Proposals during the market hours for emergency access arrangements only for emergency vehicles, statutory undertakers and permit holder.

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

- 1. For the avoidance of doubt.
- 2. For the avoidance of doubt and in the interests of traffic safety.
- 3. To ensure a suitable record is kept of the number of days the markets are held, and to ensure the requirements of condition 2 are being met.
- 4. In the interest of highway and pedestrian safety.

**NOTES TO APPLICANT:**

In accordance with the existing access restrictions on the Pedestrian Zone no vehicle other than a goods vehicle will be permitted entry to service the market stalls. Service vehicles shall be completely removed from the Pedestrian Zone before 10 a.m. and will not be permitted re-entry under any circumstances until after 5 p.m. No other type of vehicle associated with the market stalls (e.g.) will be permitted entry to the Pedestrian Zone at any time. No service vehicles associated with the market stalls shall be permitted entry at any time to the length of High Street between its junction with Sussex Street and Market Street (Area 2/blue diagonal lines) on the approved plan which is subject to an 'Extinguishment of Vehicular Rights' Order. The setting up and removal of market stalls within this area must be undertaken manually.

**Report To:** Planning Committee

**Date of Meeting:** 17 October 2012

**Lead Officer:** Angela Loftus

**Report Author:** Denise Shaw

**Title:** Authorisation to consult on the draft Wind Energy Development Interim Planning Guidance Document

---

**1. What is the report about?**

1.1 To agree the draft Wind Energy Development Interim Planning Guidance as a basis for consultation and agree the scope of consultation. A copy of the document is attached as Appendix 1.

**2. What is the reason for making this report?**

2.1 To seek authorisation to consult upon the draft Wind Energy Development Interim Planning Guidance.

**3. What are the Recommendations?**

3.1 To approve the attached draft Interim Planning Guidance for focussed consultation for an 8 week period commencing in November 2012.

**4. Report details.**

4.1 Denbighshire has a significant expanse of rural upland areas which have an abundant wind resource. The Clocaenog Forest has been designated as one of seven Wales-wide Strategic Search Areas (SSAs) and the Welsh Government's approach is to limit the development of large scale wind farms to within Strategic Search Areas, which have been independently and empirically assessed to be the most suitable areas for wind energy development. However, Welsh Government planning policy does not set out spatial limitations for wind energy development under 5 megawatts (MW); developments under 5MW are applicable to all parts of Wales subject to the assessment of localised impacts.

4.2 Denbighshire County Council have committed to produce a Wind Energy Supplementary Planning Guidance Note (SPG) following the adoption of the Denbighshire Local Development Plan (LDP), which is in advanced stage of its production.

4.3 The Council is in the process of compiling the evidence base to inform the production of the Wind Energy SPG and Welsh Government funding has been secured to enable the Council to undertake a wind energy landscape sensitivity assessment.

4.4 However, in light of the increasing number of planning applications, Environmental Impact Assessment Screening Opinion requests and pre-application enquiries submitted to the Council for individual and clusters of wind turbine developments of varying scales across the county, it is necessary to introduce interim planning guidance in advance of the



production and adoption of a Wind Energy SPG to provide clarification and guidance to applicants, Officers and Members.

4.5 The purpose of the Interim Planning Guidance is to:

- Provide guidance on the planning requirements for wind turbine developments.
- Clarify the guidelines the Council will apply when assessing planning applications for wind turbine developments which have been put forward as farm diversification or community driven energy schemes.
- Clarify the Council's approach to Community Benefit Schemes.

4.6 It is envisaged that the consultation period would last 8 weeks, beginning approximately in early November and ending in early January. It is proposed that the consultation process would include Members, Town and Community Councils relevant consultees such as representatives of the renewable energy industry, farming bodies, local environmental organisations, community groups and members of the public. All documents would be available to view in the Council's Offices in Caledfryn, Denbigh and County Hall, Ruthin, public libraries and on the Denbighshire County Council website. A press notice will be issued in local papers and an article encouraging comments will also be posted on the Council's website. Following the consultation exercise, a summary of all consultation responses and any proposed amendments to the Wind Energy Development Interim Planning Guidance will be reported back to Planning Committee in the new year.

## **5. How does the decision contribute to the Corporate Priorities?**

5.1 Draft Corporate Priorities 2012-17. The IPG would positively contribute to the following proposed corporate priorities:

- *Modernising the Council to deliver efficiencies and improve services for our customers:*  
The IPG will provide greater clarity to applicants and better inform planning decisions.

## **6. What will it cost and how will it affect other services?**

6.1 In past experience, the publication of a Public Notice in local newspapers costs approximately £700.

6.2 All other remaining costs (officer hours, printing, etc) will be met within existing departmental budgets and costs may be recovered from the Welsh Government Planning Improvement Fund 2012/13 allocation.

## **7. What consultations have been carried out?**

7.2 No formal consultation has been carried out on the proposals set out above. General discussion with Members was held at a training session on 12 September 2012

## **8. Chief Finance Officer Statement**

8.1. As noted, costs will be met within existing budgets.

## **9. What risks are there and is there anything we can do to reduce them?**

9.1 The aim of the Interim Planning Guidance is to clarify the planning requirements for wind turbine planning applications and to establish clear guidelines against which proposals for farm diversification and community driven energy schemes are assessed in advance of

the production and adoption of a Wind Energy Supplementary Planning Guidance note (SPG).

- 9.2 Without clear guidance in place, there is a risk that insufficient information is provided with planning applications, which may lead to delays in the determination of planning applications. There would also be no consistent basis against which the farm diversification merits and material community benefits of proposals can be assessed, which could impinge on the Council's ability to make consistent planning decisions.

## **10. Power to make the Decision**

- 10.1 Planning and Compulsory Purchase Act 2004.

**APPENDIX 1:**

**PLEASE SEE ATTACHED 'WIND ENERGY DEVELOPMENT INTERIM PLANNING GUIDANCE (CONSULTATION DRAFT)'**

---

## Planning and Public Protection Service

---

**Interim Planning Guidance**  
**WIND ENERGY DEVELOPMENT**  
**CONSULTATION DRAFT**

**OCTOBER 2012**

| VERSION CONTROL: |                    |                         |                 |
|------------------|--------------------|-------------------------|-----------------|
| Reference:       | Status:            | Authorised by:          | Date:           |
| V02              | Consultation Draft | Planning Policy Manager | 03 October 2012 |

**CONTENTS**

| <b>SECTION</b>  | <b>PAGE</b> |
|---|-------------|
| INTRODUCTION  | 2           |
| SECTION 1: GUIDANCE ON THE PLANNING REQUIREMENTS FOR WIND TURBINE DEVELOPMENTS                                    | 3           |
| SECTION 2: GUIDELINES ON PLANNING APPLICATIONS FOR WIND TURBINE FARM DIVERSIFICATION AND COMMUNITY ENERGY SCHEMES | 8           |
| SECTION 3: COMMUNITY BENEFITS SCHEMES   | 11          |
| APPENDIX 1: ENVIRONMENTAL IMPACT ASSESSMENT   | 13          |
| APPENDIX 2: GUIDANCE ON PLANNING APPLICATION SUPPORTING DOCUMENTS   | 15          |

## **INTRODUCTION**

Denbighshire has a significant expanse of rural upland areas which have an abundant wind resource. The Clocaenog Forest has been designated as one of seven Wales-wide Strategic Search Areas (SSAs), and the Welsh Government's approach is to limit the development of large scale wind farms to within Strategic Search Areas, which have been independently and empirically assessed to be the most suitable areas for wind energy development. However, Welsh Government planning policy does not set out spatial limitations for wind energy development under 5 megawatts (MW); developments under 5MW are applicable to all parts of Wales subject to the assessment of localised impacts.

Denbighshire County Council have committed to produce a Wind Energy Supplementary Planning Guidance Note (SPG) following the adoption of the Denbighshire Local Development Plan (LDP), which is in advanced stage of its production.

However, in light of the increasing number of planning applications, Environmental Impact Assessment Screening Opinion requests and pre-application enquiries being submitted to the Council for individual and clusters of wind turbine developments of varying scales across the county, it is necessary to introduce interim planning guidance in advance of the production and adoption of a Wind Energy SPG.

The purpose of this Interim Planning Guidance is to:

- Provide guidance on the planning requirements for wind turbine developments.
- Clarify the guidelines the Council will apply when assessing planning applications for wind turbine developments which have been put forward as farm diversification or community driven energy schemes.
- Clarify the Council's approach to Community Benefit Schemes.

The document should be read in conjunction with the following planning policy documents:

- Planning Policy Wales Edition 4
- Welsh Government Technical Advice Notes
- Denbighshire Unitary Development Plan
- Denbighshire Landscape Strategy
- Denbighshire Supplementary Planning Guidance Notes (SPG)

For larger schemes or those which are likely to be subject to Environmental Impact Assessment, applicants are strongly advised to engage in pre-application discussions with the Council at the earliest opportunity.

Please contact the Council's planning department for further information:

Address: Development Control, Caledfryn, Smithfield Road, Denbigh, LL16 3RJ

Telephone: 01824 706727

Email: [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk)

## **ACKNOWLEDGEMENT**

This IPG has been informed by national planning legislation, policy and guidance, together with the 'Isle of Anglesey County Council Wind Turbine Applications – Checklist' and the 'Rossendale District Council Wind Energy Application Supplemental Validation Policy'. Denbighshire County Council would like to thank Officers from Anglesey County Council and Rossendale District Council who kindly provided information and advice.



## **SECTION 1: GUIDANCE ON THE PLANNING REQUIREMENTS FOR WIND TURBINE DEVELOPMENTS**

### **1.1 PERMITTED DEVELOPMENT RIGHTS**

Most householders can carry out small extensions or additions to their homes without the need for planning permission. This is known as '**permitted development**'. Permitted development rights currently allow for small domestic wind turbines to be installed within the residential curtilage of a house without the need for planning permission, providing certain conditions are met. These conditions have been set to ensure that any negative impacts such as visual impact, noise and aviation interference are kept to a minimum.

Stand-alone wind turbines in the garden area of a dwelling house are permitted development provided that the following limits are met:

- The wind turbine complies with the Microgeneration Certification Scheme (MCS) Planning Standards (or equivalent).
- No other wind turbine or air source heat pump has been installed within the curtilage (additional equipment will require planning permission).
- The tip height of the turbine is no bigger than 11.1 metres in height.
- The swept area of the blades should be no more than 9.6 square metres.
- The lowest part of any blade must be at least 5 metres above ground level.
- The turbine should be sited so it is tip height plus 10% away from any site boundary (e.g. a 10 metre high turbine would need to be 11 metres (10m + 1m) away from the boundary).
- In conservation areas, the wind turbine should not be visible from a highway which bounds the curtilage of the house.

Permitted development rights do not extend to:

- the curtilage of listed buildings.
- sites designated as schedule monuments.
- land safeguarded for aviation or defence purposes.
- Areas of Outstanding Natural Beauty (AONBs), World Heritage Sites and Sites of Special Scientific Interest (SSSIs).

Full details are set out in the Town and County Planning (General Permitted Development) (Amendment) (Wales) Order 2012.

### **1.2 LOCAL REQUIREMENTS FOR WIND TURBINE PLANNING APPLICATIONS**

Full planning permission will be required for all non-domestic wind turbines and domestic turbines that exceed the permitted development criteria set out in section 1.2 above.

Guidance on the use of the standard application form ('1app') and validation of applications can be found on the Welsh Government website:

<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/1appguidance/?lang=en>

Further guidance on the local requirements for wind turbine planning applications is set out below:

## **A. COMPLETED APPLICATION FORM AND CORRECT CERTIFICATIONS**

### ***Status: Statutory national requirement***

Complete the 'Application for Planning Permission' form. Check all questions have been answered, the declaration has been signed and dated, and all correct certifications are completed, signed and dated, including the Agricultural Holdings Certificate.

The Description of the Proposal should include all elements of the development proposal and be described as follows "Erection of [NUMBER OF TURBINES] with a maximum hub height of up to [HUB HEIGHT IN METRES] rotor diameter of up to [DIAMETER IN METRES] and a maximum upright vertical tip height of up to [TIP HEIGHT IN METRES] together with the erection of [DETAILS OF ANCILLARY STRUCTURES E.G. EQUIPMENT CABINS / METRE BOXES] and provision of new access and access road [SPECIFY IF NEW ACCESS IS TEMPORARY / PERMANENT] on land at [INSERT ADDRESS]

Details of any pre-application discussions with the Council should be included in the relevant section of the form.

## **B. LOCATION PLAN**

### ***Status: Statutory national requirement***

Location plan should be to a scale of 1:2500 or 1:1250 with the direction of north clearly shown.

All development relating to the wind turbine(s) must be within the red edge shown on the location plan. This includes:

- The swept area of the turbine blades.
- Any new temporary or permanent access tracks. Access track must join an existing track, lane or public highway which is capable of accommodating the construction vehicles. A suitable buffer zone (e.g. 1m wide) should be included within the red edge on either side of any proposed new access tracks.
- Ancillary equipment (e.g. equipment cabins, meter boxes, transformers).
- Cable trenches and / or new overhead lines.
- Meteorological masts.
- Any gates, fencing or landscaping proposed.
- Any other engineering works, buildings or structures relating to the turbine(s) (e.g. construction compounds).

The red edge need not be a continuous red line.

Any other land owned/controlled by the applicant needs to be outlined in blue.

Plans should also show the position of roads, tracks, public rights of way, railway lines and overhead transmission lines.

## **C. SITE PLAN**

### ***Status: Statutory national requirement***

The site plan must be at a scale of 1:250 or 1:500.

It must show to scale the position of the wind turbine(s) and the position of ancillary equipment (equipment cabins, meter boxes etc.), along with access tracks, hardstandings, fencing etc. The proposed grid connection point and cable route should also be identified.

A six figure easting and six figure northing grid reference should be provided for each turbine.

Any trees or hedgerows within 50m of the swept area of the blades should be identified.

Any structures, trees and hedgerows which are to be removed should be highlighted on the site plan (with a dashed line).

#### **D. ELEVATION PLANS**

##### ***Status: Statutory national requirement***

Elevation drawings are required for any turbine(s) and ancillary equipment, at a scale of 1:50 or 1:100. Details of the turbine foundation pad and depth, fencing and any other hardstandings should also be included on the elevation drawings.

Details are also required of any new / altered site access and access routes (including temporary access arrangements).

#### **E. THE CORRECT FEE**

##### ***Status: Statutory national requirement***

Planning applications must be accompanied by the correct fee.

To work out the fee, you must work out the total land area over which the blades of the turbine(s) can rotate, plus the area of land required for ancillary structures, engineering works and any new access (temporary or permanent). The fee should correlate with the area within the red edge on the location plan.

Wind turbines are classed as Plant and Machinery. On a site of no more than 5 hectares, a fee of £335 per 0.1 hectare will apply. For sites over 5 hectares, a fixed fee of £16,565 is payable plus £100 for each additional 0.1 hectare over 5 hectares, subject to a maximum of £250,000.

Cheques should be made payable to Denbighshire County Council.

#### **F. DESIGN AND ACCESS STATEMENT (DAS)**

##### ***Status: Statutory national requirement***

The Design and Access Statement (DAS) should include a concise description of the development which should include:

Context / Purpose: explain the purpose of the proposal (e.g. commercial venture, farm diversification, domestic turbine, energy / carbon offsetting project etc.) and why the proposed type and quantity of turbine(s) has been chosen (e.g. to offset annual electricity consumption of farm or dwelling / to maximise return on investment etc.).

Use: explain why the particular site has been chosen for the proposed turbine(s).

Description of the site: including land-use, setting, topography, and wind speed profile of site.

Description of the development: This should include the following information:

- Description of the turbine:
  - Make and model
  - Rated generation capacity (kW or MW)
  - Mast / hub height
  - Number of blades and rotor diameter

- Maximum tip height
- Colour of turbine mast, nacelle and blades (using RAL colour references)
- Indicative annual electricity output in kWh or MWh
- Foundation details.
- Details of annual electricity consumption of dwelling / farm / business (where the purpose of the proposal is a farm diversification, domestic turbine or an energy / carbon offsetting project).
- Details of any ancillary equipment (e.g. cabins and meter boxes) including colour and finish.
- Details of engineering and construction works including details of crane hardstandings, concrete mixing to be carried out on site and details of disposal of excess concrete and washing out of equipment.
- Grid connection arrangements including grid connection point, cable routes and whether or not overhead lines will be required. Please specify if the turbine will be connected to an existing building or if it will have its own dedicated grid connection.

**Layout:** explain why the turbine(s) and ancillary equipment has been positioned as proposed. Applicants should assess the potential for a proposal to have an impact on the outlook from inhabited buildings located within 500m of a proposed turbine. Turbines should be located to minimise significant detrimental visual impacts when viewed from occupied properties within 500m of the turbine(s).

Details should also be provided of the distance between the proposed turbine(s) and any existing operational or consented turbines within the locality. The Councils development control team can provide details of operational and consented schemes.

**Access:** Details of the access arrangements in order to construct, service and dismantle the turbine(s). Including:

- the construction of new / amendments to existing site access and access tracks, including details of their permanence or removal once the wind turbine(s) are erected.
- Type and number of vehicular movements to and from the site (car, lorry and abnormal loads).
- how the proposed access route is capable of safely accommodating the proposed traffic including long loads.
- Details of any improvements to the highways network which are required to allow safe vehicle access to the site.

**Landscaping:** explain what landscaping has been proposed and why (e.g. mitigation measure to overcome negative visual impact from sensitive receptor).

**Inclusive access:** if public access to the site is encouraged, provide details on how the application site is inclusive to all.

**Other information:** Topics such as ecology, noise, shadow flicker, hydrology, cultural heritage etc. can also be addressed in the Design and Access Statement.

## **G. OTHER SUPPORTING DOCUMENTS**

**Status: Statutory and non-statutory national requirement (where relevant)**

Other supporting documents may be required depending on the size, scale and location of the development. This may include:

- Environmental Statement (where Environmental Impact Assessment is required)
- Landscape and Visual Impact Assessment
- Ecological and Ornithological Surveys and Assessments
- Noise and Shadow Flicker Assessment
- Transport Assessment / Traffic Management Plan
- Construction Method Statement
- Heritage Evaluation Assessment
- Flood Consequences Assessment
- Hydrological and Geological Assessment
- Tree Survey
- Farm Diversification Statement
- Socio-Economic Impact Assessment
- Impact on Communications / Broadcast Equipment
- Legal Agreements

### **1.3 FURTHER INFORMATION**

Appendix 1 provides further details on the Environmental Impact Assessment (EIA) screening and scoping requirements for wind turbine development.

Appendix 2 contains further information and guidance on the production of the supporting documents required with wind turbine planning applications.

## **SECTION 2: GUIDELINES ON PLANNING APPLICATIONS FOR WIND TURBINE FARM DIVERSIFICATION AND COMMUNITY ENERGY SCHEMES**

### **2.1: FARM DIVERSIFICATION SCHEMES**

Technical Advice Note 6 (TAN6) supports national planning policy on sustainable rural communities and section 3.7 focusses on farm diversification. It states that “*When considering applications for farm diversification projects, planning authorities should consider the nature and scale of the activity*” and that “*Small on-farm operations such as..... renewable energy, are likely to be appropriate uses*”. Therefore the principle of installing a renewable energy project such as a wind turbine is a valid farm diversification activity, subject to the nature and scale of the activity.

However, not all forms of wind turbine development on agricultural land would constitute an acceptable farm diversification scheme.

The Council considers an acceptable wind turbine farm diversification scheme to be a proposal where:

- The applicant’s main occupation is farming and the turbine would be erected on agricultural land which forms part of the applicant’s farm holding.
- The turbine would be sited so it appears to physically relate to the farm complex in terms of its size, scale and location.
- The wind turbine proposal would be clearly subsidiary to the main farming business and sufficient information is provided to demonstrate how the wind turbine proposal fits into the wider farming picture and how it will contribute to the long term viability of the farming enterprise.
- The generating capacity of the turbine is proportional to the energy demands of the farming enterprise. The Council will assess this by comparing the size of the turbine in terms of its generating capacity against the annual electricity demand of the farm complex. Accurate annual electricity consumption data for the farm complex should be provided together with the predicated annual electricity output of the proposed turbine(s) in kWh or MWh.
- The turbine would be connected to the electricity grid via the farm’s electricity meter so the electricity generated can be preferentially used onsite, rather than 100% of the electricity being exported directly to the grid.

Applicants will be required to submit a Farm Diversification Statement with the planning application. The Council will assess each application on its own merits, however the onus will be on the applicant to present a valid farm diversification justification.

Where an acceptable farm diversification justification cannot be established, the proposal will be treated as a commercial venture and planning applications will be assessed on their own merits.

## 2.2: 'COMMUNITY DRIVEN ENERGY PROJECT' SCHEMES

Planning Policy Wales states “*The Welsh Assembly Government’s policy is to support community driven renewable energy projects where benefits from the projects are returned to the host community*” (par. 12.18.19).

Planning Policy Wales states “*The Welsh Assembly Government’s policy is to support community driven renewable energy projects where benefits from the projects are returned to the host community*” (par. 12.18.19). Planning Policy Wales does not define what it meant by a ‘community driven energy project’ but there may be some instances where weight can be apportioned to the genuine and direct local benefits associated with a ‘community driven energy project’, which will need to be considered against other material planning considerations when planning applications are assessed.

Firstly, it important to distinguish between a ‘community driven energy project’ and a ‘community-scale’ or ‘community-based’ project; Technical Advice Note 8 (TAN 8) uses the term ‘community-based’ to refer to the size of a project in terms of its generating capacity, and not the ownership model, which can lead to confusion.

To explain, TAN 8 defines a ‘community-based’ wind energy project as a scheme with an installed capacity of less than 5MW. It also refers to Community Heating, which is a term used to describe a decentralised energy system which provides heat to more than one building; again the use of the term ‘community’ in this context relates to the size of the system rather than the ownership model.

Planning Policy Wales (Edition 4) has addressed this confusion; it refrains from using the word ‘community’ to describe the size of a renewable energy project, and instead classifies renewable energy and low carbon projects into the following scales of development:

### Box 1: Planning Policy Wales renewable energy development classification

| Scale of development | Threshold (electricity and heat)  |
|----------------------|---|
| Strategic            | Over 25MW for onshore wind and over 50MW for all other technologies                       |
| Local Authority-wide | Between 5MW and 25MW for onshore wind and between 5MW and 50MW for all other technologies |
| Sub Local Authority  | Between 50kW and 5MW  |
| Micro                | Below 50kW  |

For the avoidance of doubt, Denbighshire County Council will no longer use the term ‘community-based’ to describe the size of a project in terms its generating capacity. Reference will instead be made to the terminology contained in Planning Policy Wales which is presented in Box 1 above.

### Denbighshire County Council definition of ‘community driven energy projects’

Denbighshire County Council consider a ‘community driven energy project’ to be projects which are driven by the local community for the benefit of the local community. When planning applications are assessed, weight will only be attributed to the direct and tangible local benefits of the scheme if it can be demonstrated that the proposal is a genuine ‘community driven energy projects’. This Council considers this to include:

- Schemes which are 100% owned and operated by a local community organisation such as a registered social enterprise, charity or not-for-profit special purpose vehicle (e.g. Energy Services Company), where the revenues generated through receipt of financial incentive payments or through the sale of energy on the wholesale market



should be used to finance community initiatives, or be re-invested into social, community or public assets; or

- A joint venture project where a local community organisation is a major shareholder; or
- A fully constituted community cooperative (e.g. a Community Benefit Society or an Industrial and Provident Society) which is regulated by the Financial Services Authority.

Please note: The Council would not consider a project which is being progressed by a local landowner, or a small group of private local individuals who have come together to invest in an energy project for financial gain to constitute a community driven energy project.

Projects which do not accord with the Council's definition of a 'community driven energy project' set out above will be considered to be commercial ventures and planning applications will be assessed on their own merits.

### **SECTION 3: COMMUNITY BENEFITS SCHEMES**

It is important to note the distinction between a 'community driven energy project' and 'community benefits'.

It is common place for commercial wind energy developers to put forward a 'community benefits scheme' in which the developer commits to making financial payments to the local community (e.g. a Community Trust Fund) or where benefits are provided in kind (e.g. through the provision of new community facilities or buildings).

Industry Best Practice is set out in set out in the RenewableUK Community Benefit Protocol. It recommends windfarm developers compensate host communities through the provision of a 'community benefit scheme'. Such benefits offered to local communities could take the form of one or more of:-

- in-kind benefits such as the construction of a needed community facility.
- a lump sum financial payment for the benefit of the community.
- annual payments to the community.
- a commitment from the developer to use local labour and/or contractors/services wherever possible.

Where financial contributions are offered, Industry Best Practice recommends wind energy projects over 5MW should allocate a minimum of £1,000 per megawatt of installed capacity per annum to a community benefit scheme.

Whilst TAN 8 supports the principle of community benefits payments as a means of compensating host communities, it is important to note that a 'community benefit scheme' is not a planning obligation. Technical Advice Note 8 (TAN8) clearly states "*such contributions should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.*"(par. 2.16) and that community benefits payments "*must not impact upon the decision-making process*". (TAN 8 Annex B par. 1.3).

Therefore the presence of a community benefit scheme, or lack thereof, is not a material planning consideration and it will not be considered when planning applications are assessed.

Whilst the Council cannot require a windfarm developer to provide a community benefit scheme, where the developer is volunteering financial or in-kind contributions to the local community, the Council may seek to secure these through a legal agreement should planning consent be granted.

It is perfectly acceptable for a developer to enter into a legally binding agreement with third parties to deliver particular and agreed benefits to the community without any involvement of the Local Authority. However, where the Council is involved in discussions, legal agreements and / or governance arrangements relating to community benefits schemes, in the interests of transparency, these discussions to take place outside of the planning process to ensure the Council can remain impartial when planning decisions are made.

#### **Further Information:**

The Council's Regeneration team may be able to offer advice and support to windfarm developers and local communities in respect to community benefit schemes.

Further information can be found in the following documents:

A Community Commitment: The Benefits of Onshore Wind, RenewableUK, February 2011

<http://www.bwea.com/pdf/publications/CommunityBenefits.pdf>

'Delivering community benefits from wind energy development: A Toolkit', CSE Report for the Renewables Advisory Board, July 2009

<http://www.cse.org.uk/downloads/file/Delivering%20community%20benefits%20from%20wind%20energy%20-%20a%20toolkit.pdf>

## **APPENDIX 1: ENVIRONMENTAL IMPACT ASSESSMENT**

The term 'environmental impact assessment' (EIA) describes a procedure that must be followed for certain types of projects. It ensures the likely effects of the development on the environment are fully understood and taken into account before it is allowed to go ahead.

Under the EIA Regulations wind turbine development falls under 'schedule 2 projects'. EIA is usually required for schedule 2 projects when a certain threshold or criterion is exceeded. For wind turbine development, the applicable threshold is as follows:

- i) The development involved the installation of more than 2 turbines; or
- ii) The hub height of any turbine or height of any other structure exceeds 15 meters.

For development where the applicable threshold or criterion is not exceeded or met, EIA is not normally required. EIA is more likely to be required for commercial development of five or more turbines, or more than 5MW of new generating capacity.

That said, even where the threshold is not met or exceeded, EIA may be required if the proposed development is in, or partly in, a 'sensitive area' such as:

- Sites of Special Scientific Interest (SSSIs)
- National Parks
- Areas of Outstanding Natural Beauty
- World Heritage Sites and scheduled monuments.

### **Screening Opinion Requests**

Applicants can request a Screen Opinion from the local planning authority to obtain a clear view on the need for EIA before a planning application is submitted.

Screening Opinion requests need to be submitted in writing and must be accompanied by:

- A plan sufficient to identify the land;
- A brief description of the nature and purpose of the development and its possible effects on the environment; and
- Such other information or representations as the person making the request may wish to provide or make.

The local planning authority has 3 weeks to provide a Screening Opinion.

If the proposal is deemed to be EIA development, the environmental impact of the proposal will need to be assessed in detail and the findings of the EIA process would need to be presented in an Environmental Statement, to be submitted with the planning application.

### **Scoping Opinion Requests**

Where an Environmental Impact Assessment is required, the applicant can seek advice on the contents of the Environmental Statement by requesting a Scoping Opinion from the local planning authority.

Scoping Opinion requests need to be submitted in writing and must be accompanied by:

- A plan sufficient to identify the land;
- A brief description of the nature and purpose of the development and its possible effects on the environment; and
- Such other information or representations as the person making the request may wish to provide of make.

The local planning authority has 5 weeks to provide a Scoping Opinion. The local planning authority may consult with statutory consultees prior to issuing a Scoping Opinion to ensure all potential impacts and assessment requirements are identified.

Please note:

- The receipt of a scoping opinion from the local planning authority does not absolve the applicant from responsibility for the assessments undertaken during the EIA process and the contents of the Environmental Statement; and
- The provision of a scoping opinion by the local planning authority does not preclude the authority from seeking further relevant environmental information once an Environmental Statement in support of a planning application has been received.

## **APPENDIX 2: GUIDANCE ON PLANNING APPLICATION SUPPORTING DOCUMENTS**

### **A2.1 LANDSCAPE AND VISUAL IMPACT**

A key consideration of wind energy proposals will be impacts on landscape character and visual amenity. The landscape and visual effects of wind turbines will vary on a case by case basis depending on the size of turbine, its location, the landscape setting and the impacts it will have on sensitive areas and receptors. Cumulative impact assessments may also be required where development proposals are close to existing or consented wind turbines, or turbines currently subject to a planning application.

Sensitive areas include National Parks, AONBs, Conservation Areas, Historic Landscapes / Parks & Gardens, World Heritage Sites, designated nature conservation areas etc. Sensitive receptors include, dwellings, listed buildings, Scheduled Ancient Monuments, public rights of way, road and rail network, protected species etc.

In all cases, impacts on residential amenity should be assessed separately to the landscape and visual impact assessment.

Assessments should be carried out by a suitably qualified professional. The guidance contained in the following documents should be adhered to and the professional credentials of the Assessment author should be clearly specified within the submission:

- 'Guidelines for Landscape and Visual Impact Assessment' (Landscape Institute and the IEMA, 2002)
- 'LANDMAP' (Countryside Council for Wales - The Denbighshire Landscape Strategy has been produced using LANDMAP data).
- 'LANDMAP Information Guidance Note 3: Using LANDMAP for Landscape and Visual Impact Assessment of Onshore Wind Turbines' (Countryside Council for Wales, 2010)

The following requirements will apply for different scales of development:

a) Turbines with a blade tip less than 20m in height

A formal LVIA is less likely to be required for individual turbines with a blade tip height less than 20m, depending on the sensitivity of the site and nearby receptors, and the presence of existing or consented wind turbine development in the immediate locality.

However, as a minimum, a Statement should be submitted with the application which provides a description of the site topography and details any sensitive areas or receptors within the locality of the site. Where there are residential dwellings within 500m of the application site, the Statement should demonstrate how the turbine has been sited so as to minimise the impact on the visual amenity of those neighbouring dwellings. Photographs of the application site from different vantage points should also be submitted.

Photomontages, wireframes and Zone of Theoretical Visibility maps are not compulsory for this scale of development, however they may assist the local planning authority determine the application.

The local planning authority reserves the right to request additional supporting information on a case by case basis.

b) Turbines with a blade tip between 20 – 50m in height

A LVIA is likely to be required for this scale of development.

The LVIA should include, as a minimum:

- a detailed description of the site topography together with the likely visual impacts upon dwellings up to 1km from the site and an assessment of the likely impacts on designated sites, sensitive areas and receptors within the locality of the site.
- a Zone of Theoretical Visibility (ZTV) map covering a 15km radius from the turbine(s).
- Wireframe and photomontages from a limited number of key viewpoints, proportional to the scale of the development and sensitivity of the location.
- An assessment of the sensitivity of the landscape (based on LANDMAP Landscape Character Areas).

Where the turbine(s) are located in a Historic Landscape Area, or a Landscape Character Area designated as either 'Outstanding' or 'High' on LANDMAP, the applicant should consult with the local planning authority on the level of assessment required for a specific proposal.

A cumulative impact assessment may also be required depending on the proximity to operational and consented wind turbine developments, as well as wind turbine proposals which are subject to a pending planning application.

c) Turbines with a blade tip height over 50m in height

A LVIA will be required for this scale of development.

The LVIA should include, as a minimum:

- a detailed description of the site topography together with the likely visual impacts upon dwellings up to 1km from the turbine and an assessment of the likely impacts on designated sites, sensitive areas and receptors within the locality of the site.
- A ZTV map up to 35km as appropriate.
- Wireframes, photomontages and / or visualisations focussing on key viewpoints from within the immediate locality and from the wider landscape.
- An assessment of the sensitivity of the landscape (based on LANDMAP Landscape Character Areas), the magnitude of change and residual impacts.
- A map of all operational, consented, and in-planning wind turbine proposals within a 60km radius of the application site.
- A focussed assessment of all operational, consented or in-planning wind turbine proposals within 30km radius of the application site.

Cumulative impacts

The inter-relationship between individual turbines can have a key impact on the landscape. It can lead to massing and the visual impression of a concentration of wind farms even when they are in fact distant from each other. This is known as 'cumulative impact' which is a material consideration when turbines are assessed.

Cumulative impacts can occur where there is existing wind turbine development and an extension is proposed to that development or where there are other existing or proposed wind turbine developments within the same area.

The visual impact will vary depending on the size and location of the developments in relation to each other and the landscape setting in question. The capacity of the landscape to accept additional turbines and the cumulative effect of a group of turbines must therefore be evaluated.

Where appropriate, the cumulative visual impact of the proposed turbine(s) with other existing or consented turbines, or turbines currently subject to a planning application should be fully addressed in the Landscape and Visual Impact Assessment.



The individual or cumulative effect of turbines shall be assessed so as not to create unacceptable visual or landscape impacts. Cumulative effects may present an eventual limit to the extent of wind energy development in particular areas.

For larger developments, applicants are advised to contact the Council's Planning department during the pre-application stages.

**Further information and guidance:**

*LANDMAP and Special Landscape Areas*

Countryside Council for Wales (2008)

<http://landmap.ccw.gov.uk/>

*LANDMAP Information Guidance Note 3: Using LANDMAP for Landscape and Visual Assessment of Onshore Wind Turbines*

Countryside Council for Wales (2010)

<http://www.ccw.gov.uk/landscape--wildlife/protecting-our-landscape/landmap/landmap-guidance--newsletter.aspx?lang=en>

*Guidelines on Landscape and Visual Impact Assessment (GLVIA) Second Edition*

Landscape Institute and IEMA (2002)

This is a paid for publication. A copy can be ordered from The Landscape Institute website at a cost of £45 (Third Edition is currently out to consultation).

<http://www.landscapeinstitute.org/publications/index.php>

*Wind Farm Design Guidance*

Design Commission for Wales (2012)

[http://dcfw.org/publications/view/wind\\_farm\\_design\\_guidance/](http://dcfw.org/publications/view/wind_farm_design_guidance/)

*Guidelines on Environmental Impacts of Wind Farms and Small Scale Hydro Electricity Schemes*

Scottish Natural Heritage, 2001

<http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=108>

*Visual Assessment of Wind Farms: Best Practice*

University of Newcastle, (2002), Commissioned by Scottish Natural Heritage (Report No FO1AA3030A)

[http://www.snh.org.uk/pdfs/publications/commissioned\\_reports/f01aa303a.pdf](http://www.snh.org.uk/pdfs/publications/commissioned_reports/f01aa303a.pdf)

*Assessing the Cumulative effects of onshore wind energy developments*

Scottish Natural Heritage (2012)

<http://www.snh.gov.uk/docs/A675503.pdf>

*Siting and Designing Wind Farms: Version 1*

Scottish Natural Heritage (2009)

<http://www.snh.gov.uk/docs/A337202.pdf>

*Visual Representation of Wind Farms : Good Practice Guidance*

Scottish Natural Heritage (2007)

<http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=846>

*Photography and Photomontage in Landscape and Visual Impact Assessment – Advice Note 01/11*

The Landscape Institute (2011)

<http://www.landscapeinstitute.org/PDF/Contribute/LIPhotographyAdviceNote01-11.pdf>

## **A2.2 ECOLOGICAL AND ORNITHOLOGY IMPACT**

Applicants should consider the potential for a wind energy proposal to impact upon areas of nature conservation and protected species. Areas of nature conservation include statutory designated sites (Special Protected Areas, Special Areas of Conservation, Ramsar Sites, Sites of Special Scientific Interest, National Nature Reserves etc.) and local wildlife sites.

Depending on the size and location of the wind turbine development, a habitat and vegetation survey such as a phase 1 habitat survey may be required, which should encompass the whole development site including the turbine location and any other area of land affected by the development (e.g. access roads, control buildings and land affected by excavation and construction activities).

Habitat surveys should be carried out between April and September and should list the species and their rated abundance for each habitat. Habitats and species should be considered for their significance locally, regionally, nationally and internationally and particular reference should be made to the species and habitats listed in Section 42 to the Natural Environment and Rural Community (NERC) Act.

Further ecological assessments may also be required to assess the impact on particular flora and fauna (e.g. bats, birds, newts etc.).

Ecological assessments may also be required to assess the impact of service roads, excavation, construction activities and other ancillary development.

Any impacts to habitats, vegetation of species must be mitigated and the enhancement of wildlife features is encouraged.

In accordance with best practice advice, wind turbines should be set away from linear habitat features used by bats such as trees and hedgerows, and a buffer zone of 50m from the habitat feature and the swept area of the blade should be applied in all cases.

Larger wind energy developments are more likely to require comprehensive ecological assessments. Applicants are advised to contact the Council's Countryside Services department during the pre-application stages.

### **Further information and guidance:**

#### *Legislation:*

Council Directive 79/409/EEC on the Conservation of wild birds (Birds Directive)

[http://ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm)

The Conservation of Habitats & Species Regulations 2010

<http://www.legislation.gov.uk/ukxi/2010/490/contents/made>

Wildlife and Countryside Act 1981 (as amended)

<http://www.legislation.gov.uk/ukpga/1981/69>

The Natural Environment and Rural Communities (NERC) Act 2006

<http://www.legislation.gov.uk/ukpga/2006/16/contents>

UK Biodiversity Action Plan (UKBAP)

<http://jncc.defra.gov.uk/page-5155>

*IEEM Guidelines on Ecological Impact Assessment in the UK*

Institute of Ecology and Environmental Management (2006)

[http://www.ieem.net/data/files/Resource\\_Library/Technical\\_Guidance\\_Series/EcIA\\_Guidelines/TGSEcIA-EcIA\\_Guidelines-Terrestrial\\_Freshwater\\_Coastal.pdf](http://www.ieem.net/data/files/Resource_Library/Technical_Guidance_Series/EcIA_Guidelines/TGSEcIA-EcIA_Guidelines-Terrestrial_Freshwater_Coastal.pdf)

*Handbook for Phase 1 Habitat Survey: A Technical for Environmental Audit*

Joint Nature Conservation Committee (2010)

<http://jncc.defra.gov.uk/page-2468>

*Natural England Guidance: Making space for renewable energy: assessing on-shore wind energy development (NE254)*

Natural England (2010)

<http://publications.naturalengland.org.uk/publication/38006>

*Natural England Guidance: Assessing ornithological impacts associated with wind farm developments: surveying recommendations (TIN008)*

Natural England (2007)

<http://naturalengland.etraderstores.com/NaturalEnglandShop/TIN008>

*Natural England Guidance: Assessing the effects of onshore wind farms on birds (TIN069)*

Natural England (2010)

<http://naturalengland.etraderstores.com/NaturalEnglandShop/TIN069>

*Natural England Guidance: Bats and onshore wind turbines (interim guidance) (TIN051)*

Natural England (2009)

<http://naturalengland.etraderstores.com/NaturalEnglandShop/TIN051>

*Natural England Guidance: Bats and single large wind turbines: Joint agencies interim guidance (TIN059)*

Natural England (2009)

<http://naturalengland.etraderstores.com/NaturalEnglandShop/TIN059>

*Bat Surveys: Good Practice Guidelines, 2<sup>nd</sup> Edition*

Bat Conservation Trust (2012)

<http://www.bats.org.uk/publications.php?keyword=bat+surveys&month=&year=&category=&search=search>

*Survey Methods for use in Assessing the Impacts of Onshore Windfarms on Bird Communities*

Scottish Natural Heritage (2005)

[http://www.snh.org.uk/pdfs/strategy/renewable/bird\\_survey.pdf](http://www.snh.org.uk/pdfs/strategy/renewable/bird_survey.pdf)

*Assessing Significant of Impact from Onshore Windfarms outwith Designated Areas*

Scottish Natural Heritage (2006)

<http://www.snh.org.uk/pdfs/strategy/renewable/Significance%20of%20bird%20impacts%20July%2006.pdf>

## **A2.3 NOISE**

Wind turbine can have a detrimental impact on the amenity of nearby dwellings and buildings and depending on the size and location of the development, and the proximity to noise sensitive receptors, a noise impact assessment may be required.

For the purposes of noise, sensitive receptors include dwellings, quiet leisure based businesses, quiet areas that are particularly valued for their acoustic environment and areas of landscape quality or designated sites where noise may have an adverse impact on protected species or other wildlife.

### EIA development

Large windfarm developments are likely to require EIA, and a full noise impact assessment will be required which should be conducted in accordance with TAN11, ETSU-R-97, BS4142 BS 5228 Parts 1 and 2.

The assessment should include:

- Identification of nearest noise sensitive receptors.
- Baseline noise surveys to establish current background levels (day and night) at designated receptor sites.
- Predicated operational noise impact assessment of the turbines individually and cumulatively (where in proximity to other operational / consented turbines) from designated receptor sites.
- Impacts from construction and operation of the turbines including vehicular movements.
- Appropriate mitigation measures.

The location and duration of the background monitoring should be agreed with the Council's Public Protection department in advance of the field assessment being carried out. Assessments should be carried out by suitably qualified acoustic professionals and the findings of the assessment should be submitted with the planning application.

### Non-EIA development

Where EIA is not required, applicants will still be expected to provide adequate information on the likely noise impacts associated with the development proposal. Where noise sensitive receptors are within the locality of the site, a test report should be prepared using either International Standard IEC61400 'Wind turbine generator systems – Part II' or the British Wind Energy Associations 'Small Wind Turbine Performance and Safety Standard'.

The applicant should demonstrate that the information contained in the noise report has been applied to determine the precise location of the turbine (identified using a six figure easting and a six figure northing grid reference) and separation distance from nearby residential properties. Where the predicated noise level is greater than 35dB(A) at 10m/s at 10m height at any nearby property not in the ownership of the applicant and no background noise measurements have been included, the applicant will be required to provide justification as to the non-inclusion of such data.

### Cumulative noise impacts

In situations where a turbine is proposed within or close to a zone of predicated noise influence of another turbine or group of turbines, a cumulative noise impact assessment will be required. The boundary of the 'zone of predicated noise influence' shall equate to the 35dB LA90 contour based upon a wind speed of 10m/s at 10m height.

The cumulative noise assessment will need to demonstrate that the combined noise level from all wind turbines will not exceed an overall level of 35dB(A) or 5dB(A) above background noise levels up to wind speeds of 12m/s at 10m height. The background noise levels and noise assessment shall adopt a methodology that makes every endeavour to ensure that the quiet day-time and night-time periods used for the background noise assessment, are not influenced by any nearby wind turbines.

Applicants are advised to contact the Council's Public Protection department during the pre-application stages.

**Further information and guidance:**

*ETSU-R-97 The Assessment and Rating of Noise from Wind Farms*

The Working Group on Noise from Wind Turbines (1996)

[http://regmedia.co.uk/2011/08/02/etsu\\_r\\_97.pdf](http://regmedia.co.uk/2011/08/02/etsu_r_97.pdf)

*DECC Hayes McKenzie Report in Wind Turbine Noise*

Department for Energy and Climate Change (2011)

<http://www.decc.gov.uk/assets/decc/11/meeting-energy-demand/wind/2033-how-noise-impacts-are-considered.pdf>

*International Standard IEC61400-2 Wind turbines – Part 2: Design requirements for small wind turbines*

IEC (2006)

This is a paid for publication.

[http://webstore.iec.ch/preview/info\\_iec61400-2%7Bed2.0%7Den\\_d.pdf](http://webstore.iec.ch/preview/info_iec61400-2%7Bed2.0%7Den_d.pdf)

*Small wind performance & safety standard*

RenewableUK (formerly British Wind Energy Association) (2008)

<http://www.bwea.com/small/standard.html>

*BS 4412:1997 Method for rating industrial noise affecting mixed residential and industrial areas*

British Standard (1997)

<http://shop.bsigroup.com/en/ProductDetail/?pid=000000000001154363>

*BS 5228-1:2009 Code of practice for noise and vibration control on construction and open sites. Part 1 - Noise*

British Standard (2009)

This is a paid for publication.

<http://shop.bsigroup.com/ProductDetail/?pid=000000000030141421>

*BS 5228-2: 2009 Code of practice for noise and vibration control on construction and open sites. Part 2 – Vibration*

British Standard (2009)

This is a paid for publication.

<http://shop.bsigroup.com/en/ProductDetail/?pid=000000000030141423>

## A2.4 SHADOW FLICKER

In terms of shadow flicker, applicants should take into account the impact on nearby dwellings. An assessment of potential shadow flicker throughout the year should be provided for all dwellings within a 10 rotor diameter distance of the proposed location of each wind turbine. Details of each dwelling affected together with photographs, orientation, position of principal windows etc. needs to be included together with monitoring proposals and details of mitigation measures.

Applicants are advised to contact the Council's Public Protection department during the pre-application stages.

### Further advice and guidance:

*DECC Wind Turbine Shadow Flicker Evidence Base*

Department of Energy and Climate Change (2011)

[http://www.decc.gov.uk/en/content/cms/meeting\\_energy/wind/onshore/comms\\_planning/shadow\\_flicker/shadow\\_flicker.aspx](http://www.decc.gov.uk/en/content/cms/meeting_energy/wind/onshore/comms_planning/shadow_flicker/shadow_flicker.aspx)

## A2.5 CONSTRUCTION METHOD STATEMENT

All applications for wind energy developments should include a Construction Method Statement. The Statement should be proportional to the scale of the development and should outline the following information (where relevant):

- Construction and reinstatement of the temporary site compound.
- Construction and reinstatement of all internal tracks including measures to reinstate planting on approach tracks.
- Traffic Management including HGV routes, frequency of vehicular movements, traffic signing along public roads etc.
- Soil stripping management.
- Surface and foul water drainage.
- Pollution Prevention and Control plan.
- Recording the existing state of the site.
- Mitigation measures that will be applied (e.g. erection of fencing to protect a habitat feature).

## A2.6 TRANSPORT ASSESSMENT / TRAFFIC MANAGEMENT PLAN

For larger developments, the Welsh Government has advised that a Traffic Management Plan (TMP) should be agreed with all relevant highways authorities before a planning application for windfarm development is determined and therefore where relevant, an agreed TMP should be submitted with the planning application, either as a stand-alone document or as part of the Construction Method Statement. Where a TMP is required, it should contain the information set out below:

Introduction: Background; number of turbines; scope of TMP.

Context: Relevant policy framework; legislative context for abnormal load movements; relevant studies to TMP proposals; other proposed wind farm development that may be using a similar access route.



**Description of Route:** Detailed description of the access route to site, identifying road types and characteristics; anticipated background traffic flows on the network, including other proposed developments such as other windfarms; plans showing the extent of the route; consideration of alternative modes of transport.

**Convoy size:** Number and sizes/details of loads; possible convey composition including private and police escort (to be agreed with police).

**Traffic Management:** Methodology for moving convoys whilst minimising delays to other traffic; outline design and location of holding areas, including passing places and overnight / longer term layover areas; plans showing points where the policy may need to hold other traffic to enable the convoys to pass, such as at junctions or bends; contingency plans in the event of incidents or emergencies.

**Delivery Times:** Estimated journey durations based on assumed convoy speeds, including timings for traffic sensitive locations, delays to negotiate constraints and assumed arrival / departure times at residential communities; forecast queries of other traffic in both directions along the route, based on background traffic flow data; consideration of turbine deliveries to other windfarms proposing similar routes

**Highway Works:** Location, nature and details of all potential horizontal and vertical constraints such as junctions, bends and junctions, bends and steep gradients; swept path analysis of horizontal constraints, based on topographical survey data at bridges and critical constraints; outline design of proposed permanent improvement works to address the constraints, such as bend widening, junction modification or changes to vertical alignment, ideally to enable movement of the convoys without the use of manual rear wheel steer; plans showing all improvement works in relation to the highway boundary; cross sections and long sections of any works beyond the highway boundary.

**Structures:** Carriageway width at all highway structures, headroom at all bridges, supplemented by vertical swept path analysis and topographical survey where required; indication of assumed axle / vehicle loading; proposals for assessing the impact on highway structures, non-highway structures and buildings, and any embankment slopes possibly affected by loads; identification of listed structures.

**Trial Runs:** Documented trial run information, mimicking the movement of the longest and widest anticipated loads, witnessed / observed by the relevant highway authorities and police and recorded with full video coverage.

**Environmental Impact:** All physical works and operation along the extent of the transport route to be considered as part of the environmental assessment of the development.

**Public Awareness:** Proposals for consultation with and notification to the travelling public and local communities.

**General Construction Traffic:** Details of all non-abnormal loads forecast to travel to and from the site; route choice for different types of load throughout the construction programme; anticipated times of movement through traffic sensitive and/or residential areas; cumulative associated with other proposed developments such as windfarms using the same access route.

**Site Accesses:** Full details of all accesses at road crossings, including the detailed design, layout and drainage etc. including wheel wash facilities.

**Site compounds:** Full details of the site compound locations indicating material storage areas staff car parking, loading and unloading facilities off the highway including wheel wash facilities.

**Consultees for TMP:** List to include all affected highway authorities and police forces.

Applicants are advised to contact the Council's Highways and Transportation department during the pre-application stages.



**Further information and guidance:**

*Dear Chief Planning Officer Letter: Environmental Impact Assessment (EIA): Transportation Issues Arising from Windfarms*

Welsh Government (2009)

<http://wales.gov.uk/topics/planning/policy/dearcpoletters/?lang=en>

*Highways Agency Spatial Planning Advice Note: SP 12/09: Planning applications for wind turbines sited near to trunk roads*

Highways Agency (2009)

[http://www.dft.gov.uk/ha/standards/tech\\_info/files/wind\\_turbines\\_sp\\_12-09.pdf](http://www.dft.gov.uk/ha/standards/tech_info/files/wind_turbines_sp_12-09.pdf)

**A2.7 HERITAGE EVALUATION**

There are many important areas of historic and heritage interest within the County both above and below the ground. Where turbines are proposed in close proximity to an area of heritage interest, or where the turbines may have an impact on the setting of a historic feature, it may be necessary to commission a heritage evaluation to assess the implications of the proposal on features of historic interest either through direct loss of a feature or visual impact on the setting of features of historic interest.

Applicants are advised to contact the Council's Countryside Services department during the pre-application stages.

**A2.8 HYDROLOGY AND GEOLOGY ASSESSMENT**

Applicants should consider how the excavation and construction works can be carried out without substantially altering the hydrological and geological regime of the site and particular consideration should be applied in peatland areas where peat plays an important role in hydrology regimes, and is also recognised as an important store of carbon.

In addition, a number of properties within rural areas of the County are reliant on private water supplies. Depending on the geology of the site and the proximity to sources of supply, construction activities relating to wind turbine development has the potential to cause adverse impacts on the quantity, quality and colouration of water supplies.

The local planning authority may request a hydrological and / or a geological report to be submitted and a scheme of works to be drawn up to ensure hydro/geological assets are safeguarded during the construction, operation and decommissioning of the turbine(s).

Applicants are advised to contact the Council's Public Protection department during the pre-application stages.

**A2.9 DETAILS OF IMPACTS ON AVIATION, COMMUNICATIONS AND BROADCAST EQUIPMENT**

The local planning authority will consult the Ministry of Defence (Defence Infrastructure Organisation) and National Air Traffic Services (NATS) on all wind turbine applications over 15m in height, and Airbus Operations Ltd where development proposals fall within the 30km Hawarden Airport Safeguarding Zone. As such, there is no requirement for applicants to consult with these bodies prior to submission of an application.

However, it is the responsibility of the applicant to demonstrate that the proposed turbine(s) will not cause any interference to the operation of any communications or broadcast equipment, through consultation with the operators of any masts or antennae which may be subject to adverse effects from the proposed turbine(s). Consultation responses from any such individuals or organisations should be submitted with the planning application.

**Further information and guidance:**

*Wind Energy and Aviation Interests: Interim Guidelines*

Wind Energy, Defence and Civil Aviation Interests Working Group on behalf of UK Government (2002)

<http://www.bwea.com/pdf/Wind-Energy-and-aviation-interim-guidelines.pdf>

**A2.10 LEGAL AGREEMENTS**

The need for developer contributions required as a result of the proposed wind turbine development (e.g. to secure road network enhancements or the implementation of habitat management plans) may need to be secured through the use of legal agreements.

A legal agreement may also be required to ensure a suitable mechanism is in place (e.g. a bond) to ensure that sufficient resources would be available for dismantling the turbines and site remediation when the planning permission expires. This is necessary to prevent large redundant wind turbines from remaining in the landscape once the end of their operating life has been reached, and acts as a safeguard in case of any financial constraints which may prevent the owner / operator of the turbine(s) from carrying out decommissioning works in future.

Where legal agreements are necessary, it would be preferable for heads of terms to be discussed and prepared at an early stage in the planning process.