

At: Aelodau'r Pwyllgor Cynllunio

Dyddiad: 9 Ebrill 2015

Rhif Union: 01824 712568

ebost: dcc\_admin@denbighshire.gov.uk

Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR CYNLLUNIO, DYDD MERCHER, 15 EBRILL 2015 am 9.30 am yn SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN.**

Yn gywir iawn

G Williams  
Pennaeth Gwasanaethau Cyfreithiol a Democraidaidd

## AGENDA

### 1 YMDDIHEURIADAU

### 2 DATGAN CYSYLLTIAD (Tudalennau 11 - 12)

Dylai'r Aelodau ddatgan unrhyw gysylltiad personol neu gysylltiad sy'n rhagfarnu mewn unrhyw fater a nodwyd i'w ystyried yn y cyfarfod hwn.

### 3 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Rhybudd o eitemau y dylid, ym marn y Cadeirydd, eu hystyried yn y cyfarfod fel materion brys yn unol ag Adran 100B (4) Deddf Llywodraeth Leol, 1972.

### 4 COFNODION (Tudalennau 13 - 20)

Cadarnhau cywirdeb cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 18 Mawrth 2015 (copi ynghlwm).

## CEISIADAU AM GANIATÂD I DDATBLYGU (EITEMAU 5 - 6) -

### 5 CAIS RHIF 01/2014/0063/PF - 3A, 3, 5 PWLL Y GRAWYS, DINBYCH (Tudalennau 21 - 32)

Ystyried cais i drosi a newid anheddau presennol ac uned fasnachol yn Gartref Gofal Preswyl Dosbarth C2 yn 3A, 3 a 5 Pwll y Grawys, Dinbych (copi ynghlwm).

**6 CAIS RHIF 10/2014/1168/PFT - HAFOTTY WEN, CORWEN** (Tudalennau 33 - 66)

Ystyried a chymeradwyo amodau cynllunio ynghlwm wrth Dystysgrif Penderfyniad ar gyfer cynllunio mewn perthynas â chodi un tyrbin gwynt gydag allbwn o hyd at 250 cilowat, uchafswm uchder blaen llafn 48m, a datblygiad cysylltiedig yn cynnwys adeiladu trac mynediad, llawr caled, twll cloddio, cysylltiad grid ac ystafell switsys yn Hafotty Wen, Corwen (copi ynghlwm).

**7 CANLLAW CYNLLUNIO ATODOL HYSBYSEBION - MABWYSIADU'R DDOGFEN DERFYNOL** (Tudalennau 67 - 88)

Ystyried adroddiad yn argymhell mabwysiadu'r Canllaw Cynllunio Atodol terfynol ar Hysbysebion i'w ddefnyddio wrth benderfynu ar geisiadau cynllunio (copi ynghlwm).

**8 CANLLAW CYNLLUNIO ATODOL SIOPAU BWYD PAROD POETH - MABWYSIADU'R DDOGFEN DERFYNOL** (Tudalennau 89 - 108)

Ystyried adroddiad yn argymhell mabwysiadu'r Canllaw Cynllunio Atodol terfynol ar Siopau Bwyd Parod Poeth i'w ddefnyddio wrth benderfynu ar geisiadau cynllunio (copi ynghlwm).

**9 BRIFF DATBLYGU SAFLE 'TRIONGL RHUDDLAN' - MABWYSIADU'R DDOGFEN DERFYNOL** (Tudalennau 109 - 156)

Ystyried adroddiad yn argymhell mabwysiadu'r Briff Safle Datblygu drafft ar gyfer 'Triongl Rhuddlan', gan gynnwys diwygiadau arfaethedig i'r ddogfen, ar gyfer penderfynu ar geisiadau cynllunio ac apeliadau cynllunio (copi ynghlwm).

**10 HEN YSBYTY GOGLEDD CYMRU, DINBYCH - ADRODDIAD GWYBODAETH** (Tudalennau 157 - 160)

Derbyn adroddiad gwybodaeth yn diweddarau'r aelodau ar y datblygiadau ar safle Ysbyty Gogledd Cymru (copi ynghlwm).

**11 ADRODDIAD DIWEDDARU A106 - POOL PARK COMPLEX, RHUTHUN** (Tudalennau 161 - 164)

Derbyn adroddiad sy'n rhoi'r wybodaeth ddiweddaraf i aelodau mewn perthynas â chynnydd Cytundeb Adran 106 ar gyfer Pool Park Complex, Rhuthun (copi ynghlwm).

**AELODAETH**

**Y Cynghorwyr**

Ray Bartley (Cadeirydd)

Win Mullen-James (Is-Gadeirydd)

Ian Armstrong  
Joan Butterfield  
Jeanette Chamberlain-Jones  
William Cowie  
Ann Davies  
Meirick Davies  
Richard Davies  
Stuart Davies  
Peter Arnold Evans  
Huw Hilditch-Roberts  
Rhys Hughes  
Alice Jones  
Pat Jones  
Barry Mellor

Bob Murray  
Peter Owen  
Dewi Owens  
Merfyn Parry  
Paul Penlington  
Arwel Roberts  
David Simmons  
Bill Tasker  
Julian Thompson-Hill  
Joe Welch  
Cefyn Williams  
Cheryl Williams  
Huw Williams

**COPIAU I'R:**

Holl Gynghorwyr er gwybodaeth  
Y Wasg a'r Llyfrgelloedd  
Cynghorau Tref a Chymuned

Mae tudalen hwn yn fwriadol wag

## **CROESO I BWYLLGOR CYNLLUNIO CYNGOR SIR DDINBYCH**

### **SUT GAIFF Y CYFARFOD EI GYNNAL**

Oni bai bod Cadeirydd y Pwyllgor yn nodi i'r gwrthwyneb, bydd trefn y prif eitemau yn dilyn yr agenda a nodwyd ar flaen yr adroddiad hwn.

### **Cyflwyniad cyffredinol**

Bydd y Cadeirydd yn agor y cyfarfod am 9.30yb ac yn croesawu pawb i'r Pwyllgor Cynllunio.

Bydd y Cadeirydd yn gofyn a oes unrhyw ymddiheuriadau dros absenoldeb a datganiadau o fuddiannau.

Bydd y Cadeirydd yn gwahodd Swyddogion i roi cyflwyniadau byr i'r eitemau ar yr agenda.

Bydd Swyddogion yn amlinellau (fel ag sy'n briodol) eitemau a fydd yn cynnwys siarad cyhoeddus, ceisiadau ar gyfer gohirio, eitemau sydd wedi'u tynnu'n ôl, ac unrhyw eitemau Rhan 2 lle bydd y wasg a'r cyhoedd yn cael eu gwahardd. Bydd cyfeiriadau at unrhyw wybodaeth ychwanegol a ddosbarthwyd yn Siambr y Cyngor cyn dechrau'r cyfarfod, gan gynnwys y taflenni sy'n crynhoi cyflwyniadau/newidiadau hwyr (taflenni glas) ac unrhyw gynlluniau atodol neu ddiwygiedig sy'n ymwneud ag eitemau i'w trafod.

Mae'r 'Taflenni Glas' yn cynnwys gwybodaeth bwysig, gan gynnwys crynodeb o ddeunydd a dderbyniwyd mewn perthynas ag eitemau ar yr agenda rhwng cwblhau'r prif adroddiad a'r diwrnod cyn y cyfarfod. Mae'r taflenni hefyd yn nodi trefn arfaethedig y ceisiadau cynllunio, sy'n cymryd i ystyriaeth unrhyw geisiadau i siarad yn gyhoeddus.

Mewn perthynas â threfn yr eitemau, bydd disgwyl i unrhyw Aelodau sydd am ddwyn eitem i'w thrafod wneud cais yn union ar ôl cyflwyniad y Swyddogion. Rhaid i unrhyw gais o'r fath fod yn gynnig ffurfiol a bydd pleidlais ar y cais.

Mae'r Pwyllgor Cynllunio yn cynnwys 30 o Aelodau Etholedig. Yn unol â phrotocol, mae'n rhaid i 50% o Aelodau'r Pwyllgor fod yn bresennol i sefydlu cworwm ac i sicrhau bod modd ystyried eitem a phleidleisio ar eitem.

Caiff Cynghorwyr Sir sydd ddim yn aelodau o'r Pwyllgor Cynllunio fynychu a siarad ar eitem, ond ni allant wneud cynnig, na phleidleisio.

### **YSTYRIED CEISIADAU CYNLLUNIO**

#### **Y drefn i'w dilyn**

Bydd y Cadeirydd yn cyhoeddi'r eitem sydd i'w thrafod nesaf. Mewn perthynas â cheisiadau cynllunio, cyhoeddir rhif y cais, sail y cynnig a'r lleoliad, yr Aelodau lleol perthnasol ar gyfer yr ardal, ac argymhelliad y Swyddog.

Os oes yna siaradwyr cyhoeddus ar eitem, bydd y Cadeirydd yn eu gwahodd i annerch y Pwyllgor. Os oes siaradwyr yn erbyn ac o blaid cynnig, gofynnir i'r siaradwr sydd yn erbyn i siarad yn gyntaf. Bydd y Cadeirydd yn atgoffa siaradwyr bod ganddynt hyd at 3 munud i annerch y Pwyllgor. Mae gan siarad cyhoeddus ei brotocol ei hunan.

Lle bo hynny'n berthnasol, bydd y Cadeirydd yn cynnig cyfle i'r Aelodau ddarllen unrhyw wybodaeth hwyr ar yr eitem ar y 'Taflenni Glas' cyn parhau.

Os oes unrhyw Aelod am gynnig y dylid gohirio eitem, gan gynnwys ceisiadau i Banel Archwilio Safle ymweld â'r safle, dylid gwneud y cais ynghyd â'r rheswm cynllunio, cyn unrhyw siarad cyhoeddus neu drafodaeth am yr eitem honno.

Cyn unrhyw drafodaeth, bydd y Cadeirydd yn gwahodd swyddogion i roi cyflwyniad cryno i'r eitem lle credir bod hyn yn werth chweil yng ngolau natur y cais.

Mae sgriniau arddangos yn Siambr y Cyngor a ddefnyddir i ddangos ffotograffau neu gynlluniau a gyflwynir gyda cheisiadau. Cymerir y ffotograffau gan Swyddogion i roi argraff gyffredinol i Aelodau o safle a'i amgylchedd, ac nid eu bwriad yw cyflwyno achos o blaid neu yn erbyn cynnig.

Bydd y Cadeirydd yn cyhoeddi bod yr eitem yn agored am drafodaeth ac yn rhoi cyfle i Aelodau siarad a rhoi sylwadau am yr eitem.

Os oes unrhyw gais wedi bod yn destun Panel Archwilio Safle cyn y Pwyllgor, bydd y Cadeirydd fel rheol yn gwahodd yr Aelodau hynny a fynychodd, gan gynnwys yr aelod lleol, i siarad yn gyntaf.

Yn achos yr holl geisiadau eraill, bydd y Cadeirydd yn gofyn i'r aelod(au) lleol siarad yn gyntaf, os yw ef/nhw yn dymuno gwneud hynny.

Fel rheol, rhoddir hyd at bum munud i Aelodau siarad, a bydd y Cadeirydd yn llywio'r drafodaeth yn unol â Rheolau Sefydlog.

Unwaith bod aelod wedi siarad, ni ddylai ef/hi siarad eto oni bai ei fod ef/hi am esboniad o bwyntiau a gododd yn y drafodaeth, a rhaid i hynny hefyd ddigwydd ar ôl i'r holl Aelodau eraill gael cyfle i siarad, a gyda chaniatâd y Cadeirydd.

Ar derfyn trafodaeth yr Aelodau, bydd y Cadeirydd yn gofyn i Swyddogion ymateb yn ôl yr angen i gwestiynau a phwyntiau a godwyd, gan gynnwys cyngor ar unrhyw benderfyniad sy'n mynd yn groes i'r argymhelliad.

Cyn symud ymlaen at y bleidlais, bydd y Cadeirydd yn gwahodd neu'n gofyn am eglurhad o gynigion ac eilyddion i'r cynigion o blaid neu yn erbyn argymhelliad y Swyddog, neu unrhyw benderfyniadau eraill sy'n gofyn am ddiwygiadau i gynigion. Pan gaiff cynnig ei wneud yn groes i argymhelliad y Swyddog, bydd y Cadeirydd yn gofyn am eglurhad o'r rheswm/rhesymau cynllunio dros y cynnig hwnnw, er mwyn i hyn gael ei gofnodi yng Nghofnodion y cyfarfod. Mae'n bosibl y bydd y Cadeirydd yn gofyn am sylwadau gan y Swyddog Cyfreithiol a Chynllunio am ddilysrwydd y rheswm/rhesymau a nodwyd.

Bydd y Cadeirydd yn gwneud cyhoeddiad i nodi bod y drafodaeth ar ben, a bod y pleidleisio i ddilyn.

## **Y drefn bleidleisio**

Cyn gofyn i Aelodau bleidleisio, bydd y Cadeirydd yn cyhoeddi pa benderfyniadau a wnaed a sut fydd y bleidlais yn cael ei chynnal. Gellir gofyn am esboniad pellach ynghylch newidiadau, amodau newydd ac ychwanegol a rhesymau dros wrthod er mwyn sicrhau nad oes unrhyw amwysedd yn yr hyn y mae'r Pwyllgor yn pleidleisio o'i blaid neu yn ei erbyn.

Os yw unrhyw aelod yn gwneud cais am Bleidlais wedi'i Chofnodi, mae'n rhaid ymdrin â hyn yn gyntaf yn unol â'r Rheolau Sefydlog. Bydd y Cadeirydd a Swyddogion yn egluro'r drefn i'w dilyn. Bydd enwau bob un o'r Aelodau pleidleisio sy'n bresennol yn cael eu galw allan, a bydd gofyn i'r Aelod nodi a yw eu pleidlais o blaid neu yn erbyn rhoi caniatâd neu ymwrthod. Bydd Swyddogion yn cyhoeddi canlyniad y bleidlais ar yr eitem.

Os yw pleidlais arferol i ddigwydd trwy gyfrwng y system bleidleisio electronig, bydd y Cadeirydd yn gofyn i'r Swyddogion weithredu'r sgrin bleidleisio yn y Siambr, a phan ofynnir iddynt wneud hynny, mae'n rhaid i'r Aelodau gofnodi eu pleidlais drwy bwysu'r botwm priodol.

Mae gan Aelodau 10 eiliad i gofnodi eu pleidleisiau unwaith bo'r sgrin wedi ymddangos.

Os yw'r system bleidleisio electronig yn methu, gellir cynnal y bleidlais drwy ddangos dwylo. Bydd y Cadeirydd yn esbonio'r drefn sydd i'w dilyn.

Ar derfyn y bleidlais, bydd y Cadeirydd yn cyhoeddi'r penderfyniad ar yr eitem.

Pan fydd penderfyniad ffurfiol y Pwyllgor yn groes i argymhelliad y Swyddog, bydd y Cadeirydd yn gofyn i Aelodau gytuno'r broses a ddefnyddir i ddrafftio amodau cynllunio neu resymau dros wrthod, er mwyn rhyddhau'r Tystysgrif Penderfyniad (e.e. dirprwyo awdurdod i'r Swyddog Cynllunio, i'r Swyddog Cynllunio mewn cysylltiad ag Aelodau Lleol, neu drwy gyfeirio'n ôl i'r Pwyllgor Cynllunio ar gyfer cadarnhad).

Mae tudalen hwn yn fwriadol wag



## PWYLLGOR CYNLLUNIO

### TREFN BLEIDLEISIO

Atgoffir yr aelodau o'r drefn i'w dilyn wrth bleidleisio i roddi neu i wrthod caniatâd cynllunio. Bydd y Cadeirydd neu'r Swyddogion yn esbonio'r drefn i'w dilyn fel y bo angen.

Unwaith y bydd y sgriniau arddangos yn y Siambr wedi eu clirio yn barod ar gyfer y pleidleisio a phan fydd y sgrîn bleidleisio yn ymddangos, bydd gan y Cynghorwyr 10 eiliad i gofnodi eu pleidlais fel a ganlyn:

Ar y bysellfwrdd pleidleisio, pwyswch y

<p>+ i <b>RODDI</b> caniatâd - i <b>WRTHOD</b> caniatâd 0 i <b>BEIDIO</b> â phleidleisio</p>
--

Neu yn achos eitemau Gorfodi:

<p>+ i <b>AWDURDODI</b> Camau Gorfodi - i <b>WRTHOD AWDURDODI</b> Camau Gorfodi 0 i <b>BEIDIO</b> â phleidleisio</p>
--

Mae tudalen hwn yn fwriadol wag

DEDDF LLYWODRAETH LEOL 2000

Cod Ymddygiad Aelodau

## DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,  
(enw)

\*Aelod /Aelod cyfetholedig o  
(\*dileuer un)

Cyngor Sir Ddinbych

**YN CADARNHAU** fy mod wedi datgan buddiant **\*personol / personol a sy'n rhagfarnu** nas datgelwyd eisoes yn ôl darpariaeth Rhan III cod ymddygiad y Cyngor Sir i Aelodau am y canlynol:-  
(\*dileuer un)

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(Gweler y nodyn isod)\*

Llofnod

Dyddiad

Noder: Rhowch ddigon o fanylion os gwelwch yn dda, e.e. 'Fi yw perchennog y tir sy'n gyfagos i'r cais ar gyfer caniatâd cynllunio a wnaed gan Mr Jones', neu 'Mae fy ngŵr / ngwraig yn un o weithwyr y cwmni sydd wedi gwneud cais am gymorth ariannol'.

Mae tudalen hwn yn fwriadol wag

## PWYLLGOR CYNLLUNIO

Cofnodion cyfarfod o'r Pwyllgor Cynllunio a gynhaliwyd yn Siambr y Cyngor, Neuadd y Sir, Rhuthun, Dydd Mercher, 18 Mawrth 2015 am 9.30 am.

### YN BRESENNOL

Y Cyngorwyr Ian Armstrong, Raymond Bartley (Cadeirydd), Joan Butterfield, Jeanette Chamberlain-Jones, William Cowie, Ann Davies, Meirick Davies, Stuart Davies, Peter Arnold Evans, Huw Hilditch-Roberts, Rhys Hughes, Alice Jones, Pat Jones, Barry Mellor, Bob Murray, Peter Owen, Merfyn Parry, Paul Penlington, Arwel Roberts, David Simmons, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams a/ac Huw Williams

### HEFYD YN BRESENNOL

Pennaeth Cynllunio a Gwarchod y Cyhoedd (GB), Prif Gyfreithiwr – Cynllunio a Phriffyrdd (SC), Rheolwr Datblygu (PM), Prif Swyddog Cynllunio (IW), Rheolwr Cynllunio a Datblygu Polisi (AL), Uwch Beiriannydd, Priffyrdd a'r Gwasanaethau Amgylcheddol (MP) a Gweinyddwr Pwyllgorau (SLW)

#### 1 YMDDIHEURIADAU

Derbyniwyd ymddiheuriadau am absenoldeb oddi wrth y Cyngorwr(wyr) Richard Davies, Win Mullen-James, Dewi Owens a/ac Bill Tasker

#### 2 DATGANIAD CYSYLLTIAD

Datganodd y Cyngorydd Huw Hilditch-Roberts gysylltiad personol yn Eitem Rhif 5  
Datganodd y Cyngorydd Huw Williams gysylltiad personol yn Eitem Rhif 6.

#### 3 MATERION BRYN FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Dim

#### 4 COFNODION

Cyflwynwyd cofnodion y Pwyllgor Cynllunio a gynhaliwyd ar ddydd Mercher, 18 Chwefror 2015.

Dywedodd y Cyngorydd Cheryl Williams nad oedd ei hymddiheuriadau wedi eu cynnwys yn y cofnodion ar gyfer y cyfarfod.

Dywedodd y Cyngorydd Paul Penlington nad oedd y Pwyllgor Cynllunio wedi cytuno i fabwysiadu Briff Datblygu Tŷ Nant (Eitem 12) ond cytunodd i'r ymgynghoriad fynd rhagddo.

**PENDERFYNWYD** yn amodol ar yr uchod, y dylid derbyn a chymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 18 Chwefror 2015 fel cofnod cywir.

## **CEISIADAU AM GANIATÂD I DDATBLYGU (EITEMAU 5 - 8)**

Cyflwynwyd ceisiadau oedd yn ceisio penderfyniad y Pwyllgor ynghyd â'r dogfennau cysylltiol. Cyfeiriwyd hefyd at yr wybodaeth a gyflwynwyd yn hwyr (taflenni glas) a dderbyniwyd ar ôl cyhoeddi'r rhaglen ac yn ymwneud â'r ceisiadau penodol. Er mwyn caniatáu ceisiadau aelodau'r cyhoedd i gyflwyno sylwadau, cytunwyd y dylid amrywio trefn y ceisiadau ar y rhaglen fel y bo'n briodol.

### **5 CAIS RHIF 03/2014/0472/ PF - YSBYTY CYMUNED LLANGOLLEN A MAES PARCIO, Ffordd yr Abaty, Llangollen**

Cyflwynwyd cais i ailddatblygu hen safle ysbyty trwy ddymchwel adeiladau presennol a chodi 6 o unedau tai cymdeithasol gyda mynediad cysylltiedig a darpariaeth parcio; a datblygu maes parcio ategol gyferbyn â'r 6 o unedau tai cymdeithasol gyda mynediad cysylltiedig a darpariaeth parcio yn Ysbyty Cymunedol Llangollen a Maes Parcio, Ffordd yr Abaty, Llangollen.

Datganodd y Cynghorydd Huw Hilditch-Roberts gysylltiad personol.

#### **Siaradwr Cyhoeddus -**

Roedd Mr Martin Crumpton (**Yn erbyn**) wedi methu mynychu cyfarfod y Pwyllgor Cynllunio oherwydd salwch ond roedd wedi anfon datganiad ac fe ddarllenodd y Prif Gyfreithiwr - Cynllunio a Phrifffyrdd gynnwys y datganiad i'r Pwyllgor. Mae'r datganiad yn nodi'r rhesymau pam bod Mr Crumpton yn erbyn y bwriad o ail-ddatblygu safle'r ysbyty a'r maes parcio.

Rhoddodd Mr Bryn Davies (**O blaid**) fanylion cefndirol byr ynghyd â rhesymau pam ei fod o blaid y cais. Eglurodd Mr Davies ei fod yn cynrychioli Grwys Cynefin a fyddai'n gweithio mewn partneriaeth â Chyngor Sir Ddinbych a Bwrdd Iechyd Prifysgol Betsi Cadwaladr i ail-ddatblygu safle'r ysbyty a'r maes parcio pe bai'r cais yn cael ei gymeradwyo.

Cadarnhaodd yr Aelod Ward, y Cynghorydd Stuart Davies, gan fod yr ysbyty wedi cael ei chau gan BIPBC, y byddai ef o blaid ail-ddatblygu'r safle i ddarparu tai fforddiadwy i bobl leol Llangollen.

Esboniodd yr Aelod Ward, y Cynghorydd Rhys Hughes, y byddai o blaid ail-ddatblygu'r safle ysbyty ond byddai'n erbyn datblygu maes parcio.

**Dadl Gyffredinol** - eglurodd y Prif Swyddog Cynllunio (PSC) i'r aelodau bod Swyddogion Prifffyrdd wedi gofyn am amodau ychwanegol i'w cynnwys pe bai'r cais yn cael ei roi. Mewn ymateb i faterion a godwyd cafwyd trafodaeth fanwl. Cafodd ei gadarnhau gan y PSC, er bod y cais a gyflwynwyd yn cynnwys dau ddarn unigol o dir, gellid ei dderbyn fel un cais. Dewis yr ymgeisydd oedd cyflwyno'r cais yn y modd hwnnw. Eglurwyd pe byddai'r cais yn cael ei wrthod ar un elfen yna byddai'r cais cyfan yn methu. Cydnabuwyd bod parcio yn broblem yn Llangollen, ond mae'r maes parcio dan sylw wedi bod yn cael ei ddefnyddio gan ymwelwyr i'r

ysbyty. Gellir cytuno ar ddeunyddiau ar gyfer y datblygiad trwy amodau ar unrhyw ganiatâd. Cadarnhaodd Prif Gyfreithiwr - Cynllunio a Phrifyrdd bod y dystysgrif perchenogaeth cywir wedi'i gyflwyno gan yr ymgeiswyr.

**Cynnig** - Cynigiodd y Cynghorydd Stuart Davies i ganiatáu'r cais gan y byddai'r ailddatblygiad yn cwrdd ag anghenion pobl ifanc Llangollen. Eiliwyd hyn gan y Cynghorydd Bob Murray.

**Cynnig** - Cynigiodd y Cynghorydd Rhys Hughes i wrthod y cais (yn groes i argymhelliad swyddogion) gan y byddai datblygu'r safle maes parcio yn achosi problemau parcio ychwanegol yn Llangollen. Eiliwyd gan y Cynghorydd Alice Jones.

PLEIDLAIS:

CYMERADWYO	-	19
YMATAL	-	1
GWRTHOD	-	5

**PENDERFYNWYD** bod caniatâd yn cael **EI ROI** ar gyfer ailddatblygu hen safle ysbyty trwy ddymchwel yr adeiladau presennol a chodi 6 o unedau tai cymdeithasol gyda mynediad cysylltiedig a darpariaeth parcio; a datblygu maes parcio ategol gyferbyn drwy godi 6 uned tai cymdeithasol a mynediad cysylltiedig a darpariaeth parcio. Amodau priffyrdd ychwanegol wedi'u gosod ar ganiatáu'r cais yn Ysbyty Cymuned Llangollen a Maes Parcio, Ffordd yr Abaty, Llangollen.

## **6 CAIS RHIF 10/2014/1168/PFT - HAFOTTY WEN, CORWEN**

Cyflwynwyd cais i godi un tyrbin gwynt gydag allbwn o hyd at 250 cilowat, uchafswm uchder blaen llafn 48m, a datblygiad cysylltiedig yn cynnwys adeiladu trac mynediad, llawr caled, twll cloddio, cysylltiad grid ac ystafell switsys yn Hafotty Wen, Corwen.

Datganodd y Cynghorydd Huw Williams gysylltiad personol.

### **Siaradwr Cyhoeddus -**

Mr John Brookes (**Yn erbyn**) - rhoddodd resymau pam ei fod yn erbyn y cais a mynegodd bryderon ynghylch sŵn oherwydd maint y llafnau. Hefyd, byddai'r tyrbin, os y gosodir, y gyntaf o'i fath yn y wlad. Mae'r effaith ar yr eiddo cyfagos oherwydd maint y cynnig yn peri pryder mawr.

Mrs Sian Wynne Jones (**O blaid**) - rhoddodd resymau dros ganiatáu'r cais. Eglurodd Mrs Wynne Jones hefyd ei bod wedi byw yn yr ardal trwy gydol ei hoes ac y byddai'n sicrhau dyfodol i'w theulu a'i phlant i fyw bywyd teuluol priodol yng Nghymru.

Yn y fan hon, cyfeiriodd y Rheolwr Datblygu yr aelodau at y daflen las oedd yn dangos cefnogaeth ychwanegol gan Arwel Rhys Davies i wneud 3 sylwadau ac nid 2.

**Dadl Cyffredinol** – codwyd y ffaith y byddai pellter y tyrbîn yn llai na'r canllaw a osodwyd gan Lywodraeth Cymru. Mae'r canllaw yn 500m ac mae'r cais yn 480m. Cadarnhaodd y Rheolwr Datblygu nad oedd wedi bod yn ymwybodol o unrhyw geisiadau blaenorol yn cael eu rhoi a oedd wedi bod yn llai na 500m. Byddai allbwn sŵn y tyrbîn, eto i gael ei ddefnyddio yn y wlad hon, yn cael ei fonitro wrth osod y tyrbîn a byddai amod yn ymwneud â monitro sŵn yn y dyfodol yn cael ei gynnwys, os byddai'r cais yn cael ei roi. Y rhesymau dros argymhelliad y swyddog i wrthod oedd o ganlyniad i'r effaith ar y dirwedd.

**Arfaethedig** - Cynigiodd y Cynghorydd Stuart Davies i ganiatáu'r cais (yn groes i argymhelliad swyddogion) ar sail arallgyfeirio ac ni fyddai gosod y tyrbîn yn niweidiol i'r dirwedd. Eiliwyd hyn gan y Cyng. Huw Hilditch-Roberts.

Cadarnhawyd y byddai'r bleidlais ar “ddod â'r amodau cynllunio awgrymedig yn ôl i'r Pwyllgor Cynllunio i'w cymeradwyo pe bai'r cais yn cael ei roi”.

PLEIDLAIS:

CYMERADWYO	-	12
YMATAL	-	2
GWRTHOD	-	11

**PENDERFYNWYD** bod y cais yn cael **EI ROI** (yn groes i argymhelliad y Swyddog) i ddod ag amodau cynllunio a awgrymwyd yn ôl i'r Pwyllgor Cynllunio i'w cymeradwyo ar gyfer codi tyrbîn gwynt unigol o hyd at allbwn o 250 cilowat, uchafswm blaen llafrn yn 48m o uchder, a datblygiadau cysylltiedig yn cynnwys adeiladu trac mynediad, llawr caled, pwll cloddio, cysylltiad grid ac ystafell switsys yn Hafotty Wen, Corwen.

*Y rheswm dros y penderfyniad yn groes i argymhelliad y Swyddog Cynllunio, oedd rhoi sylw dyledus i'r materion tirwedd / gweledol a mwynderau preswyl, a dylid rhoi sylw priodol i rinweddau arallgyfeirio y cynigion, ac yn yr achos hwn yn cael eu hystyried i gyfiawnhau rhoi caniatâd.*

## **7 CAIS RHIF 28/2014/1204/PF – FFERMDY TŶ COCH, STRYD TŶ COCH, HENLLAN, DINBYCH**

Cyflwynwyd cais i ddymchwel adeiladau canolfan amaethyddol presennol a chodi 15 o anheddau, newidiadau i'r fynedfa bresennol i gerbydau a lle parcio cysylltiedig (adnewyddu caniatâd cynllunio cod rhif. 28/2008/0578 – yn Ffermdy Tŷ Coch, Stryd Tŷ Coch, Henllan, Dinbych.

**Cynnig** - Cynigiodd y Cynghorydd Meirick Lloyd Davies i ganiatáu'r cais. Eiliwyd gan y Cynghorydd Huw Williams.

PLEIDLAIS:

CYMERADWYO	-	24
YMATAL	-	0



GWRTHOD - 0

**PENDERFYNWYD** bod caniatâd yn cael **EI ROI** ar gyfer dymchwel adeiladau canolfan amaethyddol a chodi 15 o anheddau, newidiadau i'r fynedfa bresennol i gerbydau a lle parcio cysylltiedig (adnewyddu caniatâd cynllunio cod rhif. 28/2008/0578 – yn Ffermdy Tŷ Coch, Stryd Tŷ Coch, Henllan, Dinbych.

## 8 CAIS RHIF 43/2015/0031/PF – 51 STRYD FAWR, PRESTATYN

Cyflwynwyd cais ar gyfer newid defnydd y llawr gwaelod o fusnes gwerthu prydau bwyd parod poeth o ddefnydd manwerthu Dosbarth A1 i Ddosbarth A3. Gosod blaen siop newydd a newidiadau allanol cysylltiedig yn 51 Stryd Fawr, Prestatyn.

**Cynnig** - Cynigiodd y Cynghorydd Julian Thompson-Hill i ganiatáu'r cais. Eiliwyd hyn gan y Cynghorydd Bob Murray.

PLEIDLAIS:

CYMERADWYO - 24  
YMATAL - 0  
GWRTHOD - 0

**PENDERFYNWYD** bod caniatâd yn cael **EI ROI** ar gyfer newid defnydd y llawr gwaelod mewn busnes gwerthu prydau bwyd parod poeth o ddefnydd manwerthu Dosbarth A1 i Ddosbarth A3. Gosod blaen siop newydd a newidiadau allanol cysylltiedig yn 51 Stryd Fawr, Prestatyn.

## 9 CANLLAWIAU CYNLLUNIO ATODOL HYSBYSEBION - MABWYSIADU'R DDOGFEN DERFYNOL

Cyflwynodd y Rheolwr Polisi a Chynllunio Datblygiad adroddiad (a ddosbarthwyd yn flaenorol) i'r aelodau fabwysiadu'r Canllawiau Cynllunio Atodol terfynol ar Hysbysebion ar gyfer eu defnyddio wrth benderfynu ar geisiadau cynllunio.

Mae ymgynghoriad o 11 wythnos wedi'i wneud. Mae pedwar ymateb wedi dod i law, ond ni chafodd unrhyw faterion o bwys eu codi.

Cododd y Cynghorydd Huw Hilditch-Roberts bwynt ynglŷn â threfn gan nad yw'r argymhellion yn dilyn cyfarfod y Pwyllgor Craffu a gynhaliwyd yr wythnos flaenorol wedi dod i law. Felly, gofynnodd y Cynghorydd Hilditch-Roberts i'r eitem gael ei ohirio nes y bydd trafodaeth lawn yn cael ei gynnal ar ôl derbyn yr argymhellion gan Craffu.

Felly, cynhaliwyd pleidlais fel a ganlyn:

GOHIRIO - 22  
PEIDIO Â GOHIRIO - 1

**PENDERFYNWYD** gohirio'r ddogfen Canllawiau Cynllunio Atodol Hysbysebion nes y bydd argymhellion gan y Pwyllgor Craffu wedi eu derbyn.

**10 CANLLAWIAU CYNLLUNIO ATODOL “ARDALOEDD CADWRAETH” – MABWYSIADU’R DDOGFEN DERFYNOL**

Cyflwynodd y Rheolwr Polisi a Chynllunio Datblygiad adroddiad (a ddsbarthwyd yn flaenorol) i'r aelodau fabwysiadu'r Canllawiau Cynllunio Atodol terfynol ar Ardaloedd Cadwraeth ar gyfer eu defnyddio wrth benderfynu ar geisiadau cynllunio ac apeliadau yn y dyfodol.

Mae ymgynghoriad o 11 wythnos wedi ei wneud. Mae pedwar ymateb wedi dod i law, ond ni chafodd unrhyw faterion o bwys eu codi.

**Cynnig** - Cynigiodd y Cynghorydd Meirick Lloyd Davies i gytuno mabwysiadu'r "Ardaloedd Cadwraeth" Canllawiau Cynllunio Atodol. Eiliwyd gan y Cynghorydd Arwel Roberts.

PLEIDLAIS:

O BLAID	-	21
YMATAL	-	0
YN ERBYN	-	1

**PENDERFYNWYD** bod y Canllaw Cynllunio Atodol “Ardaloedd Cadwraeth” yn cael ei fabwysiadu.

**11 CANLLAWIAU CYNLLUNIO ATODOL “ADEILADAU RHESTREDIG” – MABWYSIADU’R DDOGFEN DERFYNOL**

Cyflwynodd y Rheolwr Polisi a Chynllunio Datblygiad adroddiad (a ddsbarthwyd yn flaenorol) i'r aelodau fabwysiadu'r Canllawiau Cynllunio Atodol terfynol ar Adeiladau Rhestredig i'w defnyddio wrth benderfynu ar geisiadau cynllunio ac apeliadau yn y dyfodol.

Mae ymgynghoriad o 11 wythnos wedi ei wneud. Chwech ymateb wedi dod i law gyda mân newidiadau.

**Cynnig** - Cynigiodd y Cynghorydd Julian Thompson-Hill i gytuno mabwysiadu'r Canllaw Cynllunio Atodol "Adeiladau Rhestredig". Eiliwyd gan y Cynghorydd Meirick Lloyd Davies.

PLEIDLAIS:

O BLAID	-	21
YMATAL	-	0
YN ERBYN	-	1

**PENDERFYNWYD** bod y Canllaw Cynllunio Atodol “Adeiladau Rhestredig” yn cael ei fabwysiadu.

**Unrhyw Fusnes Arall**

Yn y fan hon, gofynnodd y Cadeirydd i'r Aelodau os oedd unrhyw fater arall:

- Gofynnodd y Cynghorydd Merfyn Parry am adroddiad i'w diweddarau ar 'Pool Park' yn y Pwyllgor Cynllunio nesaf;
- Gofynnodd y Cynghorydd Rhys Hughes am adroddiad i'w diweddarau ar Ysbyty Gogledd Cymru
- Hysbysodd y Cynghorydd Joan Butterfield yr aelodau y byddai'r parc newydd yng Ngorllewin y Rhyl yn agor mewn wythnos ac anogodd yr aelodau i ymweld â'r lle.

Cadarnhaodd y Pennaeth Cynllunio a Diogelu'r Cyhoedd y byddai adroddiadau "er gwybodaeth" yn cael eu cyflwyno, ynghylch 'Pool Park' ac Ysbyty Gogledd Cymru, a hynny yng nghyfarfod nesaf y Pwyllgor Cynllunio a gynhelir ar 15 Ebrill 2015.

Cymerodd y Cadeirydd y cyfle i ddiolch i'r Swyddogion Cynllunio, Swyddog Cyfreithiol a staff cymorth am eu gwaith.

DIWEDD Y CYFARFOD 12.10PM.

Mae tudalen hwn yn fwriadol wag

<b>WARD:</b>	Dinbych Uchaf / Henllan
<b>AELODAU WARD:</b>	Y Cyng. Colin Hughes Y Cyng. Geraint Lloyd-Williams
<b>RHIF CAIS:</b>	01/2014/0063/PF
<b>CYNNIG:</b>	Trosi a newid anheddau presennol ac uned fasnachol yn Gartref Gofal Preswyl Dosbarth C2.
<b>LLEOLIAD:</b>	3A, 3, 5 Pwll y Grawys, Dinbych
<b>YMGEISYDD:</b>	Mr John Felt ar ran of MHC Limited
<b>CYFYNGIADAU:</b>	Ardal Gadwraeth
<b>CYHOEDDUSRWYDD:</b>	Hysbysiad ar y Safle - Oes Hysbysiad yn y Wasg - Oes Llythyrau at Gymdogion - Oes

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 01/2014/0063/PF

3A, 3, 5 LENTEN POOL

DENBIGH

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

Tel: 01824 706800 Fax: 01824 706709

 Application Site

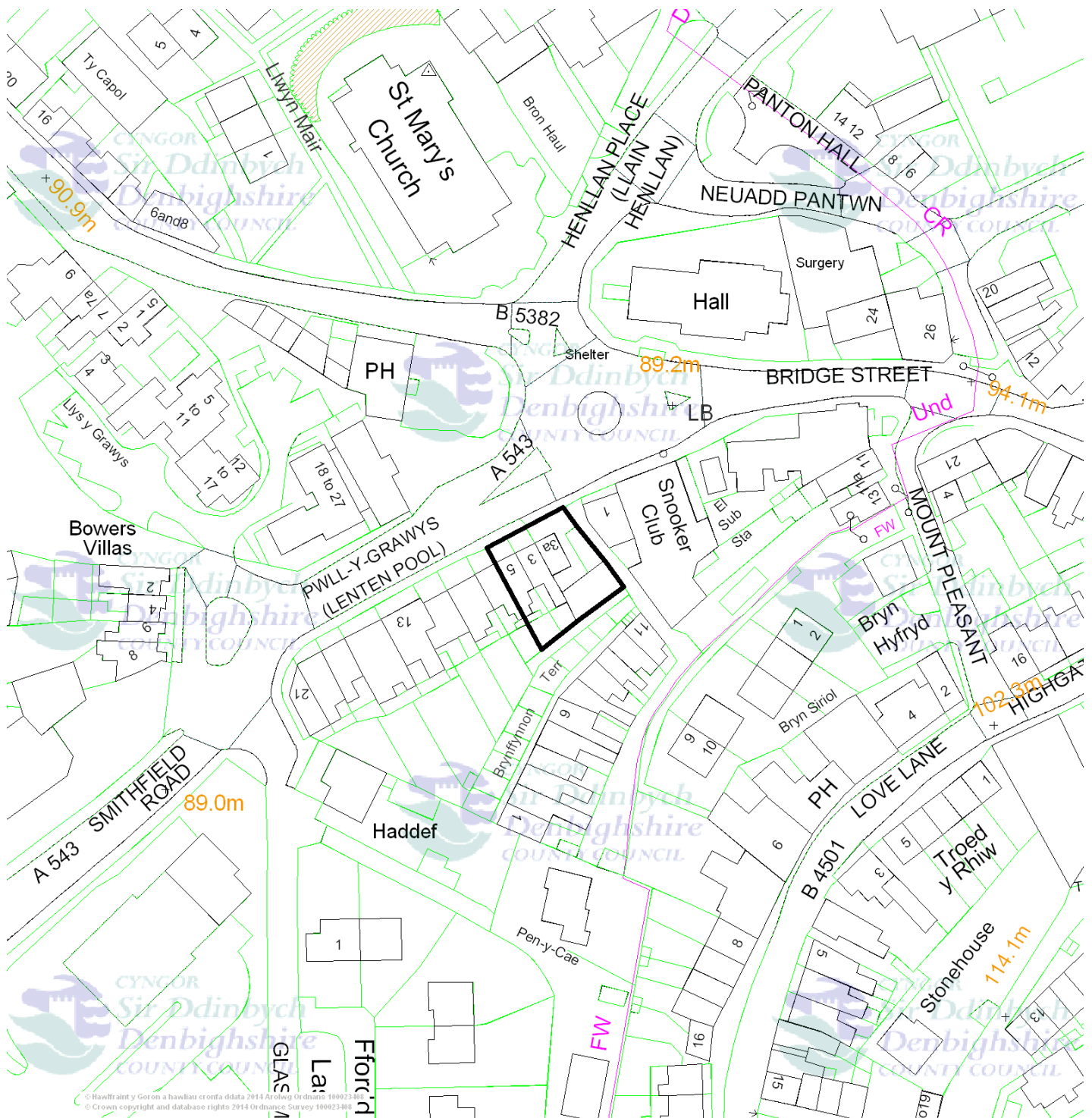


Date 30/3/2015

Scale 1/1064

Centre = 305013 E 366063 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.







PROPOSED GROUND FLOOR PLAN



By Room Name Legend

- Bathroom
- Bedroom
- Kitchen
- Lobby
- Lounge
- Lounge/Kitchen

Revision Details:

Notes:  
 1. This drawing is for information only. It is not to be used for construction without the approval of the architect.  
 2. The architect is not responsible for any errors or omissions in this drawing.  
 3. The architect is not responsible for any errors or omissions in this drawing.  
 4. The architect is not responsible for any errors or omissions in this drawing.  
 5. The architect is not responsible for any errors or omissions in this drawing.

Drawing: GROUND FLOOR AREAS  
 Project: MORTIMER HOUSE  
 Client: MHC

Job Reference:	405	Revision:	
Drawing Reference:	D100	Drawn By:	GU
Date:	10/03/14	Project Status:	DESIGN
Scale:	1 : 50		



Tudalen 27

PROPOSED FIRST FLOOR PLAN



By Room Name Legend

- Bathroom
- Bedroom
- Lobby
- Lounge/Kitchen
- Staff Bathroom
- Staff Office

Job Reference:	405	Drawing Reference:	D101	Revision:		Drawing:	FIRST FLOOR AREAS
Scale:	1 : 50	Date:	10/03/14	Drawn By:	GU	Project:	MORTIMER HOUSE
				Project Status:	DESIGN	Client:	MHC

Revision Details:

Notes:  
 1. This drawing is for information only. It is not to be used for construction without the approval of the architect.  
 2. The architect is not responsible for any errors or omissions in this drawing.  
 3. The architect is not responsible for any errors or omissions in this drawing.  
 4. The architect is not responsible for any errors or omissions in this drawing.  
 5. The architect is not responsible for any errors or omissions in this drawing.

*Gary Underwood* Associates Limited  
 The Old Barn  
 100, Mill Lane  
 Wellesley, CH43 9LQ  
 T: 0151 638 3468  
 E: admin@guarlimited.co.uk

© 2014 Gary Underwood Associates Limited



**WARD NO:** Denbigh Upper / Henllan

**WARD MEMBER(S):** Cllr Colin Hughes  
Cllr Geraint Lloyd-Williams

**APPLICATION NO:** 01/2014/0063/PF

**PROPOSAL:** Conversion and alterations to existing dwellings and commercial unit to a Class C2 Residential Care Home

**LOCATION:** 3A, 3, 5 Lenten Pool Denbigh

**APPLICANT:** Mr John Felt on behalf of MHC Limited

**CONSTRAINTS:** Conservation Area

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

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

- Recommendation to grant – Town Council objection

**CONSULTATION RESPONSES:**

**DENBIGH TOWN COUNCIL**

'When the original application came before the town council on the 10th February 2014 a decision was made that the town council wished to object to the proposed conversion and alterations to these properties. The objection being based on the grounds of over intensification of this type of development in the Lenten Pool area of Denbigh

The town council, having considered the amended plans, would wish to reiterate its objection to the proposed conversion and alterations to these properties on the same grounds as outlined in February 2014.'

**DWR CYMRU / WELSH WATER**

No objection. Suggest installation of grease trap be required by condition.

**CARE AND SOCIAL SERVICES INSPECTORATE WALES**

'In principle CSSIW consider that the design and layout indicated in these plans, involving as it does flats providing individual accommodation, provides personal space far in excess of that expected by the relevant Standards for existing homes (13.4 sq m). As a result we would not see the size of the two bedrooms referred to above as a barrier to registration.

I note that there is some query as to whether CSSIW finds 'the scheme as submitted acceptable'. I have already indicated 'I can confirm that in principle the design and layout of the premises as individual flats (as described in our meeting) would not prevent registration as a care home.' I can confirm that this is a reference to the overall proposal to accommodate up to 7 people in individual flats (based on the plans seen on 11 November 2014) as a care home with a registered manager and care staff.'

**RESPONSE TO PUBLICITY:** None

**EXPIRY DATE OF APPLICATION:** 23/03/2014

**REASONS FOR DELAY IN DECISION:**

- additional information required from applicant

- protracted negotiations resulting in amended plans
- re-consultations necessary on amended plans

## **PLANNING ASSESSMENT:**

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

#### 1.1 Summary of proposals

- 1.1.1 The proposal is for the change of use of a commercial property (hardware store) and 2 residential properties into a single residential care home (use class C2).
- 1.1.2 The supporting documents indicate the proposals would provide accommodation in 7 apartments and for a resident member of staff.
- 1.1.3 Some relatively minor external alterations are also proposed including a new staircase to the rear, an extended area of railings and alterations to existing openings.

#### 1.2 Description of site and surroundings

- 1.2.1 The properties lie within the town of Denbigh. The site lies under 100m from the designated town centre.
- 1.2.2 The properties form part of a terrace. The remainder of the terrace is in residential use. The neighbouring property immediately to the east has a permitted use to operate as a restaurant.
- 1.2.3 Within Lintern Pool there is currently one other property which falls within the C2 use class.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary of Denbigh and the Denbigh conservation area.

#### 1.4 Relevant planning history

- 1.4.1 None.

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

- 1.5.1 The number of bedrooms has been reduced from 9 to 7.

#### 1.6 Other relevant background information

- 1.6.1 None.

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

- 2.1 None.

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

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

**Policy BSC3** – Securing infrastructure contributions from Development

**Policy BSC11** – Recreation and open space

**Policy BSC12** – Community facilities

**Policy ASA3** – Parking standards

Government Policy / Guidance

Planning Policy Wales Edition 7

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

In terms of general guidance on matters relevant to the consideration of a planning application, PPW confirms the requirement that planning applications 'should be determined in accordance

with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)

4.2 In relation to the main planning considerations:

- 4.2.1 Principle  
Policy RD 1 - Sustainable development and good standard design steers development towards sites within development boundaries.

The site lies within the development boundary as defined by the Local Development Plan. The existing properties are not protected by any specific planning policy designations.

Having regard to the above it is considered that the proposals are acceptable in principle.

The Town Council's concerns in relation to the over concentration of similar uses in the locality are duly noted. However it is evident from planning records that there is only 1 C2 use already within Lintern Pool and it is not considered that there are planning policy grounds that place a restriction on the concentration of Class C2 Residential Institutions. Therefore it is respectfully suggested that overconcentration would not be a sound reason to resist the application.

- 4.2.2 Visual amenity  
PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications. Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings. Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. Planning Policy Wales (Section 6), stresses the importance of protecting the historic environment, and in relation to Conservation Areas, to ensure they are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls. The basic objective is therefore to preserve or enhance the character and appearance of a Conservation Area, or its setting.

Having regard to the design, siting, scale, massing and materials of the proposed alterations associated with the change of use, it is considered that the proposals would have an acceptable impact on the site and surroundings and therefore comply with the requirements of the policies listed above. It is suggested there would be no unacceptable impact on visual amenity.

- 4.2.3 Residential amenity  
Policy RD 1 sets specific tests to be applied to amenity impacts of development. Proposals for development should comply with these tests. Planning Policy Wales

3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore considered to be a relevant test on planning applications.

Having regard to the scale, location and design of the proposed use in relation to the existing site and neighbouring properties, it is considered that the proposals would have an acceptable impact on residential amenity. The proposals therefore comply with the policies and guidance listed above.

4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

Having regard to the existing uses, proximity to the town centre and the availability of on street parking in relation to the proposed use it is not considered that the proposals would be unacceptable in relation to parking provision. It is therefore considered that proposals would not have an unacceptable impact on the local highway network.

**5. SUMMARY AND CONCLUSIONS:**

5.1 The proposal is considered to be in accord with planning policies and is therefore recommended for grant.

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

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.

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.



**WARD:** Llanfair Dyffryn Clwyd / Gwyddelwern

**AELOD WARD:** Y Cyng. Hugh Evans

**RHIF CAIS:** 10/2014/1168/PFT

**CYNNIG:** Codi un tyrbin gwynt gydag allbwn o hyd at 250kw, uchafswm uchder blaen llafn 48m, a datblygiad cysylltiedig yn cynnwys adeiladu trac mynediad, llawr caled, twll cloddio, cysylltiad grid ac ystafell switsys.

**LLEOLIAD:** Hafotty Wen, Corwen

Mae tudalen hwn yn fwriadol wag

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

## **REPORT TO SEEK A RESOLUTION ON THE PLANNING CONDITIONS TO BE ATTACHED TO PLANNING APPLICATION No. 10/2014/1168**

### **ERECTION OF A SINGLE WIND TURBINE OF UP TO 250KW OUTPUT, MAXIMUM BLADE TIP HEIGHT 48M, AND ASSOCIATED DEVELOPMENT COMPRISING CONSTRUCTION OF ACCESS TRACK, HARDSTANDING, BORROW PIT, GRID CONNECTION AND SWITCHROOM**

#### **HAFFOTTY WEN, CORWEN**

#### **1. PURPOSE OF REPORT**

- 1.1. To seek a resolution from Members on the planning conditions to be attached to the Certificate of Decision for planning application ref: 10/2014/1168, granted planning permission at the March 2015 meeting of the Committee.

#### **2. BACKGROUND**

- 2.1. Planning Committee on the 18<sup>th</sup> March 2015 resolved to grant conditional planning permission for the erection of a single wind turbine with a maximum tip height of 48m at the abovementioned site, in this case contrary to the Planning Officer's recommendation.
- 2.2. For information, the Officer report to the March meeting follows as an appendix to this report. The merits of the application are however not for consideration at this point, as the resolution of the Committee following the vote to grant permission was for Officers to draft a list of conditions to be included in the Certificate of Decision, and report these to Committee for consideration and ratification.
- 2.3. The discussion at the March meeting was based around the impact on landscape character and visual amenity, and in particular the impact on the setting of the AONB. Members took the view that the particular proposal was acceptable having regard to relevant considerations included the diversification benefits.
- 2.4. Officers believe the conditions as drafted in Section 3 of the report are reasonable and necessary in relation to the application, and cover standard matters relevant to wind turbine applications. These are consistent with similar wind turbine permissions previously issued by the Council.

#### **3. DRAFT CONDITIONS**

- 3.1. The suggested Conditions are:
  1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. The planning permission shall be for a period of 25 years from the date of the first generation of electricity from the turbine. Written confirmation of the date of the first generation of electricity from the development shall be provided to the Local Planning Authority no later than 1 calendar month after the event.
3. This permission relates solely to the erection of a 3 bladed wind turbine generator as described in the application plans and drawings with a maximum height to blade tip of 48m from original ground level.
4. The location of the turbine hereby permitted may vary up to a distance of 15m radius around the location shown on the site plan (General Arrangement Plan drawing no: 1568-01-002).
5. The location of the switchroom, access track, borrow pit and crane hardstanding / laydown area shall be in the positions indicated on the approved plans unless otherwise agreed in writing with the local planning authority.
6. PRE-COMMENCEMENT No development shall take place until the external finish of the turbine and switchroom hereby permitted, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
7. Details of any logos, symbols or signs to be displayed on the turbine hereby permitted shall be submitted to and approved in writing by the local planning authority before they are displayed on the turbine.
8. All electricity and control cables between the turbine and the substation control building shall be laid underground.
9. Noise from the turbine hereby permitted at the following dwellings shall not exceed the levels set out in the table below when measured in free field conditions for wind speeds of up to 10m/s at a height of 10m above ground level:

Dwelling	noise levels (dB LA90 at 10 m/s at 10m height)
Maes Truan	27.5
Ty'n y Mynydd	23.9
Bryn Ysguboriau	32.0
Bryn Tangor	30.3
Bryn Eithin	29.2
Cefn-y-Wern	23.9
Ty'n y pant	21.0

Noise from the turbine hereby permitted at any other dwelling which lawfully exists or has extant planning permission for construction at the date of this planning permission shall not exceed 35dB<sub>LA90,10min</sub> for wind speeds of up to 10m/s at a height of 10m above ground level when measured cumulatively in free field conditions with

any other wind turbine generator which lawfully exists or has extant planning permission at the date of this planning permission.

10. If complaints of noise nuisance are received by the Local Planning Authority, the developer shall be notified in writing and the developer shall employ a suitably qualified acoustic consultant to undertake a noise assessment within 1 month of notification to ensure that condition 9 is being complied with. A copy of the report shall be submitted to the Local Planning Authority within 14 days of its completion. Where the Applicant fails to undertake a noise assessment within 1 month of notification, the Local Planning Authority shall undertake an independent noise assessment and the Applicant shall be required to cover the cost incurred by the Local Planning Authority.
11. If the turbine is found to exceed the noise limits specified in condition 9 above, the turbine shall be shut down and mitigation measures that will ensure compliance with condition 9 shall be agreed in writing with the Local Planning Authority and implemented prior to the turbine re-commencing operation.
12. To aid cumulative impact and complaint investigations, the applicant shall temporarily turn the turbine off (braked to stop the rotors) to facilitate noise investigations being undertaken in nearby locations, when requested in writing by Local Planning Authority.
13. **PRE-COMMENCEMENT CONDITION**  
No development shall commence until a construction method statement, describing the works to be undertaken and pollution prevention measures to be implemented during the construction phase, has been submitted to and approved in writing by the local planning authority. The construction method statement shall include the following details:
  - i. Excavation for and construction of the turbine base.
  - ii. Construction and reinstatement of crane hardstanding / laydown area.
  - iii. Construction and reinstatement (where applicable) of the site access and access track.
  - iv. Excavation and reinstatement with respect to the laying of cables.
  - v. Method for working out and remediating borrow pit.
  - vi. Management and storage of fuel, oil, concrete and chemicals.
  - vii. The management and disposal of ground, surface and foul water.
  - viii. Soil stripping, storage and spreading.
  - ix. Construction traffic management.Development shall be carried out in accordance with the approved details.
14. The development shall be carried out strictly in accordance with the recommendations, mitigation and enhancement measures set out in the table in Section 6 of the Ecological Appraisal carried out by avian ecology dated 8 September 2014.
15. The development shall be carried out strictly in accordance with the recommendations set out in Section 7 of the Archaeological Desk-Based Assessment carried out by AOC Archaeology Group dated September 2014.

**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. For the avoidance of doubt and in order that the Local Planning Authority retains control over the longer term uses of the land.
3. For the avoidance of doubt and in the interests of visual amenity.
4. For the avoidance of doubt , to allow the Local Planning Authority to retain control over the development and in the interests of residential amenity and nature conservation.
5. For the avoidance of doubt, and in the interests of visual amenity.
6. For the avoidance of doubt, and in the interests of visual amenity
7. In the interests of visual amenity.
8. In the interests of visual amenity.
9. In the interests of the protecting the amenity of occupiers of residential property in the locality from cumulative windfarm noise.
10. To ensure adequate measures are in place to monitor and assess noise from the turbine in the event of complaints and in the interests of the amenity of occupiers of residential property in the locality
11. To allow the Local Planning Authority to retain control over the development and in the interests of the amenity of occupiers of residential property in the locality.
12. To ensure adequate measures are in place to monitor and assess noise from the turbines in the event of complaints, and in the interests the amenity of occupiers of residential property in the locality.
13. In the interests of residential amenity, pollution, prevention and control
14. In the interests of nature conservation.
15. In the interests of protecting heritage assets.

**NOTES TO APPLICANT:**

Public Rights of Way

You are advised that the Definitive Map of Public Rights of Way shows Public Footpath 16 (Brynegwyls Community) crosses part of the development area. Hence, this Public Right of Way must not be compromised and the following measures should be applied:

- No building materials to be stored on the right of way, which may cause a nuisance, or obstruction to the user.
- No diminution in width of the Footpath as a result of the development
- No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature.
- No change to the surface of the Footpath, unless approved by the Public Rights of Way Unit via a licence.

Please contact Paul Owen, the Countryside Access Officer on 01824 706872 for further information.

Highways

The following highways Advisory notes are brought to your attention:

- (i) Highway Supplementary Note Nos 1,3,4,5 & 10
- (ii) New Roads and Street works Act 1991 – Part N Notice.

MOD:

You are reminded of the need to advise the Ministry of Defence of the date construction starts and ends; the maximum height of construction equipment; and the latitude and longitude of the turbine.

MOD contact details: MOD Safeguarding, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL. Tel: 0121 3113781; Fax: 0121 3112218; Email: [DIO-Safeguarding-Wind@mod.uk](mailto:DIO-Safeguarding-Wind@mod.uk)

#### **4. RECOMMENDATION**

- 4.1. It is recommended that Members resolve to agree the conditions and notes to applicant set out in section 3 of this report for inclusion on the Certificate of Decision on application 10/2015/1168.

Mae tudalen hwn yn fwriadol wag



Heading:

REFERENCE 10/2014/1168

HAFOTTY WEN

CORWEN

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

Tel: 01824 706800 Fax: 01824 706709



Application Site

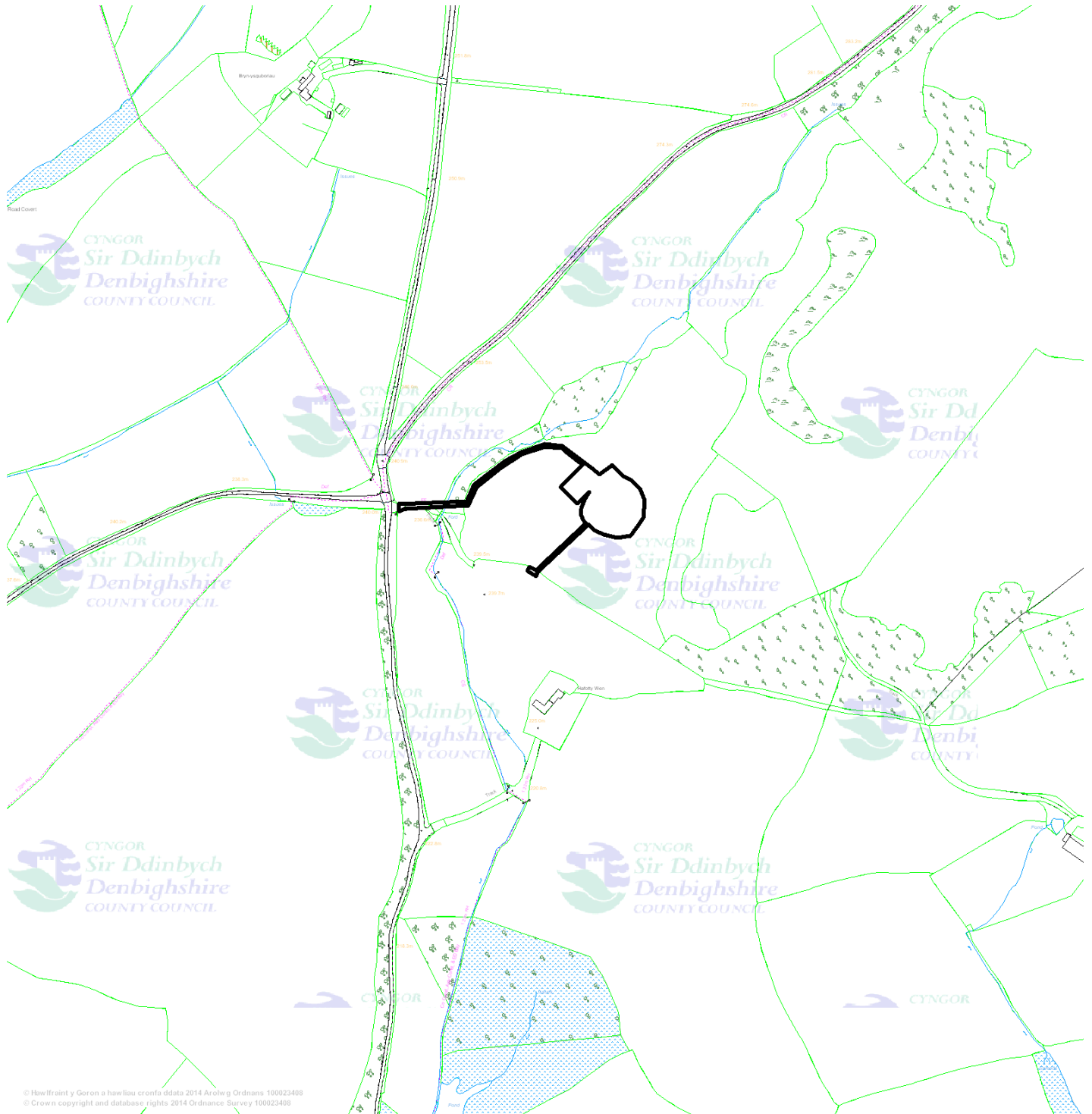


Date 2/3/2015

Scale 1/5000

Centre = 310587 E 346777 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.



© Hawffraint y Goron a hawfau cronfa ddata 2014 Arolwg Ordnans 100023408  
© Crown copyright and database rights 2014 Ordnance Survey 100023408

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. Tudalen 4/11

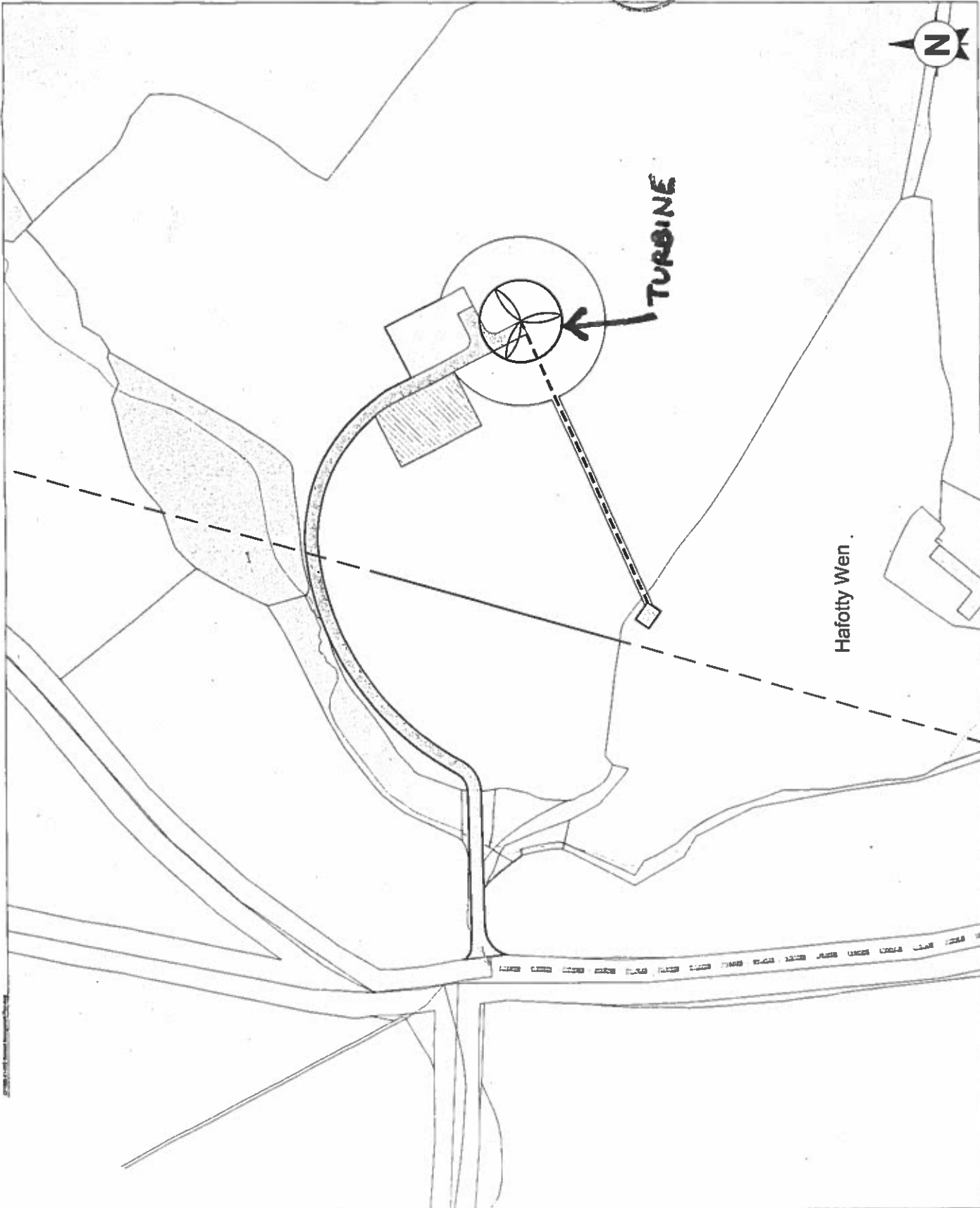
Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.



# SITE PLAN

10 2014 / 11 2014

<p>This drawing is the property of ASES &amp; S.D. Limited and may not be copied, altered or reproduced in any way without the written consent of the company or its agents.</p> <p>Please see agreed conditions - do not scale off this drawing.</p> <p>© Registration No. 11 2014</p>	<p><b>Planning Application Boundary</b></p> <p><b>Wind Turbine</b></p> <p><b>New Access Road (Type A)</b></p> <p><b>New Access Road (Type B)</b></p> <p><b>Switchroom</b></p> <p><b>Cable Route</b></p> <p><b>Crane Pad</b></p> <p><b>Overhead Line (Dotted line not surveyed)</b></p> <p><b>Construction Access Route</b></p> <p><b>Borrow Pit</b></p>	<p><b>15 OCT 2014</b></p> <p>PLANNING SERVICES</p>	<table border="1"> <tr> <td colspan="2"><b>axis</b></td> </tr> <tr> <td>Project No.</td> <td>1568-01-002</td> </tr> <tr> <td>Client</td> <td>HAFOTTY WEN WIND TURBINE</td> </tr> <tr> <td>Author</td> <td>DAVE WYLLIANCE</td> </tr> <tr> <td>Check</td> <td>DAVE WYLLIANCE</td> </tr> <tr> <td>Scale</td> <td>AS SHOWN</td> </tr> <tr> <td>Drawn</td> <td>DAVE WYLLIANCE</td> </tr> <tr> <td>Project Name</td> <td>HAFOTTY WEN WIND TURBINE</td> </tr> <tr> <td>Project No.</td> <td>1568-01-002</td> </tr> <tr> <td>Client</td> <td>DAVE WYLLIANCE</td> </tr> <tr> <td>Author</td> <td>DAVE WYLLIANCE</td> </tr> <tr> <td>Check</td> <td>DAVE WYLLIANCE</td> </tr> <tr> <td>Scale</td> <td>AS SHOWN</td> </tr> <tr> <td>Drawn</td> <td>DAVE WYLLIANCE</td> </tr> </table>	<b>axis</b>		Project No.	1568-01-002	Client	HAFOTTY WEN WIND TURBINE	Author	DAVE WYLLIANCE	Check	DAVE WYLLIANCE	Scale	AS SHOWN	Drawn	DAVE WYLLIANCE	Project Name	HAFOTTY WEN WIND TURBINE	Project No.	1568-01-002	Client	DAVE WYLLIANCE	Author	DAVE WYLLIANCE	Check	DAVE WYLLIANCE	Scale	AS SHOWN	Drawn	DAVE WYLLIANCE
<b>axis</b>																															
Project No.	1568-01-002																														
Client	HAFOTTY WEN WIND TURBINE																														
Author	DAVE WYLLIANCE																														
Check	DAVE WYLLIANCE																														
Scale	AS SHOWN																														
Drawn	DAVE WYLLIANCE																														
Project Name	HAFOTTY WEN WIND TURBINE																														
Project No.	1568-01-002																														
Client	DAVE WYLLIANCE																														
Author	DAVE WYLLIANCE																														
Check	DAVE WYLLIANCE																														
Scale	AS SHOWN																														
Drawn	DAVE WYLLIANCE																														



Hafotty Wen

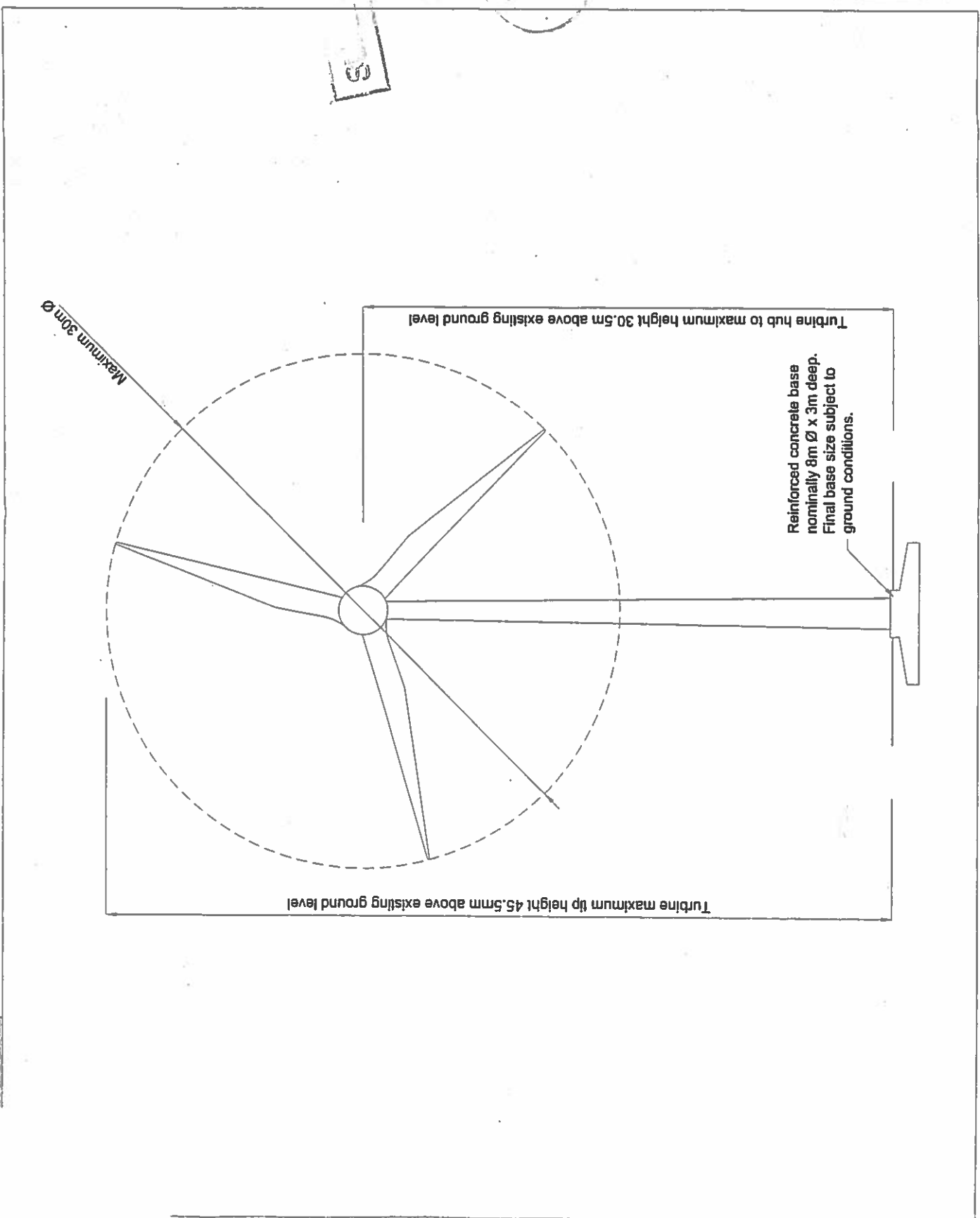
Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright & database right 2014. All rights reserved. Ordnance Survey Licence number AL 100036678.



TURBINE DETAIL

Detailed History      Data  
 This drawing is an unapproved copy of a drawing that has been approved for construction. It is not to be used for construction. It is the responsibility of the user to ensure that the drawing is approved for construction.

RECEIVED - 2 OCT 2016 DELIVERED PLANNING SERVICES	
Client: DURA WIND LOGIC Project: HAWORTH WIND WIND TURBINE Drawing No:	TURBINE ELEVATION
Date: 20 October 2016 Drawing No: 1568-01-003 Version: 1.000000	Drawing No:



Tudalen 45



**WARD :** Llanfair Dyffryn Clwyd / Gwyddelwern

**WARD MEMBER(S):** Cllr Hugh Evans

**APPLICATION NO:** 10/2014/1168/PFT

**PROPOSAL:** Erection of a single wind turbine of up to 250kw output, maximum blade tip height 48m, and associated development comprising construction of access track, hardstanding, borrow pit, grid connection and switchroom

**LOCATION:** Hafotty Wen Corwen

**APPLICANT:** Mr.Emyr Wyn Jones

**CONSTRAINTS:** None

**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:**

LLANELIDAN COMMUNITY COUNCIL *“Llanelidan Community Council has no objections to the above Planning Application.”*

**CORWEN TOWN COUNCIL**

Initial consultation comments: *“confirm that members of Corwen Town Council have no observations to make regarding the following applications... 10/2014/1168.”*

Re-consultation comments: *“Please see below observations regarding the above application from Corwen Town Council:*

- *It is unclear how this can be diversification, it is a very small holding that appears to be operated from Bala.*
- *Opposite the access road is a very important Corwen Scheduled Ancient monument BWRDD Y TRIAGLWYDD - TABLE OF THE 3 LORDS which is the point where the old Lordships converged, which has public access and its setting should be protected from all development*
- *The access road is also (part) a public right of way so should be protected.*
- *The farm holding is very small and its agricultural consumption is estimated to be 10MWs and the Turbines output is 611MWs which far exceeds the requirement for this holding. Having been on site the farm buildings are unoccupied.*
- *There are two other wind turbine being constructed on Maes Truan so there are concerns about the further cumulative effect of a further farm.*
- *There is no community benefit to this project.”*

BRYNEGLWYS COMMUNITY COUNCIL *“Following our meeting, councillors have requested that I write to you regarding the above application. We do not have any comments to make regarding the actual application.”*

GWYDDELWERN COMMUNITY COUNCIL – No comments received.

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY

JOINT ADVISORY COMMITTEE *“The JAC objects to this application. A turbine of this size just 0.8km outside the nationally protected landscape of the Clwydian Range and Dee Valley will be visible from a number of significant vantage points in the AONB and will introduce an intrusive and discordant feature into the landscape. It will have a harmful effect on the setting of the AONB and significant heritage assets and impact on views from the protected landscape and its associated sense of tranquillity, which are recognised special qualities of the Clwydian Range and Dee Valley AONB.*

*The JAC is particularly concerned about the potential impact on the setting, sense of place and views from the important heritage asset of Caer Drewyn Hillfort, which is within the AONB. Views of the surrounding area are an important component of the former defensive purpose of this Ancient Monument and are an integral part of the historic character and atmosphere of the site. A significant part of the ridgeline of the Clwydian Range is clearly visible from Caer Drewyn, including Moel Famau and a number of other hillforts dating from the same period, and the proposed turbine will impact on the intervisibility of these monuments which has been the subject of recent archaeological research. These views have been compromised to some extent by the existing overhead electricity line and the recently permitted Maes Truan turbine (45.07m to blade tip), but the JAC considers that an additional turbine of this size closer to the monument and sited on a more prominent hillside will have a significant cumulative adverse effect on its setting and context. The desktop archaeological evaluation submitted with the application acknowledges that “visual significance” can be attributed to the relationship between the monument and the proposed turbine “as views from the hilltop across the landscape were an important defensive feature, and today it has a relationship to a fairly long-ranging setting.” The evaluation concludes that the influence of views of the proposed turbine upon the setting of heritage assets such as Caer Drewyn is unknown and that a more detailed assessment may be required. The JAC is of the view that the development will have an adverse impact on the setting of the monument.*

*The development is described as a farm diversification scheme, but the JAC notes that the land ownership associated with the application site is very limited in extent and has annual energy consumption in agricultural use estimated at approximately 10MWh. The estimated annual output of the turbine is 611MWh. There is one dwelling on the site, but the turbine has the capacity to meet the needs of 145 dwellings. In this context, the JAC would suggest this is a commercial development in a sensitive area of open countryside and should be assessed as such.*

*It is noted that since submitting the application revised plans have been lodged showing the blade tip height of the proposed turbine increased to 48m, but this has not been reflected in the published description of the development.*

*In summary, the JAC believes that this development will have a harmful effect on the special qualities and features of the Clwydian Range and Dee Valley contrary to the statutory purpose of AONB's, which is to conserve and enhance their natural beauty.*

*Finally, the JAC would ask the Planning Committee to note that officers do carry out site visits for significant development proposals affecting the AONB when formulating a response, and have done so in this instance.”*

NATURAL RESOURCES WALES – NRW objects to the proposal as the proposal may adversely affect the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).

Protected Landscapes: The statutory purposes of AONBs are conservation and enhancement of natural beauty.

NRW note the proposed turbine would be seen in middle distance views from the Caer Drewyn hillfort, an important visitor destination within the AONB. The view northwards is panoramic and the viewers attention is drawn towards two notable characteristics – the windfarm landscape to the northwest in the Clocaenog Forest Strategic Search Area and three turbines at Gwyddelwern; and the Clwydian Range to the north east, which forms a dramatic skyline with



lower rural farmed hills in the middle distance crossed by pylons, which whilst evidence do not intrude on the scenic qualities of this view. NRW note a turbine at Maes Truan was granted at Committee in October in 2014 and consider the combination of two turbines at Maes Truan and Hafotty Wen would consolidate the presence and impact of wind development within views from the AONB and result in a cumulative significant adverse effect.

Protected species: NRW has no records of bats classified as being high risk from wind turbine development in this area. As turbine would be in excess of 50m from linear / habitat features, the proposal is unlikely to be detrimental to bat populations.

Protected sites: The proposal will not affect the features, ecological integrity or functionality of any statutory sites of ecological, geological and/or geomorphologic interest.

MINISTRY OF DEFENCE – No response received.

NATIONAL AIR TRAFFIC CONTROL SERVICES (NATS) - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, no safeguarding objection to the proposal.

AIRBUS – No aerodrome safeguarding objection to the proposal.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
Head of Highways and Infrastructure

- Highways Officer – No objection. Advisory Notes to be drawn to the applicants attention.
- Footpaths Officer – Public Footpath 16 (Brynegwlys Community) crosses part of the development area. Hence, this Public Right of Way must not be compromised and the measures to safeguard the public right of way should be applied.

Pollution Control Officer - The applicant has now changed the turbine type to overcome issue of cumulative noise with the Maes Truan turbine. Revised cumulative noise assessment has been submitted and this shows that the turbine should not cause a significant exceedence of the 35dBLA90, 10min cumulative noise limit for wind speeds up to 10m/s at 10m height.

The turbine should therefore be limited to the noise levels stated in Table 4 of the noise assessment submitted in the supporting documentation.

The other standard wind turbine noise conditions should also be added too.

Ecologist - No objection to the proposal providing the recommendations within this Ecological Appraisal report summarised in Section 6 of the report are implemented in full.

## **RESPONSE TO PUBLICITY:**

### **In objection**

Representations received from:

Pauline Baines - Ty Newydd, Cae Du, Corwen  
Mrs Pat Prabhu - Cefn y Bidwal, Bryneglwys  
Maggie and John Brooker, Bryn Ysguboriau, Llanellidan x 2 (consultation and re-consultation responses received)

Michael Skuse on behalf of the Campaign for the Protection of Rural Wales (CPRW) – Clwyd Branch

Summary of planning based representations in objection:

### **Principle / Need**

- Not part of an agricultural holding therefore not diversification – Hafotty Wen is a small holding and turbine of the size proposed is out of scale for the size of the holding.
- Proposal is a commercial enterprise and should be treated as such.

Landscape / visual impact (including cumulative effects & impact on AONB)

- proliferation of turbines in south Denbighshire
- extremely prominent and could set a precedent for development along the ridge
- concern that access road and related works would scar landscape
- the position of the turbine should be reconsidered
- close proximity to Maes Truan turbine – visual impact of two large turbines in such close proximity is unacceptable
- cumulative detrimental visual impact
- close to important ancient monument Caer Drewyn and would without question affect views from hillfort
- 0.8km from AONB and close to Maes Truan turbine – would add to the industrial clutter on the hillside.

#### Comments on accuracy of supporting information

- Landscape Assessment concludes impact on views would be adverse, but compares turbines to other structures such as pylons - not valid comparison as pylons are stationary structures.
- Question the accuracy of Noise Report as it uses Manufacturer's standard sound power levels for the turbine for the purposes of the noise assessment, despite the fact that the proposed turbine, and the Maes Truan turbine have both modified since the standard noise data was derived.

#### Amenity / Noise (including cumulative effects)

- Close to Maes Truan turbine – noise level from two large turbines in close proximity is unacceptable.
- Noise Report does not take address amplitude modulation.
- Noise Report does not take into account the fact that there are 3 properties at Cae Du.
- Cumulative noise at Bryn Ysguboriau would be 35.4dB, which is above the recommended 35dB, however this has been rounded down – if turbine is microsituated closer to property, this may increase the noise.
- Value peace and quiet – impact of two turbines within 500m of dwelling would take away quality of life.

#### Residential visual amenity

- affect outlook from neighbours properties and would be bulk of rotating blades would be visible from garden and from habitable windows of neighbour, and due to proximity to neighbours (455m away) would have a significant effect on residential amenity.
- Screening from vegetation is seasonal – will not screen views from neighbouring properties in winter.

#### Highways / access

- Preparations for access road seem excessive.

#### Biodiversity

- Rich biodiversity along ridge would be damaged.

#### Archaeology

- area has rich history and may be of archaeological value

#### **In support**

J Lloyd, J Lloyd and Sons Ltd Structural and Agricultural Engineers, Yr Efail, Bryn S.M, Corwen  
 N. Morris, Bryn S.M Service Station, Bryn SM, Corwen  
 A.G Jones, T.G Jones Plant Hire & Building Contractor, Lletty, Gwyddelwern,  
 M.E Jones, Lletty, Gwyddelwern.  
 G Jones, Tyddyn Angharad, Corwen  
 H Roberts & family, Tyn y Celyn, Gwyddelwern

#### Principle / Need

- Welsh family involved in enterprise and success would mean wider future within more opportunities to remain in area.
- Proposal will support local family to live and work in community
- Will help local economy / create business
- Farm diversification – help to invest in the farm business
- Good for environment

Noise / amenity

- Will not have any noise or visual impact on Tyddyn Angharad

**EXPIRY DATE OF APPLICATION: 09/12/2014**

**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 for a single wind turbine with a rated capacity of up to 250kW and with a tip height of 48m.
- 1.1.2 The turbine shown on the elevation plan has a maximum hub height of 30.5m, a maximum rotor diameter of 35m and a maximum tip height of 48m which would be erected on a reinforced concrete base with a diameter of approximately 8m and up to 3m in depth.
- 1.1.3 The model of turbine currently being considered which could be installed within the parameters of the proposal is the Endurance X35Q 180kW. This turbine model has been used for the purposes of the noise assessment.
- 1.1.4 The proposal also consists of the following elements:
  - Site access via an existing farm access point which would be widened to accommodate construction vehicles.
  - Approx. 330m of new access track measuring approximately 4.5m in width.
  - A borrow pit close to the turbine location which would be used as a source of stone to construct the access track.
  - Crane hardstanding / laydown area with an area of 500m.sq (20m x 25m). The hardstanding / laydown area would be reinstated following construction and soil removed from site would be banded onsite to be re-used during the reinstatement.
  - Switch room with a building footprint of 7.2m by 4.7m approximately, 100m from the turbine which would be connected via an underground cable. The building would house the transformer, switch gear and other associated electrical equipment.
- 1.1.5 The turbine would be erected using two mobile cranes and it is anticipated that following construction and curing of the concrete turbine foundation it would take 2 weeks to erect the turbine. Details of construction and operational traffic and routing are set out in the Planning Statement.
- 1.1.6 Following construction of the turbine, the hardstanding / laydown area would be covered over with previously stripped soils and seeded so the field can be reinstated to its former use, with the exception of the access track and turbine base which would remain.

1.2 Description of site and surroundings

- 1.2.1 The proposed wind turbine would be located on land at Hafotty Wen, approximately 2.5km north of Carrog, 4km north east of Corwen and 3.2km east of Gwyddelwern.

- 1.2.2 The land is agricultural pasture forming part of a smallholding associated with Hafotty Wen farmhouse, which is currently unoccupied.
- 1.2.3 The site is part of a wider landscape of undulating hills which separate the valleys of the River Dee to the south and the River Clwyd to the north.
- 1.2.4 There are a number of individual residential properties in the locale of the site, with the following within a 1km radius of the site: Bryn Tangor approx. 450m to the south-west; Bryn Ysguboriau approx. 485m to the north-west; Maes Truan approx. 725 m to the north-east; Ty'n y Mynydd approx. 905m to the north-east; Bryn Eithin, Ty Newydd and Cae-Du approx. 635m to the south; and Highgate approx. 935m to the west.
- 1.2.5 There is one financially involved property – Hafotty Wen farmhouse approx. 175m to the south-west, which is currently unoccupied and Officers understand it has not been occupied for a number of years, however there is extant planning permission for a replacement dwelling.
- 1.2.6 The site is approx. 650m from the site of a 225kW wind turbine at Maes Truan, which is pending planning consent subject to the entering of a Section 106 Agreement.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is outside of defined development boundaries and is in the open countryside.
- 1.3.2 The Clwydian Range and Dee Valley AONB is to the east and south of the site and at its closest point, the site is approx. 0.8km from the AONB boundary.
- 1.3.3 A Public Right of Way runs to the south of the site and is approx. 18m from the proposed access track at its closest point. The access track would need to be traversed to access the Public Right of Way.
- 1.3.4 The site is 650m to the south-west of a 225kW wind turbine at Maes Truan farm, which Planning Committee resolved to grant in October 2014, subject to a Section 106 Agreement.
- 1.3.5 There is 1 scheduled ancient monument within 1km of the site and 13 within 5km site, including the Caer Drewyn hillfort.
- 1.3.6 There are 2 Grade II listed buildings within 1km of the site – Bryn Tangor residential property 450m to the south-east and a medieval boundary stone 550m to the west.

### 1.4 Relevant planning history

- 1.4.1 A replacement farmhouse at Hafotty Wen was granted permission in 2014.
- 1.4.2 Planning Committee resolved to grant a 225kW turbine at Maes Truan farm, 650m to the north-west of the application site at Planning Committee in October 2014, subject to a Section 106 Agreement. The Section 106 Agreement has now been signed and the Decision notice will be issued shortly, and therefore it is likely that this turbine will be consented at the time of the Planning Committee meeting.

### 1.5 Developments/changes since the original submission

- 1.5.1 The proposed turbine type was amended in response to issues of cumulative noise being raised. This resulted in the turbine dimensions being altered and the overall tip height being increased from 45.5m to 48m.
- 1.5.2 As a result, an amended elevation plan, application form and noise report have been submitted together with a 'Further Information' Statement which explains the changes to the proposal and in part supersedes sections of the Planning Statement.
- 1.5.3 The Further Information Statement also seeks to establish the farm diversification merits of the application.

### 1.6 Other relevant background information

- 1.6.1 Officers consider the Appeal Decision on a proposed wind turbine at Lletty is material, given the location of the site and concerns raised regarding the impact of the proposed turbine on the AONB and in particular on the Caer Drewyn hillfort.

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

- 2.1 10/2014/0613. Demolition of existing dwelling, outhouses and outbuildings, erection of replacement detached dwelling, detached garage / workshop building, installation of a new replacement septic tank and associated works. Granted 02/10/2014 (Delegated).

2.2 19/2014/0702. Installation of a wind turbine 30.5m hub height and 54.07m to blade tip, control box and associated works. Resolution to Grant at Planning Committee October 2014 subject to a Section 106 Agreement (S.106 agreement has been signed and Decision Notice to be issued before March 2015 Planning Committee).

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

The main planning policies and guidance are considered to be:

#### 3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy PSE5** – Rural economy

**Policy VOE1** - Key areas of importance

**Policy VOE2** – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

**Policy VOE5** – Conservation of natural resources

**Policy VOE9** – On-shore wind energy

**Policy VOE 10** – Renewable energy technologies

#### 3.2 Supplementary Planning Guidance

#### 3.3 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

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)

#### 3.4 Other material considerations:

Denbighshire Landscape Strategy (2003) / LANDMAP

Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development, Final Report May 2013

ESTU R 97 and 'A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise' (IOAGPG)

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

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

#### 4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Context for the development

4.1.3 Landscape and visual impact (including impact on AONB)

4.1.4 Residential visual amenity

4.1.5 Noise

4.1.6 Shadow flicker

4.1.7 Ecology

- 4.1.8 Highways
- 4.1.9 Aviation and Radar
- 4.1.10 Other matters

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

##### 4.2.1 Principle

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. The principle of wind energy development is therefore set out in national planning policy. This application falls within the 'sub local authority' scale of development in PPW.

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.

##### Denbighshire Local Development Plan Policies

LDP Policy VOE 9 supports the principle of on shore wind turbine development subject to an assessment of environmental and sustainability impacts. The turbine would fall within the sub-local authority scale of development, which VOE 9 indicates will only be permitted within the Clocaenog Forest Strategic Search Area where they do not prejudice the development of strategic/large schemes; and, outside the Area of Outstanding Natural Beauty, Conservation Areas, World Heritage Site and Buffer Zone, and other sites designated for ecological, historic, landscape, or other value, and where they do not adversely affect the setting of these areas.

Policy VOE 10 offers general support for proposals which promote the provision of renewable energy technologies, providing they are located so as to minimise visual, noise, and amenity impacts and demonstrate no unacceptable impact on the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity.

Policy VOE 9 and 10 provide support in principle for renewable energy development subject to the detailed assessment of localised impacts, which is set out in the remainder of this report.

##### 4.2.2 Context for the development

TAN 6 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.

LDP policy PSE 5 supports employment proposals for both conversion and new build outside settlement limits providing a number of tests are met.

A Further Information Statement was submitted with the application which states the proposal is a farm diversification scheme.

The AONB JAC and public objectors have questioned the validity of the farm diversification merits of the scheme and also the relationship the turbine would have with an operational farm complex; however letters in support of the application have made reference to the wider benefits of on-farm turbines to help sustain farming businesses and in-directly support the rural economy.

TAN 6 does not quantify what is meant by a 'small on-farm renewable energy operation', however the Council has previously given weight to the farm diversification merits of turbines with a tip height of less than 50m which are proposed on farms. However, Officers consider this proposal differs from previous schemes where farm diversification merits have been given significant weight as there is no existing farming enterprise operating from Hafotty Wen. Hafotty Wen is a smallholding which forms part of the applicant's agricultural landholdings and at present the land is used for rough grazing by the applicant and neighbouring farmers; the farmhouse is not currently occupied and no other farming activities operate from the site.

The Further Information Statement states that planning permission has been obtained for a replacement dwelling at Hafotty Wen and the intention is for the applicant's son to reside at Hafotty Wen once the replacement dwelling has been built, who will then actively farm the land on behalf of the applicant. The Statement therefore states the turbine would assist Hafotty Wen becoming a viable and sustainable agricultural enterprise and it should be considered to be a viable form of farm diversification.

Officers note however, the replacement dwelling planning application at Hafotty Wen was not proposed as an agricultural workers dwelling and no reference was made to the need for the replacement dwelling in connection with an agricultural enterprise in the application documents. Therefore, once completed, there is no requirement for the replacement dwelling or the land to be used for agricultural purposes and this would essentially be an open market dwelling.

Officers therefore consider little weight should be given to the possibility that the smallholding would be actively farmed in the future once the replacement dwelling is completed, and only the current farming activities should be taken into account. As the land is a smallholding that is used for grazing only, and the turbine would not be physically connected to any farm complex, Officers consider very little weight should be apportioned to the farm diversification merits of the scheme, and instead consider the turbine should be assessed on its own merits having regard to other the other material considerations set out in this report.

#### 4.2.3 Landscape and visual impact (including impact on AONB and on scheduled ancient monuments)

LDP policies relevant to the visual and landscape impact associated with wind energy development are policy VOE 9 and VOE 10. This policies require due consideration of impacts, including cumulative impact on the surrounding area and community, which includes landscape and visual impact. With regards to sub-local authority scale developments, VOE 9 specifically requires consideration of the potential impact on the setting of an AONB and other designated sites. Policy VOE 1 requires development proposals to maintain and, wherever possible, enhance these areas for their characteristics, local distinctiveness, and value to local communities in Denbighshire: Local areas designated or identified because of their natural landscape or biodiversity value.

The Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development (Sensitivity and Capacity Study) is a material consideration. Officers also consider the Lletty Appeal Decision is a material consideration given the proximity to the AONB and the impact on views from the Caer Drewyn hillfort.

The turbine site is close to the Clwydian Range and Dee Valley AONB which extends to the east and south of the site and at its closest point is 800m from the boundary.

Natural Resources Wales and the AONB Joint Advisory Committee have both raised an objection to the proposal on the basis of it giving rise to an adverse, cumulative impact on the Clwydian Range and Dee Valley AONB, and in particular on views from the Caer Drewyn

hillfort, which is a publically accessible Scheduled Ancient Monument and within the AONB. Public objections have also raise concerns on landscape and visual impact grounds.

A Landscape and Visual Impact Assessment has been submitted in support of the application which has been informed by LANDMAP and the visual impact of the turbine in the study area of 15km radius from the turbine has been assessed.

The LVIA includes a cumulative impact assessment and an assessment of visual residential amenity (the latter is detail with separately in the section below). 5km and 15km Zone of Theoretical Visibility Plans have also informed the application together with wireframes, cumulative wireframes and photomontages from 5 no. viewpoints including the Caer Drewyn hillfort.

In light of the consultation responses, Officers consider the key issues relate to the impact on effects of the development on views from the AONB, and the cumulative effects.

With regards to the impact on the AONB designation, the LVIA considers the effects on receptors within the AONB would not be significant as it would be seen within the context of typically long-rang and panoramic views where other wind turbine and pylons are already visible. The LVIA considers the small-scale change in view would that would derive from the introduction of the proposed turbine would not materially affect the statutory purposes or special qualities of the AONB.

The cumulative assessment in the LVIA has assessed the impact of the proposal in combination with existing and consented schemes. It concludes that the proposed turbine would be seen to be physically separate from the turbines within the Clocaenog Forest SSA and smaller on-farm turbines which are present in the Gwyddelwern area along the A494 corridor. It does consider there would be a localised cumulative impact on landscape character when the proposed turbine is considered with the Maes Truan turbine. Whilst the LVIA argues that landform would reduce the visibility of both turbines together, it does acknowledge that whilst the underlying character of the landscape would remain, the influence of wind turbines upon this would increase incrementally and therefore cumulative effects on character would occur, but would not be significant.

In conclusion, the LVIA considers the proposed turbine would have a limited and localised effect upon landscape character and upon views, but that would not be significant. It also considers views of the turbine would be seen in the context of expansive panoramas where overhead pylons and other larger turbines are already visible.

The site is within the Hills south of Llanelidan LANDMAP Visual and Sensory Aspect Area and within the Sensitivity and Capacity Study, the proposed turbine is within Landscape Unit D5 (Edeirnion Hills), which is in Landscape Strategy Area 3. The Edeirnion Hills Landscape Unit is characterised as being a medium scale landscape comprising a complex pattern of rounded and interlocking hills and valleys and has an overall medium-high sensitivity to wind energy developments due to the number of sensitive visual receptors, some prominent skylines and inter-visibility with adjoining high value landscapes included the Clwydian Range and Dee Valley AONB. The presence of existing wind turbines within both this area and adjacent landscape units slightly reduces the sensitivity of the local landscape to further wind energy development. The objective of the Landscape Strategy Area 3 is 'landscape protection' in areas that lie or contribute to the outlook and setting of the AONB, defined in the Sensitivity and Capacity Study as "*no wind energy development or very infrequent smaller scale development*". Elsewhere the object is for '*landscape accommodation*', which is defined as "*a landscape with occasional wind energy development*". Given the proximity of the turbine from the AONB boundary and the extent of land within the AONB which falls within the theoretical zone visibility, Officers would consider the site would lie within the landscape protection category and therefore the emphasis should be on no wind development or very infrequent smaller scale development.



The statutory purposes of Areas of Outstanding Natural Beauty are conservation and enhancement of natural beauty, and therefore Officers consider special regard should be had on the impact of the proposal on the statutory designation.

NRW note that the proposed turbine would be seen in the middle distance of views from Caer Drewyn hillfort, a scheduled ancient monument and an important visitor destination within the Clwydian Range and Dee Valley AONB. The view northwards is panoramic and the viewer's attention is drawn towards two notable characteristics of the view - the wind farm landscape to the north west associated with the Clocaenog Strategic Search Area and three turbines at Gwyddelwern; and the Clwydian Range to the north east, which form a dramatic skyline lined with lower rural farmed hills in the middle distance crossed by pylons. NRW disagree with the LVIA submitted with the application and do not consider the turbine would be seen in the context of pylons, as whilst they are evident in the landscape, pylons do not intrude on the scenic qualities of this view, whereas NRW believe, the turbines would have an adverse effect.

NRW acknowledge the presence of a turbine at Maes Truan farm in close proximity to the site, and consider the combination of the two wind turbines (consented Maes Truan and proposed Hafotty Wen turbine) would consolidate the presence and impact of wind development within views from the AONB and result in a cumulative significant adverse effect.

The AONB JAC has also objected to the proposal and again their comments focuses on the impact of the proposal on important outwards views from a number of significant vantage points within the AONB, which would introduce a discordant feature in the landscape.

The AONB consider the proposal would have a a harmful effect on the setting of the AONB and significant heritage assets and impact on views from the protected landscape and its associated sense of tranquility, which are recognised special qualities of the Clwydian Range and Dee Valley AONB. The JAC have also raised particular concern regarding the potential impact on the setting, sense of place and views from the important heritage asset of Caer Drewyn Hillfort. Views of the surrounding area are an important component of the former defensive purpose of this Scheduled Ancient Monument and are an integral part of the historic character and atmosphere of the site. A significant part of the ridgeline of the Clwydian Range is clearly visible from Caer Drewyn, including Moel Famau and a number of other hillforts dating from the same period, and the proposed turbine will impact on the intervisibility of these monuments which has been the subject of recent archaeological research. The JAC acknowledge that these views have been compromised to some extent by the existing overhead electricity line and the recently consented Maes Truan turbine (45m to blade tip), but the JAC considers that an additional turbine of this size closer to the monument and sited on a more prominent hillside would have a significant cumulative adverse effect on its setting and context.

Given that objections from statutory consultees focus on the impact on the setting of the AONB and on views from the Caer Drewyn hillfort, Officers consider the Lletty Appeal Decision is material. Whilst the Lletty turbine was a larger scale and the Appeal decision was issued before the Maes Truan turbine had been consented, Officers consider the Inspectors comments are still relevant. Specifically:

*8. The appeal site is close to the Clwydian Range and Dee Valley AONB, and the proposal falls to be considered against national and development plan policies that aim to protect the character and appearance of the AONB and its setting. The proposed wind turbine would affect the setting of the AONB, both in terms of views towards it and views from it. The Appellant has carried out a landscape and visual impact assessment of the proposed scheme, including recent work on views from several vantage points within the AONB. The general conclusions of that assessment are that visual impacts from most of the AONB would be slight or negligible. However, the impact is assessed as a "medium" change from the south-western parts of the AONB, including from the important Caer Drewyn Hillfort, and as having a "moderate" cumulative visual effect.*

9. *The Appellant argues that there would be no unacceptable adverse cumulative impacts and that AONB visitor enjoyment would not be adversely affected. I disagree with this broad dismissal. The proposed new wind turbine would be seen in the middle distance from an important part of the AONB, which is particularly sensitive to change; it would appear out of place in its scale and form compared with the group of wind turbines at Tyn y Celyn; and it would intensify the wind turbine landscape in this part of the County. Even though the Appellant's assessment is of a moderate cumulative visual impact, I consider the visual impact on the setting of this part of the AONB to be more substantial and unacceptably harmful, contrary to the aims of the relevant development plan and national policies.*

Therefore whilst the consent for a turbine at Maes Truan has introduced wind turbine features into an area of the county which was previously unaffected by wind turbine development, and to some extent the integrity of the view from the Caer Drewyn hillfort has already been compromised, Officers consider it necessary to ensure every effort is taken to protect the setting of, and views from within the AONB, from adverse cumulative effects that may arise as a result of additional wind turbine development.

The proposed turbine is also in an area of the county which is visually separate from the established windfarm landscape in the Clocaenog Forest to the west, and from the clusters of smaller scale wind turbines in the Gwyddelwern area.

The proposed turbine would be physically closer to the AONB boundary than the consented Maes Truan turbine and, as wireframe images for viewpoint 2 submitted with the LVIA show, the proposed turbine would be clearly visible from the Caer Drewyn viewpoint and the full blade length would cross the skyline which Officers consider would be visually distracting. Officers would also agree with the views of NRW and consider that whilst pylons are visible in the landscape, as they are static and commonplace structures they would not be discordant features in the landscape, whereas turbines are moving structures and would be viewed in a different context, In this case the blades would breach the skyline, which would draw the eye of the viewer towards it, and when viewed in combination with the Maes Truan turbine, the addition of the proposed turbine would consolidate the impact and presence of turbines in this location.

Officers also refer to the Sensitivity and Capacity Study objective for Landscape Strategy Area 3 which is 'landscape protection' in areas that lie or contribute to the outlook and setting of the AONB, which is defined as "no wind energy development or very infrequent smaller scale development". Whilst a single turbine at Maes Truan could be considered to be 'very infrequent smaller scale development' Officers would be of the opinion that the presence of two turbines in such close proximity could not.

Officers therefore consider the proposed turbine in such close proximity to a consented turbine at Maes Truan farm would serve to consolidate the presence of wind turbine development in this area of the county, which would have a harmful effect on the setting of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and would result in a cumulative adverse effect on outward views from the Caer Drewyn hillfort, a scheduled ancient monument and important visitor destination within the AONB. The proposal is therefore considered contrary to Local Development Plan policy VOE 1, VOE 9 and the advice and guidance contained in the Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development.

#### 4.2.4 Residential visual amenity

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

Neighbours have raised objections regarding the visual impact of the turbine and the impact this would have on their residential amenity.

Residential visual amenity means visual amenity from residential properties including their gardens. Whilst there is no published guidance on how impacts on residential amenity should be assessed, with respect to wind turbine development, there is a number of planning appeals that have examined the issue of residential visual amenity, which most notably includes the Sixpenny Wood, Enifer Downs and Burnthouse Farm Appeals. Having regard to these Appeal Decisions, Officers would consider the relevant residential amenity test to be whether or not the proposed turbine would have an unacceptable overbearing and / or oppressive impact on a residential property.

The LVIA includes a section on residential visual amenity. Only properties within ten times the rotor diameter of the site have been included in the residential visual amenity assessment–Hafotty Wen, and it concludes that landform and vegetation would screen views from this property and therefore considers the visibility of the turbine would not materially affect living conditions.

Objections from neighbours have also raised concerns regarding residential visual amenity, however no other properties were included in the assessment. The nearest properties other than Hafotty Wen farmhouse are over 450m from the site, and whilst the turbine may be visible from garden areas and from habitable windows in neighbouring properties, given the size of the turbine, the landform and the separation distances, Officers would consider the extent of the effect on these properties could not be considered to meet the threshold of being unacceptably overbearing and / or have an oppressive impact that would make neighbouring properties unattractive places to live.

In conclusion, Officers would consider that whilst the turbine may be visible from neighbouring properties and therefore would alter the outlook from these properties and may effect amenity in terms of having a detrimental impact on the quiet enjoyment of a private dwelling, the impact is not considered to be of an extent that could warrant a refusal of planning permission based on adverse impact to residential visual amenity.

#### 4.2.5 Noise

LDP Policy VOE 9 requires due consideration of impacts of wind energy development on the surrounding area and community. VOE 10 states development proposals should demonstrate no unacceptable impact on public health and residential amenity. 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 the industry standard for the Assessment and Rating of Noise from Wind Farms, and is cited in TAN 8 as the relevant guidance on good practice. In May 2013, the Institute of Acoustics published 'A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise' (IOAGPG) which Officers consider is also material.

For single turbines ETSU-R-97 proposes that a simplified noise condition may be suitable and recommends that noise is limited to  $35\text{dB}_{\text{LA90, 10min}}$  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. For properties where the occupant has a financial interest in the development, ETSU-R-97 allows a higher level of 45dB limit.

However, where a proposed turbine is adjacent to existing wind turbine development, the application of the simplified noise condition alone would be inappropriate, as cumulative noise effects need to be taken into account.

A revised noise assessment has been provided with the application following amended turbine details being submitted. The cumulative effects of the proposed turbine in combination with the consented turbine at Maes Truan have been assessed.

Officers have compared the noise levels used for the Maes Truan turbine in the noise assessment with the current application, with the noise assessment submitted for the Maes Truan turbine to ensure the noise levels used are appropriate. There is some slight variation between the levels and so Officers have checked the cumulative levels using the noise data from both assessments.

The table below contains the predicted noise levels from each of the turbines (*figures in italics are the values from the Maes Truan noise assessment report and the cumulative noise level in italics has been determined by Public Protection Officers*):

Location	Predicated noise levels (dB LA90 at 10 m/s at 10m height)		
	Hafotty Wen (Endurance X35Q)	Maes Truan (Endurance X29)	Cumulative Noise Level
Hafotty Wen (FI property)	41.1	27.9 <i>(29.2 in MT assessment)</i>	41.3 <i>(41.4 using MT level)</i>
Maes Truan (Maes Truan FI property)	27.5	47.2 <i>(not in MT assessment, but conditioned to not exceed 45)</i>	47.2
Ty'n y Mynydd (Maes Truan FI property)	23.9	41.0 <i>(not in MT assessment, but conditioned to not exceed 45)</i>	41.1
Bryn Ysguboriau	32.0	32.8 <i>(31.9 in MT assessment)</i>	35.4 <i>(35.0 using MT level)</i>
Bryn Tangor	30.3	27.4 <i>(28.9 in MT assessment)</i>	32.1 <i>(32.7 using MT level)</i>
Bryn Eithin	29.2	23.4 <i>(24.7 in MT assessment)</i>	30.2 <i>(30.5 using MT level)</i>
Cefn-y-Wern	23.9	33.6 <i>(32.9 in MT assessment)</i>	34.0 <i>(33.4 using MT level)</i>
Ty'n y pant	21.0	33.5 <i>(32.7 in MT assessment)</i>	33.7 <i>(33.0 using MR level)</i>

Hafotty Wen is a financially involved property and ETSU guidance advises a higher level of 45dB can be applied in this instance.

At properties which do not have a financial interest in the turbine the cumulative noise should not exceed 35dB. The consent for the Maes Truan turbine has a planning condition attached which requires the noise from the turbine to not exceed 35dB cumulatively at any unrelated dwelling that legally existed at the date of the planning consent. In respect to the current proposal, the noise from the proposed turbine in combination with the consented turbine should not exceed 35dB cumulatively at any unrelated property.

The noise from the Maes Truan turbine at the two financially involved properties (Maes Truan and Ty'n y Mynydd) is conditioned to not exceed 45dB. At properties which have a financial interest in the consented Maes Truan turbine, but not the proposed turbine, the Council would need to be satisfied that the noise from the proposed turbine would not result in any perceivable increase in cumulative noise.

Whilst the noise assessment presented with the current application indicates that the noise level from the Maes Truan turbine would exceed the 45dB limit at the Maes Truan farmhouse, the noise from the proposed turbine would not result in any cumulative increase – i.e. the noise from the consented Maes Truan turbine would mask any noise from the proposed turbine at this property. With regards to the Ty'n y Mynydd property, the cumulative noise would be only 0.1dB above the noise levels from the consented Maes Truan turbine, and whilst this would be a slight exceedance, Public Protection Officers have advised that a 0.1dB increase would not be perceivable and therefore the very minor exceedance would be acceptable.

With regards to the five properties included in the assessment which have no financial involvement with either turbine – Bryn Ysguboriau, Bryn Tangor, Bryn Eithin, Cefn-y-Wern and Ty'n y pant – the cumulative noise from both the consented turbine and the proposed turbine should not exceed 35dB cumulatively. For the avoidance of doubt, Officers have used the data from the noise assessment submitted with the current application and the noise data from the Maes Truan turbine noise assessment. In either scenario, the only property which would be at, or slightly above the 35dB cumulative limit is Bryn Ysguboriau.

Public Protection Officers have acknowledged the exceedance of 35dB cumulative level, but have advised that it is common practice to round down decimal points to the nearest whole number, and therefore the predicated cumulative noise level of 35.4dB could be rounded down and Public Protection Officers are satisfied that the proposed turbine should not cause a significant exceedance of the 35dBLA90, 10min cumulative noise limit for wind speeds up to 10m/s at 10m height.

Public Protection Officers have therefore requested that the exact noise limits contained in the noise assessment should be conditioned to ensure that the stated cumulative levels are not exceeded.

Public objections have raised concerns regarding the noise from the turbine, including the occupiers of Bryn Ysguboriau, who are particularly concerned with the approach to rounding decimal points down to the nearest whole number. Concerns have also focussed on the use of generic sound power levels for the turbine provided by the manufacturer which objectors feel may not represent the actual noise output of the current model of turbine as the design and specification of the turbine has been modified since the sound power levels were derived.

Officers acknowledge at each of the five unrelated properties the cumulative noise from the consented and proposed turbine is likely to be audible and may impact on residential amenity, and in particular at Bryn Ysguboriau, which would be the most affected unrelated property in terms of noise. However, Public Protection Officers have advised that, based on the information provided in the noise assessment, the proposal has demonstrated that it can comply with the ETSU simplified noise condition guidance as no significant exceedance of the 35dB cumulative limit would occur. On that basis, Officers would therefore conclude that, whilst the proposed turbine would have a noise effect that may impact on residential amenity, the levels at Bryn Tangor, Bryn Eithin, Cefn-y-Wern and Ty'n y pant would not exceed the 35dB level and the exceedance at Bryn Ysguboriau is not of a level that could warrant a refusal of planning permission as Public Protection Officers have advised that 35.4dB would in practice be rounded down to 35dB, and it would therefore not be at an unacceptable level.

It is considered therefore that the proposal would not result in an unacceptable impact on residential amenity in terms of noise which could warrant a refusal of planning permission.

#### 4.2.6 Shadow flicker

LDP Policy VOE 9 requires due consideration of impacts of wind energy development on the surrounding area and community. VOE 10 states development proposals should demonstrate no unacceptable impact on public health and residential amenity.

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 proposed rotor diameter is 35m, therefore the potential impacts should only be experienced up to 350m from the turbine location, and only then within 130 degrees either side of north. Only the financially involved property is within 350m of the proposed turbine location, and therefore it is reasonable to conclude that shadow flicker should not occur at any unrelated property.

However, as shadow flicker analysis is not an exact science, should planning permission be granted, as a precautionary measure Officers would advise a planning condition should be imposed requiring mitigation measures to be applied should the incidence of shadow flicker be experienced by any nearby unrelated properties. Subject to the inclusion of a planning condition to this effect, it is reasonable to conclude that the proposal would comply with policy VOE 9 and VOE10 with respect to shadow flicker.

#### 4.2.7 Ecology

The general requirements to consider the impact of development on biodiversity interests are set out in PPW Chapter 5, TAN5, and LDP policy VOE 5. VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2). Specific to wind turbine development is policy VOE 9 which requires specific assessment / explanation of impact on biodiversity and mitigation proposals.

An Ecological Appraisal has been submitted with the planning application which concludes that the proposal would not have an unacceptable impact on any ecological assets subject to a suite of mitigation and enhancement measures being carried out.

The Council's Biodiversity Officer has not raised an objection subject to a condition being applied requiring the recommendations, mitigation and enhancement measures being carried out. NRW has also not raised an objection to the proposal with regards to impact on Protected Species.

In light of the comments from statutory consultees, subject to a planning condition being applied to ensure the recommendations, mitigation and enhancement measures set out in Chapter 6 of the Ecological Appraisal are complied with, Officers conclude the scheme would not have an unacceptable impact on nature conservation, and is not in conflict with VOE 5 and VOE 9.

#### 4.2.8 Highways (including access and parking)

LDP Policies VOE 9 require due consideration of impacts of wind energy development on the surrounding area and community, including transport impacts.

The Planning Statement contains details of the construction and operational traffic required in connection with the construction and operation of the turbine and also details of the proposed traffic routing along the public highway to the site. No changes or improvements to the local highway are proposed for construction / decommissioning or during operation and the Statement states that it is not anticipated that an abnormal indivisible load (AIL) would be required.

The site would be accessed via an existing gated field access point, which would be widened to accommodate construction traffic and approx. 330m of new access track is required which would be 4.5m in width and would be semi-permeable compacted stone over a geo-textile membrane with crushed stone finished surface slightly above ground level.

The Council's Highways Officer has not objected to the application and has not requested any additional information to be provided either pre-application or by way of a pre-commencement condition. Officers would therefore conclude that the proposal would not have an adverse impact on the local highway or have any other adverse transport impacts.

#### 4.2.9 Aviation

The impact on aviation and radar equipment is material to the determination of wind turbine applications.

No objections from an aviation authority have been received. Specifically, NATS and Airbus has not objected to the scheme, and the MOD, at the time of drafting the report, have not responded to consultation however the applicant had provided a copy of their correspondence with the MOD as part of the application which confirms the MOD has no concerns with the proposal.

In light of the consultation responses from aviation authorities and the information provided by the applicant, it is therefore reasonable to conclude that proposed turbine would not have any adverse effects on aviation and radar interests in the area.

#### 4.2.10 Archaeology / Historic assets

Planning Policy Wales (Section 6.5) sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to recording and investigating potential remains in conjunction with new development. Welsh Office Circular 60/96 provided earlier advice on the importance of archaeological matters in the planning process, stressing the need for due assessment of the nature and importance of any features and their setting. Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them.

An Archaeological Desk-Based Assessment has been submitted with the application. Within 1km of the site 1 scheduled ancient monument (Bwrdd y Traglwydd) and 13 within 5km of the site including the Caer Drewyn hillfort. There are two Grade II listed buildings within 1km of the site.

Whilst there would be no direct effect on any historic assets, the proposal may affect the setting of historic assets, and in particular on scheduled ancient monuments (SAMs).

Both the AONB JAC and Corwen Town Council have raised concerns regarding the impact of the proposal on archaeological assets, specifically the Caer Drewyn hillfort scheduled ancient monument and the Bwrdd y Triaglwydd scheduled ancient monuments (SAMs).

The desktop archaeological assessment that "visual significance" can be attributed to the relationship between the Caer Drewyn hillfort SAM and the proposed turbine "as views from the hilltop across the landscape were an important defensive feature, and today it has a relationship to a fairly long-ranging setting." The evaluation concludes that the influence of views of the proposed turbine upon the setting of heritage assets such as Caer Drewyn is unknown and that a more detailed assessment may be required. The AONB JAC is of the view that the development will have an adverse impact on the setting of the monument.

Corwen Town Council note that *opposite the access road is a very important Corwen Scheduled Ancient monument 'Bwrdd Y Triaglwydd - Table Of The 3 Lords'* which is the point where the old Lordships converged, which has public access and its setting should be protected from all development.

The applicant has responded to the concerns of the Town Council; they have stated that the proposed development would not have any direct impact on the Bwrdd y Triaglwydd monument, given its location within a field to the west of the road. Considering the setting of the applicant considers the existing tree and hedgerow boundary treatments and the presence of roads and farm properties limits the magnitude of impact to the monument.

With regards to from the Caer Drewyn Hillfort, there would not be any direct impact, however as stated in the Landscape and Visual impact section above, Officers consider the proposal would have an adverse impact on views from the monument. As the views from the hillfort across the landscape were an important defensive feature, Officers would therefore conclude that the proposal has the potential to also adversely affect the setting of the monument.

## **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 The proposed turbine has been put forward as a farm diversification scheme. Whilst the Council has previously given weight to the farm diversification merits of wind turbine applications which have been put forward as on-farm schemes, Officers consider this scheme differs from previous proposals. The agricultural unit is a smallholding that is currently used for rough grazing. The farm buildings are redundant and Officers understand the farmhouse has been unoccupied for some time; however there is an extant planning permission for a replacement dwelling at Hafotty Wen. The replacement dwelling however was not put forward as an agricultural workers dwelling or in connection with any farming enterprise and the majority of the redundant agricultural buildings would be demolished. The supporting information states the intention is for the applicant's son to live at Hafotty Wen once the replacement dwelling has been constructed and actively farm the land, however potential future uses of land cannot be given significant weight, and there is no requirement for the replacement dwelling to be occupied by an agricultural worker and it would in effect be a market house. Officers recognise that there is no definition of 'small scale renewable energy operations' referred to in TAN6, however as there is not an existing operational farm complex at Hafotty Wen and the land is used for grazing purposes only, Officers consider very little weight should be attributed to the farm diversification merits, but acknowledge the benefits need to be considered against other material considerations.
- 5.3 The Landscape and visual impact, including the cumulative effects of the proposed turbine in combination with the consented 225kW turbine at Maes Truan farm and impact on residential amenity, specifically noise, are considered to be the most significant material considerations.
- 5.4 The noise report submitted with the application has demonstrated that the turbine could comply with the 35dB cumulative noise limit at four unrelated neighbouring properties, and would only result in a slight exceedance of the 35dB at Bryn Ysguboriau, which Public Protection Officers have not raised an objection to. Whilst the cumulative noise from the consented and proposed turbine would be audible from neighbouring properties and may have an impact on amenity, subject to the application of specific planning conditions to control the noise levels at neighbouring properties, the proposal should not give rise to any unacceptable impact on residential amenity in terms of noise which would be of a level which would be detrimental to quality of life.
- 5.5 Officers retain concerns over the sporadic spread of 'one-off' medium / sub-local authority scale turbines, which will have strategic implications upon the ability to conserve the integrity of wider Denbighshire landscapes in the longer term and in particular the impact of wind energy development on protected landscapes such as the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.
- 5.6 In concluding on the issue of landscape and visual effects, Officers consider the installation of a single wind turbine with a tip height of 48m in this location in close proximity to a consented turbine at Maes Truan farm would serve to consolidate the presence of wind turbine development in this area of the county, which would have a harmful effect on the setting of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and would result in a cumulative adverse effect on outward views from the Caer Drewyn hillfort, a scheduled ancient monument and important visitor destination within the AONB.



5.7 The benefits of the scheme in terms of increased renewable energy generation are material; however Officers consider on balance the benefits do not outweigh the adverse visual impacts, and therefore recommend the application is refused.

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

1. It is the opinion of the local planning authority that a wind turbine proposed in such close proximity to a consented turbine at Maes Truan farm would serve to consolidate the presence of wind turbine development in an area of the county which is visually separate from the established windfarm landscape within the Clocaenog Forest area to the west and from the clusters of smaller scale wind turbine developments in the Gwyddelwern area, which would have a harmful effect on the setting of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and would result in a cumulative adverse effect on outward views from the Caer Drewyn hillfort, a scheduled ancient monument and important visitor destination within the AONB. The proposal is therefore considered contrary to Local Development Plan policy VOE 1, VOE 9 and the advice and guidance contained in the Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development.

**NOTES TO APPLICANT:**

None

Mae tudalen hwn yn fwriadol wag

<b>Adroddiad i'r:</b>	<b>Pwyllgor Cynllunio</b>
<b>Dyddiad y Cyfarfod:</b>	<b>15 Ebrill 2015</b>
<b>Aelod / Swyddog Arweiniol:</b>	<b>Y Cyng. David Smith, Parth Cyhoeddus Angela Loftus, Rheolwr Polisi Cynllunio a Diogelu'r Cyhoedd</b>
<b>Awdur yr Adroddiad:</b>	<b>Lara Griffiths, Uwch Swyddog Cynllunio</b>
<b>Teitl:</b>	<b>Canllaw Cynllunio Atodol Hysbysebion - Mabwysiadu'r Ddogfen Derfynol</b>

---

## **1. Am beth mae'r adroddiad yn sôn?**

- 1.1. Mae'r adroddiad hwn yn rhoi crynodeb o'r ymatebion i'r ymgynghoriad diweddar ar ddrafft Canllawiau Cynllunio Atodol (CCA) Hysbysebion, ac yn argymhell ei fabwysiadu gyda newidiadau er mwyn galluogi'r canllawiau i gael eu defnyddio wrth benderfynu ar geisiadau cynllunio. Gohiriwyd yr adroddiad o gyfarfod y Pwyllgor Cynllunio ym mis Mawrth 2015 i ystyried canlyniadau'r adroddiad i'r Pwyllgor Craffu Cymunedau ar y polisi Priffyrdd mewn perthynas ag arwyddion.

## **2. Beth yw'r rheswm dros lunio'r adroddiad hwn?**

- 2.1. Ar ôl mabwysiadu Cynllun Datblygu Lleol (CDLI) Sir Ddinbych, mae angen CCA wedi'u diweddarau ar Hysbysebion er mwyn cynnig arweiniad pellach i ddatblygwyr, Swyddogion ac Aelodau. Mae copi terfynol o'r CCA ynghlwm i'r adroddiad hwn. Atodiad A

## **3. Beth yw'r argymhellion?**

- 3.1. Argymhellir bod yr Aelodau'n mabwysiadu'r CCA terfynol ar Hysbysebion i'w defnyddio wrth benderfynu ar geisiadau cynllunio.

## **4. Manylion yr Adroddiad**

- 4.1. Ar ôl mabwysiadu'r CDLI ar 4 Mehefin 2013, cytunodd y Cyngor i ddwyn ymlaen y gyfres bresennol o CCA, gan gynnwys CCA 17 – Hysbysebion. Yn dilyn hyn mae'r CCA wedi cael ei ddiwygio i wneud canllawiau'n gliriach ac i ddarparu deunydd enghreifftiol gwell. Pan gaiff ei fabwysiadu, bydd y CCA yn ystyriaeth cynllunio perthnasol wrth asesu ceisiadau cynllunio.
- 4.2. Mae'r CCA yn ategu polisiau a rheoliadau cenedlaethol mewn perthynas â hysbysebion a Pholisi DG1 o'r CDLI trwy ddarparu manylion ac arweiniad pellach ar y gwahanol fathau o hysbysebion sydd angen caniatâd ac agweddau i'w hystyried fel arwyddion dwyieithog a goleuadau priodol.

- 4.3. Roedd y CCA yn destun ymgynghoriad cyhoeddus am 11 wythnos rhwng 1 Rhagfyr 2014 a 13 Chwefror 2015. Mae adroddiad ymgynghori yn manylu ar ganlyniadau'r ymgynghoriad a'r ymatebion a dderbyniwyd ynghlwm fel Atodiad B i'r adroddiad hwn. Dim materion o bwys wedi codi ond mân newidiadau i gynnwys cyfeiriadau at waith yr Adran Prifffyrdd a'r cynnig i wella'r cynllun. Newidiadau arfaethedig wedi'u hamlygu neu'n destun llinell drwodd yn y CCA diwygiedig ynghlwm fel Atodiad A. Adroddwyd ar ganlyniadau'r ymgynghoriad i'r Grŵp Llywio Aelodau CDLI ar 16 Chwefror 2015. Ar ôl ystyried yr argymhellion gan y Pwyllgor Craffu Cymunedau mae nifer o fân newidiadau wedi'u gwneud i'r ddogfen, gyda'r prif un yn dileu Atodiad C, a oedd yn nodi safiad y polisi gan Brifffyrdd. Ystyrir bod hyn yn cael gwared ar y dryswch posibl rhwng yr hyn sy'n bolisi a chanllaw Cynllunio a'r canllaw corfforaethol gan Brifffyrdd mewn perthynas ag arwyddion heb awdurdod ar y briffordd.

## **5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?**

- 5.1. *Blaenoriaethau Corfforaethol 2012-17. Bydd y CCA yn cyfrannu'n gadarnhaol at y flaenoriaeth gorfforaethol arfaethedig a ganlyn:*

- Datblygu'r economi leol - Gall darparu canllawiau pellach ar ddylunio arwyddion helpu busnesau i wella eu golwg a chreu busnes ychwanegol.
- Strydoedd glân a thaclus - gall cyngor mewn perthynas â gosod arwyddion palmant helpu i sicrhau bod strydoedd yn rhydd o rwystrau.

## **6. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?**

- 6.1. Ni ragwelir y bydd cytuno i fabwysiadu'r CCA yn creu unrhyw gost ychwanegol.

## **7. Beth yw prif gasgliadau'r Aseiad o Effaith ar Gydraddoldeb (AEC) a gynhaliwyd ar y penderfyniad? Dylai'r templed AEC wedi'i lenwi gael ei atodi fel atodiad i'r adroddiad.**

- 7.1 Ni chredir bod angen Aseiad o Effaith ar Gydraddoldeb ar gyfer yr adroddiad gwybodaeth hwn. Mae'r egwyddor o angen aseiad o effaith y datblygiad ar Hysbysebion wedi ei sefydlu trwy fabwysiadu'r CDLI. Mae'r CCA yn rhoi arweiniad pellach ar hyn. Cynhaliwyd Aseiad o Effaith ar Gydraddoldeb llawn ar y CDLI ym Mai 2011.

## **8. Pa ymgynghoriadau a gynhaliwyd gyda'r Pwyllgor Archwilio ac eraill?**

- 8.1 Ymgynghori mewnol wedi cael ei gynnal gyda swyddogion yn Adran Rheoli Datblygu, Pennaeth Prifffyrdd a Gwasanaethau Amgylcheddol a Swyddog Prosiect Cadwraeth.

8.2 Mae mewnbwn ar gynnwys y CCA hefyd wedi cael ei ddarparu trwy gyfrwng sesiwn gweithdy a gynhaliwyd gyda Grŵp Llywio Aelodau'r CDLI. Hefyd, ymgynghorwyd ar y ddogfen ddrafft gydag ystod o randdeiliaid i gyd yn Gyngorau Dinas, Tref a Chymuned, yn ogystal â'r cyhoedd yn gyffredinol fel y manylir yn yr adroddiad ymgynghori yn Atodiad B.

## **9. Datganiad y Prif Swyddog Cyllid**

9.1 Dylai unrhyw gostau sy'n gysylltiedig â'r canllawiau fod wedi eu cynnwys o fewn y cyllidebau presennol ac felly nid oes unrhyw oblygiadau ariannol amlwg yn yr adroddiad.

## **10. Pa risgiau sydd ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?**

10.1 Yn absenoldeb canllawiau cyfoes, mae perygl y gall busnesau gyflwyno cynlluniau amhriodol a fydd yn niweidiol i ganol ein trefi llewyrchus a bywiog.

## **11. Pŵer i wneud y Penderfyniad**

11.1 Deddf Cynllunio a Phrynu Gorfodol (2004).

Mae tudalen hwn yn fwriadol wag

# CANLLAW CYNLLUNIO ATODOL:

# HYSBYSEBION



Cyngor Sir Ddinbych  
Cynllunio Strategol a Thai  
**Ebrill 2015**

Cyngor  
**sir ddinbych**  
**denbighshire**  
County Council 

## CANLLAW CYNLLUNIO ATODOL: HYSBYSEBION (**Ebrill 2015**)

### Contents

1.	Cyflwynuad	3
2.	<b>STATWS A CHYFNODAU PARATOI</b>	3
3.	<b>CEFNDIR</b>	3
4.	<b>POLISI CYNLLUNIO a RHEOLIADAU</b>	3
5.	<b>MATHAU O HYSBYSEBION</b>	5
6.	<b>Manylion Cyswllt:</b>	8
Atodiad A	Caniatâd tybiedig	10
Atodiad B	Amodau Safonol	11
Atodiad C	<b>Highway Guidance on Temporary Signs</b>	12



## 1. CYFLWYNIAD

- 1.1 Mae'r Nodyn hwn yn un o gyfres o Nodiadau Canllawiau Cynllunio Atodol (CCA), sy'n ymhelaethu ar bolisiau'r cynllun datblygu a materion eraill mewn ffordd glir a chryno gyda'r nod o wella dyluniad ac ansawdd datblygiadau newydd. Bwriad y Nodiadau yw cynnig canllawiau bras a fydd o gymorth i aelodau'r cyhoedd a swyddogion mewn trafodaethau cyn cyflwyno ceisiadau cynllunio ac o gymorth i swyddogion wrth drin ac aelodau wrth benderfynu ar geisiadau cynllunio.

## 2. STATWS A CHYFNODAU PARATOI

- 2.1 Nid yw CCA y Cyngor yn rhan o'r cynllun datblygu a fabwysiadwyd. Mae Llywodraeth Cymru wedi cadarnhau, yn dilyn ymgynghoriad cyhoeddus a chymeradwyaeth ddilynol yr Awdurdod Cynllunio Lleol (ACLI), gellir trin y CCA fel ystyriaeth gynllunio berthnasol pan fydd ACLI, Arolygwyr Cynllunio a Llywodraeth Cymru yn penderfynu ar geisiadau cynllunio ac apeliadau. Mabwysiadwyd y ddogfen CCA hon yn ffurfiol gan Bwyllgor Cynllunio Cyngor Sir Ddinbych ar **15 Ebrill 2015**.
- 2.2 Mae'r nodiadau hyn wedi cael eu paratoi yn unol â'r canllawiau a gynhwysir ym Mholisi Cynllunio Cymru (Mawrth 2014); Cynlluniau Datblygu Lleol Cymru (Rhagfyr 2005); a Nodiadau Cyngor Technegol Llywodraeth Cymru.

## 3. CEFNDIR

- 3.1 Rôl hysbyseb (neu hysbysebion) yw cyfeirio a / neu roi gwybod i'r cyhoedd (fel cwsmeriaid posibl) am adeilad, cynnyrch neu wasanaeth. Mae'r ddogfen hon yn canolbwyntio ar leoliad a dyluniad hysbysebion, gan gynnig cyngor ac arweiniad ar leoliad a'r math o hysbyseb. Mae'r rheoliadau ynglŷn â rheoli hysbysebion yn gymhleth, a dylid gofyn am gyngor gan Wasanaethau Cynllunio'r Cyngor cyn codi neu osod unrhyw hysbyseb neu wrth ystyried gwneud cais am ganiatâd hysbysebu.

## 4. POLISI CYNLLUNIO a RHEOLIADAU

- 4.1 Mae modd cael hyd i ganllawiau cenedlaethol ym **Mholisi Cynllunio Cymru (2014) Paragraff 3.5 a Nodyn Cyngor Technegol 7 - Rheoli Hysbysebion Awyr Agored (1996)** ac mae **Polisi CDLI RD1** yn amlinellu ystyriaethau rheoli datblygu cyffredinol a bydd adran (i) yn berthnasol i geisiadau caniatâd hysbysebu. Mae yna hefyd cyngor defnyddiol a gyhoeddwyd gan yr Adran Cymunedau a Llywodraeth Leol dan y teitl '**Hysbysebion awyr agored ac arwyddion - Canllaw i hysbysebwr**', sydd ar gael drwy'r ddolen ganlynol <https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers>. Dylid nodi mai ar gyfer Lloegr yn unig y mae'r

ddogfen hon yn berthnasol a bydd rhai o'r rheolau a rheoliadau yn wahanol yng Nghymru, ond mae hefyd yn cynnwys rhywfaint o gyngor a darluniau dylunio defnyddiol sydd yn ddefnyddiol wrth ystyried opsiynau ar gyfer hysbysebion.

4.2

Mae hysbysebion yn amodol ar reoli trwy'r **Reoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) 1992**. Mae'r hysbysebion sydd yn amodol ar reolaeth gan Reoliadau 1992 yn perthyn i ddau brif gategori:

- Hysbysebion ble rhoddir *caniatâd tybiedig* gan y rheoliadau; a
- Hysbysebion y mae angen *caniatâd penodol* gan y Cyngor.

4.3

Mae **caniatâd tybiedig** yn cynnwys y mathau o hysbysebion a restrir yn Atodlen 3 y rheoliadau; i'w gweld yn Atodiad A; yn amodol ar unrhyw amodau a bennir a chyfyngiadau, a hefyd at yr amodau safonol a restrir yn Atodiad B. Er nad oes angen caniatâd ar gyfer hysbysebion sy'n cael budd o ganiatâd tybiedig, mae gan y Cyngor bwerau i fynnu cael gwared ar hysbysebion sy'n cael budd o ganiatâd tybiedig, ond sy'n cael eu hystyried i gael effaith andwyol.

4.4

Mae angen derbyn **caniatâd eglur** gan y Cyngor ar gyfer y rhan fwyaf o fathau o hysbysebion, gan gynnwys arwyddion ffasgia; posteri a hysbysiadau; arwyddion ymlaen llaw; arwyddion cyfarwyddiadau ac ati a bydd cynnwys y nodyn cyfarwyddyd hwn yn ystyriaeth berthnasol wrth benderfynu ar geisiadau am Ganiatâd Eglur. Caiff pob cais am ganiatâd hysbysebu eu beirniadu yn erbyn y ddau faen prawf canlynol:

**AMWYNDER** - Mae hyn yn ymwneud â'r effaith y mae'r hysbyseb yn ei chael ar ymddangosiad y dalgylch a'r adeilad y mae arno, drwy faint, lleoliad, dyluniad, deunyddiau, lliw, goleuo ac ati. Mae hefyd yn ystyried effaith gronnus yr hysbysebion ar yr ardal gyfagos. Mae angen rhoi gofal ac ystyriaeth arbennig i ddylunio a'r defnydd o ddeunyddiau mewn ardaloedd sensitif gan gynnwys AHNE Bryniau Clwyd a Dyffryn Dyfrdwy a Safle Treftadaeth y Byd Traphont Ddŵr a Chamlas Pontcysyllte. Mae canllawiau penodol mewn perthynas ag Adeiladau Rhestredig ac Ardaloedd Cadwraeth i'w cael mewn CCA ar wahân y dylid eu defnyddio ar y cyd â'r nodyn hwn.

**DIOGELWCH Y CYHOEDD** - Mae hyn yn ystyried holl ddefnyddwyr y briffordd; ceir, beicwyr, cerddwyr, a phobl anabl. Y prif ystyriaethau yw tynnu sylw gyrrwyr a diogelwch cerddwyr.

4.5

Bydd y defnydd o **arwyddion dwyieithog** yn cael eu hannog a'u cefnogi ym mhob hysbyseb er mwyn adlewyrchu cymeriad ieithyddol a diwylliannol Sir

Ddinbych. Mae busnesau yn cael eu hannog i ddefnyddio enwau a thermau Cymraeg fel enghraifft o arfer gorau wrth enwi eu hadeiladau a'u gwneud yn berthnasol yn lleol pan fo modd.

#### 4.6 **Arwyddion heb Awdurdod**

4.7 Mae arddangos hysbyseb sy'n torri'r Rheoliadau yn drosedd. Er enghraifft, arddangos hysbyseb heb dderbyn y caniatâd angenrheidiol neu fethu cydymffurfio â'r amodau sy'n cyd-fynd â'r caniatâd hwnnw. Mae'r Cyngor yn gallu erlyn a chanddo'r pŵer i dynnu unrhyw hysbyseb (ac unrhyw strwythur a ddefnyddir i arddangos yr hysbyseb) os yw'n credu ei fod yn torri'r Rheoliadau.

4.8 Mae Adran 132 Deddf Priffyrdd 1980 yn galluogi'r awdurdod priffordd i dynnu unrhyw hysbyseb anghyfreithlon fel lluniau neu arwyddion ar goed, arwyddion priffyrdd, adeiladau neu ar y briffordd. ~~Mae adran Priffyrdd Sir Ddinbych wedi datblygu canllaw ychwanegol i egluro'r materion yn ymwneud ag arwyddion heb awdurdod ar y briffordd. Mae'r canllaw hwn ynghlwm wrth Atodiad C.~~

4.9 Mae'r Cyngor yn cydnabod yr angen a'r awydd sy'n bodoli i fusnesau hysbysebu'n gyfreithlon a'i nod yw cymeradwyo ceisiadau o'r fath. Yn ogystal, mae'r Cyngor wedi sefydlu gweithgor rhyngadrannol i ystyried sut orau i gynorthwyo busnesau i wneud cais am arwyddion twristiaeth (gwyn ar frown) ac i hyrwyddo'r defnydd o arwyddion cymdogaeth mewn ardaloedd lle mae nifer o fusnesau yn cydfodoli megis mewn ystadau masnachu.

### 5. **MATHAU O HYSBYSEBION**

5.1 **Arwyddion Ffasgia** - hysbysebion a leolir fel arfer ar y brif weddlun yr adeilad, rhwng y llawr gwaelod a'r cyntaf. Dylai deunyddiau fod yn briodol i'r adeilad a'r ardal gyfagos. Dylai dyfnder a maint yr arwydd a'r llythrennau adlewyrchu nodweddion yr eiddo. Fe anogir arwyddion ffasgia sydd wedi'u paentio, eu goleuo'n allanol (os oes angen) ar draws y Sir ac yn ofynnol mewn ardaloedd sensitif.



5.2 **Arwyddion bargod/crog** – fe’u lleolir fel arfer ar yr un lefel â’r ffasgia, gan ymwthio ar ongl sgwâr, ac fe’u cefnogir fel arfer gan fraced. Gall y math hwn o hysbysebu, pan gânt eu dylunio a’u harddangos yn briodol, ffurfio ychwanegiad cadarnhaol i olygfa’r stryd, gan ychwanegu diddordeb ac amrywiaeth. Gall gormod o arwyddion o’r fath, fodd bynnag, arwain at ymddangosiad anniben ac anneniadol, ac i osgoi hyn, dim ond un arwydd o’r fath a ganiateir ar bob adeilad, ac eithrio ar adeilad ar gornel. Ni ddylai arwyddion estyn allan fwy nag 1 metr oddi wrth y wal gynnal, a dylent fod yn uwch na 2.5 metr o lefel y ddaear er mwyn sicrhau diogelwch y cyhoedd. Rhaid i ddefnydd y deunyddiau, lliw a goleuo (os oes angen) fod yn gydnaws â chymeriad yr adeilad a’r ardal gyfagos.



5.3 **Goleuo** - Dylai arwyddion sydd wedi’i goleuo fod o fath ac arddull sydd ddim

yn achosi niwsans gweledol na pherygl. Dylai hysbysebion goleuedig:

- beidio ag achosi unrhyw ymyrraeth mewn i unrhyw eiddo preswyl
- beidio ag achosi unrhyw lacharedd, disgleirdeb na gwrthdaro gyda goleuadau stryd neu draffig
- ni ddylent fod yn debyg i oleuadau traffig neu oleuadau cerbydau'r gwasanaethau argyfwng

5.4 Yn ogystal, dylai'r goleuadau:

- fod yn ffynhonnell ysgafn heb fod yn ysbeidiol (ni ddylai fflachio ac ni ddylai fod ganddynt rannau symudol)
- os cânt eu goleuo o'r tu blaen, ni ddylai daflunio mwy na 500mm o'r hysbyseb
- taflunio ychydig iawn o olau tuag at i fyny
- bod yn ynni effeithlon

5.6 **Arwyddion cwrt blaen** – caiff arwyddion cwrt blaen eu lleoli ar dir yn yr un berchnogaeth â'r busnes masnachol sy'n cael ei hysbysebu. Bydd diogelwch cerddwyr a modurwyr yn brif ystyriaeth gan y gall arwyddion sydd wedi'u lleoli mewn man gwael, neu ormod o arwyddion felly guddio'r hyn y gall y gyrrwr ei weld. Ni anogir arwyddion cylchdroi gan y gallant dynnu sylw modurwyr.

5.7 **Byrddau-A** - mae'r rhain yn rhai dros dro neu'n symudol, ac fel y nodir uchod dylid eu lleoli ar dir yn union o flaen y busnes penodol y maent yn ei hysbysebu ac ar dir sydd yn yr un berchnogaeth â'r busnes sy'n cael ei hysbysebu. Ni ddylai Byrddau A fod yn fwy nag 1 metr o uchder. Os caiff arwydd ei leoli ar y palmant, dylid cofio bod hyn yn rhan o'r briffordd a fabwysiadwyd a bydd angen cydsyniad ar wahân gan yr Awdurdod Priffyrdd (CSDd). Gall arwyddion palmant achosi problemau penodol i gerddwyr ac ni ddylent rwystro symudiad na pheri perygl posibl. Dylid cadw lle pasio sydd o leiaf 1.2 metr ar bob achlysur i ganiatáu i gadair olwyn neu fygi dwbl basio.



Ni fydd hysbysebion anarferol o fawr a nifer o fyrddau A yn cael eu cymeradwyo

- 5.8 **Baneri Dros Dro** – ar y cyfan caiff y rhain eu defnyddio i hysbysebu digwyddiadau sydd ar y gweill. Dylid eu lleoli fel nad ydynt yn rhwystro'r hyn y gall defnyddwyr y ffordd neu gerddwyr eu gweld. Ni ddylid eu harddangos fwy na 28 diwrnod cyn y digwyddiad ac mae'n rhaid eu symud ddim hwyrach na 14 diwrnod wedyn yn unol â Rheoliadau 1992. **Gellir caniatáu i ddigwyddiadau elusennol a chymunedol megis boreau coffi, diwrnodau agored elusennol, arddangosfeydd tân gwyllt cymunedol, sioeau awyr a digwyddiadau megis Rowlio'r Gasgen aros ar y briffordd cyhyd ag y bônt wedi'u lleoli'n ddiogel, fe'ch cynghorir i gysylltu ag Adran Priffyrdd Cyngor Sir Ddinbych am gyngor.**



- 5.9 **Arwyddion Cyfeiriadol Blaen** – defnyddir y rhain pan nad yw'r safle neu'r digwyddiad sy'n cael ei hysbysebu yn hawdd i'w weld, neu'n gryn bellter oddi wrth y brif briffordd. Nid yw'r arwyddion yma'n cael eu harddangos fel arfer ar yr eiddo y maent yn berthnasol. Os ydynt yn cael eu lleoli ar y Briffordd, yna rhaid cael caniatâd ar wahân gan yr Awdurdod Priffyrdd (CSDd). Y dewis yw arwyddion gwyn neu frown ar gyfer arwyddion twristiaeth yr AA ac nid oes angen caniatâd hysbysebu ar gyfer yr arwyddion hyn.



- 5.10 **Hysbysfyrddau Poster** - yn aml caiff y rhain eu defnyddio i sgrinio safleoedd adeiladu tra bod gwaith yn digwydd, a chânt eu cysylltu â waliau ochr adeiladau neu yn annibynnol gydag ymyl ffyrdd. Mae'r rhain yn fawr fel arfer ac yn cael eu rheoli'n llym drwy'r system gynllunio. Ni ddylent gael effaith andwyol ar gymeriad a golwg yr adeilad neu'r ardal ehangach. Ni ddylai

unrhyw oleuadau dynnu sylw gyrwyr neu ychwanegu at lygredd golau i drigolion cyfagos.



6. **Manylion Cyswllt:**

Cyngor Sir Ddinbych  
Tîm Rheoli Datblygu a  
Chydymffurfio  
Caledfryn  
Ffordd y Ffair  
Dinbych  
LL16 3RJ

Ffôn: 01824 706727  
E-bost:  
[cynllunio@sirddinbych.gov.uk](mailto:cynllunio@sirddinbych.gov.uk)

Cyngor Sir Ddinbych  
Cynllunio Strategol a Thai  
Caledfryn  
Ffordd y Ffair  
Dinbych  
LL16 3RJ

Ffôn: 01824 706916  
E-bost: [cdll@sirddinbych.gov.uk](mailto:cdll@sirddinbych.gov.uk)

Cyngor Sir Ddinbych  
Gwasanaethau Priffyrdd ac  
Amgylcheddol  
Caledfryn  
Ffordd y Ffair  
Dinbych  
LL16 3RJ

Ffôn: 01824 706800  
E-bost:  
[priffyrdd@sirddinbych.gov.uk](mailto:priffyrdd@sirddinbych.gov.uk)

## Atodiad A – Caniatâd tybiedig

### *Caniatâd tybiedig*

Yn ôl rheoliad 6 o Reoliadau<sup>1</sup> 1992, rhoddir caniatâd tybiedig ar gyfer yr arddangosfeydd canlynol o hysbyseb sy'n dod o fewn dosbarthiadau 1 i 14 a restrir yn Atodlen 3 (yn amodol ar amodau a chyfyngiadau penodol a hefyd yr amodau safonol).

- Dosbarth 1: hysbysebion swyddogaethol awdurdodau lleol, ymgwymerwyr statudol ac ymgwymerwyr trafniadaeth gyhoeddus, a hysbysebion arddangos gan ACLlau ar dir yn eu hardaloedd.
- Dosbarth 2: hysbysebion amrywiol sy'n ymwneud â'r safle lle maent yn cael eu harddangos (ee, proffesiynau, busnesau, crefftiau, sefydliadau crefyddol a gwestai). Mae rhywfaint o amheuaeth yn bodoli ar hyn o bryd a ydi sefydliadau 'gwely a brecwast' yn cael eu cynnwys yn Nosbarth 2.
- Dosbarth 3: hysbysebion amrywiol dros dro sy'n ymwneud â gwerthu neu osod eiddo, gwerthu nwyddau neu dda byw, cynnal gwaith adeiladu neu debyg, digwyddiadau lleol, arddangosiadau o brosesau amaethyddol, ac ymweliadau gan syrcais deithiol neu ffair.
- Dosbarth 4: hysbysebion wedi'i goleuo ar eiddo busnes.
- Dosbarth 5: hysbysebion heblaw am hysbysebion wedi'i goleuo ar eiddo busnes.
- Dosbarth 6: hysbysebion ar gyrtiau blaen o adeiladau busnes.
- Dosbarth 7: hysbyseb baner sydd ynghlwm â pholyn fflag sy'n ymestyn yn fertigol o do adeilad, neu ar safle lle mae caniatâd cynllunio yn cael ei roi ar gyfer datblygiad preswyl, ac o leiaf un tŷ yn parhau i fod heb ei werthu.
- Dosbarth 8: hysbysebion ar hysbysfyrdau.
- Dosbarth 9: hysbysebion ar strwythurau priffyrdd.
- Dosbarth 10: hysbysebion ar gyfer gwarchod cymdogaeth a chynlluniau tebyg.
- Dosbarth 11: hysbysebion sy'n cyfeirio prynwyr posibl i ddatblygiad preswyl.
- Dosbarth 12: hysbysebion y tu mewn i adeiladau.
- Dosbarth 13: safleoedd a ddefnyddir ar gyfer arddangos hysbysebion heb ganiatâd eglur ar 1 Ebrill 1974 ac sydd wedi cael eu defnyddio yn barhaus ers y dyddiad hwnnw.
- Dosbarth 14: hysbysebion a arddangosir ar ôl i ganiatâd eglur ddod i ben (oni bai fod amod i'r gwrthwyneb yn cael ei osod ar y caniatâd, neu y gwnaed cais am adnewyddu caniatâd a gafodd ei wrthod).

Mae amodau a bennir a chyfyngiadau wedi'u nodi'n fanwl o dan bob un o'r dosbarthiadau uchod o hysbyseb yn amodol ar ganiatâd tybiedig.

---

<sup>1</sup> *Rheoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) 1992* SI 1992/666, fel y diwygiwyd



## Atodiad B - Amodau Safonol

Mae'r amodau safonol yn cael eu rhagnodi gan Atodlen 1 i Reoliadau 1992:

- [1] Bydd unrhyw hysbysebion a arddangosir, ac unrhyw safle a ddefnyddir i arddangos hysbysebion, yn cael eu cadw mewn cyflwr glân a thaclus i foddhad rhesymol yr Awdurdod Cynllunio Lleol.
- [2] Bydd unrhyw strwythur neu hysbysfwrdd a godir neu a ddefnyddir yn bennaf at ddibenion arddangos hysbysebion yn cael eu cynnal a'u cadw mewn cyflwr diogel.
- [3] Lle bo angen tynnu hysbyseb i lawr o dan y Rheoliadau hyn, bydd hyn yn digwydd i foddhad rhesymol yr awdurdod cynllunio lleol.
- [4] Nid oes unrhyw hysbyseb yn cael ei arddangos heb ganiatâd perchennog y safle neu unrhyw berson arall sydd â diddordeb yn y safle sydd â hawl i roi caniatâd.
- [5] Ni chaniateir i hysbyseb gael ei leoli neu ei arddangos fel ei fod yn cuddio, neu'n rhwystro dehongliad parod o unrhyw arwydd traffig ffordd, signal rheilffordd neu gymorth i fordwyo drwy ddŵr neu awyr, neu fel arall i wneud y defnydd o unrhyw briffordd, rheilffordd, dyfrffordd neu faes awyr (sifil neu filwrol) yn beryglus.

Mae tudalen hwn yn fwriadol wag

## Report of Consultation

### Draft Supplementary Planning Guidance

#### Advertisements

#### 1 Introduction

- 1.1 This report sets out the consultation that was undertaken on the draft Supplementary Planning Guidance Advertisements including a summary of the responses received and how they have been taken into account by the Council.
- 1.2 The Council consulted the general public on the proposed guidance note for a period of 10 weeks between 1st December 2014 and 13<sup>th</sup> February 2015. The consultation included press releases, and a letter to all people on the Local Development Plan database, including (but not limited to): City, Town and Community Councils; Councillors; Assembly Members; Members of Parliament; adjacent local authorities, and the general public informing them of the consultation and telling them how to respond. Copies of the document were made available on the Denbighshire website, in public libraries and Council One Stop Shops.

#### 2 Responses received

- 2.1 4 organisations responded to the consultation,
- 2.2 Detailed consultation responses are included in Table A.
- 2.3 Further discussions with Head of Highways has resulted in a number of minor amendments being made to the final document, these are shown as track changes in the final report attached as Appendix A to the Committee Report.

Table A – Detailed Consultation responses

<b>The Coal Authority</b>	
<b>Comments</b>	<b>Council Response</b>
No specific comments to make	Noted, no change required.
<b>AONB Interim Joint Advisory Committee</b>	
<b>Comments</b>	<b>Council Response</b>
The IJAC welcomes the local planning authority's ambition to improve the design and quality of new advertisements, and supports the draft SPG in principle. The guidance on	Support welcomed, minor amendments made to reflect additional comments.

<p>amenity considerations (para 4.4) is also supported, particularly the requirement for particular care in 'sensitive areas', but the committee notes that only Listed Buildings and Conservation Areas appear to be highlighted in this context. The IJAC would suggest that specific reference should also be made to the AONB as a nationally protected landscape/sensitive area. Similar considerations also apply to the World Heritage Site. In addition, the <i>siting</i> of advertisements should also be referred to as a specific consideration alongside design and materials in such sensitive areas.</p>	
<p><b>Council for the Protection of Rural Wales (CPRW)</b></p>	
<p>No Comments</p>	<p>Noted</p>
<p><b>Natural Resources Wales</b></p>	
<p>No Comments</p>	<p>Noted</p>

**3. Changes proposed**

3.1 Officers propose several minor amendments to the SPG – these are included in the attached amended SPG at Appendix A. These are mainly factual or editing changes, or to provide additional clarification.

Advertisements Supplementary Planning  
Guidance Adoption  
18/03/2015

Equality Impact Assessment

# Advertisements Supplementary Planning Guidance - Adoption

Contact: Angela Loftus

Updated: 18/03/2015

## 1. What type of proposal / decision is being assessed?

A new or revised policy

## 2. What is the purpose of this proposal / decision, and what change (to staff or the community) will occur as a result of its implementation?

The proposal is to adopt a new Supplementary Planning Guidance (SPG) on advertisements

## 3. Does this proposal / decision require an equality impact assessment? If no, please explain why.

*Please note: if the proposal will have an impact on people (staff or the community) then an equality impact assessment **must** be undertaken*

No

The proposal is to adopt new planning guidance relating to advertisements. The content of the SPG does not set policy but merely provides additional explanation and information for Members, Officers and developers in applying the policy.

## 4. Please provide a summary of the steps taken, and the information used, to carry out this assessment, including any engagement undertaken

*(Please refer to section 1 in the toolkit for guidance)*

The Denbighshire Local Development Plan (LDP) is the overarching policy document under which all SPG sit and this underwent an EqlA in 2009.

## 5. Will this proposal / decision have a positive impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?

*(Please refer to section 1 in the toolkit for a description of the protected characteristics)*

No

**6. Will this proposal / decision have a disproportionate negative impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?**

No

**7. Has the proposal / decision been amended to eliminate or reduce any potential disproportionate negative impact? If no, please explain why.**

No	Not required
----	--------------

**8. Have you identified any further actions to address and / or monitor any potential negative impact(s)?**

No	Not required
----	--------------

Action(s)	Owner	By when?

**9. Declaration**

Every reasonable effort has been made to eliminate or reduce any potential disproportionate impact on people sharing protected characteristics. The actual impact of the proposal / decision will be reviewed at the appropriate stage.

Review Date:	10 2015
--------------	---------

Name of Lead Officer for Equality Impact Assessment	Date
Angela Loftus	18/03/2015

**Please note you will be required to publish the outcome of the equality impact assessment if you identify a substantial likely impact.**

Mae tudalen hwn yn fwriadol wag



<b>Adroddiad i'r:</b>	<b>Pwyllgor Cynllunio</b>
<b>Dyddiad y Cyfarfod:</b>	<b>15 Ebrill 2015</b>
<b>Aelod / Swyddog Arweiniol:</b>	<b>Y Cyng. David Smith, Y Parth Cyhoeddus Angela Loftus, Rheolwr Cynllunio Strategol a Thai</b>
<b>Awdur yr Adroddiad:</b>	<b>Claire MacFarlane, Swyddog Cynllunio</b>
<b>Teitl:</b>	<b>Canllawiau Cynllunio Siopau Bwyd Tecawê Poeth - Mabwysiadu'r Ddogfen Derfynol</b>

---

## **1. Am beth mae'r adroddiad yn sôn?**

- 1.1 Mae'r adroddiad hwn yn rhoi crynodeb o'r ymatebion i'r ymgynghoriad diweddar ynglŷn â fersiwn ddrafft y Canllawiau Cynllunio Atodol sy'n ymwneud â Siopau Bwyd Tecawê Poeth, gan gynnwys diwygiadau arfaethedig i'r Canllawiau Cynllunio Atodol, ac mae'n argymhell eu mabwysiadu er mwyn galluogi'r canllawiau i gael eu defnyddio wrth benderfynu ar geisiadau cynllunio.

## **2. Beth yw'r rheswm dros lunio'r adroddiad hwn?**

- 2.1 Yn dilyn mabwysiadu Cynllun Datblygu Lleol Sir Ddinbych, mae angen Canllawiau Cynllunio Atodol i gefnogi'r polisiâu perthnasol yn y cynllun. Bydd hyn yn rhoi arweiniad pellach i ddatblygwyr, i Swyddogion ac i Aelodau. Mae'r fersiwn o'r Canllawiau Cynllunio Atodol y bwriedir ei fabwysiadu wedi ei atodi i'r adroddiad yn Atodiad 1.

## **3. Beth yw'r Argymhellion?**

- 3.1 Argymhellir bod yr Aelodau'n mabwysiadu'r Canllawiau Cynllunio Atodol terfynol arfaethedig sy'n ymwneud â Siopau Bwyd Tecawê Poeth i'w defnyddio wrth benderfynu ar geisiadau cynllunio.

## **4. Manylion yr Adroddiad**

- 4.1 Mabwysiadodd y Cyngor y Canllawiau Cynllunio Atodol presennol ynglŷn â Siopau Bwyd Tecawê Poeth ym mis Mawrth 2003. Fodd bynnag, mae polisiâu lleol a chenedlaethol ac arferion da wedi newid ers hynny. Mae'r Canllawiau Cynllunio Atodol yn darparu canllawiau ynglŷn â datblygu siopau tecawê bwyd poeth newydd yn y Sir.
- 4.2 Cynhaliwyd ymgynghoriad cyhoeddus ynglŷn â fersiwn ddrafft y Canllawiau Cynllunio Atodol am 11 wythnos rhwng 1 Rhagfyr 2014 a 13 Chwefror 2015.

Mae Adroddiad ar yr Ymgynghoriad, sy'n cynnwys crynodeb o bob ymateb a gafwyd wedi ei atodi yn Atodiad 2.

- 4.3 Cafwyd chwe ymateb yn ystod y cyfnod ymgynghori. Fodd bynnag, ni chynigir gwneud unrhyw newidiadau i fersiwn ddrafft y Canllawiau Cynllunio Atodol o ganlyniad i'r ymatebion a gafwyd.

**5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?**

- 5.1 Nid yw'r Canllawiau Cynllunio Atodol yn cyfrannu at y blaenoriaethau corfforaethol yn uniongyrchol ond byddant yn cael eu defnyddio wrth gynnal dichonoldeb a chymeriad canol trefi a byddant o gymorth i gefnogi'r agenda bwytia'n iach mewn ysgolion.

**6. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?**

- 6.1 Ni ragwelir y bydd cytuno i fabwysiadu'r Canllawiau Cynllunio Atodol yn creu unrhyw gost ychwanegol.
- 6.2 Unwaith y bydd wedi ei fabwysiadu, bydd y Canllawiau Cynllunio Atodol yn rhoi canllawiau i ddatblygwyr, i Swyddogion ac i Aelodau ynglŷn â'r materion y dylid eu hystyried wrth benderfynu ar geisiadau cynllunio. Bydd hyn o gymorth i'r Gwasanaeth Cynllunio a Gwarchod y Cyhoedd.

**7. Beth yw prif gasgliadau'r Asesiad o Effaith ar Gydraddoldeb a wnaed ar y penderfyniad? Dylid atodi templed yr Asesiad o Effaith ar Gydraddoldeb wedi ei lenwi fel atodiad i'r adroddiad hwn.**

- 7.1 Ni chredir bod angen Asesiad o Effaith ar Gydraddoldeb ar gyfer y penderfyniad hwn. Mae'r egwyddorion datblygu cyffredinol sy'n berthnasol i siopau bwyd tecawê poeth wedi cael eu sefydlu drwy fabwysiadu'r Cynllun Datblygu Lleol. Mae'r Canllawiau Cynllunio Atodol yn rhoi arweiniad pellach ynglŷn â sut y bydd hyn yn cael ei gyflawni. Cynhaliwyd Asesiad o Effaith ar Gydraddoldeb ar y Cynllun Datblygu Lleol ym mis Mai 2011. Mae'r asesiad wedi ei lenwi wedi'i atodi yn Atodiad 3 yr adroddiad.

**8. Pa ymgynghori a wnaed â'r Pwyllgorau Archwilio ac eraill?**

- 8.1 Fel rhan o ymgynghoriad cyhoeddus 12 wythnos o hyd, cysylltwyd yn uniongyrchol ag ystod eang o fudd-ddeiliaid a defnyddiwyd cyhoeddusrwydd i roi gwybod i'r cyhoedd. Mae rhagor o wybodaeth yn Atodiad 2.
- 8.2 Yn ogystal â'r ymgynghoriad cyhoeddus, cynhaliwyd ymgynghoriad mewnol cyn ac ar ôl y cyfnod hwn gyda Swyddogion yn y Tîm Gwarchod y Cyhoedd, y Tîm Rheoli Datblygu, y Tîm Economaidd a Datblygu Busnes, y Gwasanaeth Prifffyrdd, y Tîm Ysgolion Iach a'r Gwasanaethau Arlwygo (prydau ysgol). Roedd Swyddogion o lechyd Cyhoeddus Cymru hefyd yn rhan o ddatblygu fersiwn ddrafft y Canllawiau Cynllunio Atodol.

8.3 Mae mewnbwn Aelodau ynglŷn â chynnwys fersiwn ddrafft y Canllawiau Cynllunio Atodol hefyd ei wedi ddarparu trwy Grŵp Llywio'r Aelodau ar gyfer y Cynllun Datblygu Lleol a'r Pwyllgor Trwyddedu.

## **9. Datganiad y Prif Swyddog Cyllid.**

9.1 Dylai unrhyw gostau sy'n gysylltiedig â'r canllawiau terfynol gael eu cynnwys o fewn y cyllidebau presennol ac felly nid oes unrhyw oblygiadau ariannol amlwg wedi'u cynnwys yn yr adroddiad.

## **10. Pa risgiau sydd ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?**

10.1 Heb ganllawiau cyfredol, mae perygl na fyddai'r Cyngor yn gallu gweithredu polisi'r Cynllun Datblygu Lleol yn effeithiol. Mae'r Canllawiau Cynllunio Atodol ynglŷn â Siopau Bwyd Tecawê Poeth yn ymwneud â pholisïau'r Cynllun Datblygu Unedol blaenorol, ac felly ni ellir dibynnu arnynt i ddarparu canllawiau cynllunio digonol dros y tymor hir.

## **11. Pŵer i wneud y Penderfyniad**

11.1 Deddf Cynllunio a Phrynu Gorfodol (2004).

Mae tudalen hwn yn fwriadol wag

## ATODIAD 1

### CYNGOR SIR DDINBYCH

#### CANLLAWIAU CYNLLUNIO ATODOL: SIOPAU PRYDAU PAROD POETH

EBRILL 2015

#### 1. CYFLWYNIAD

- 1.1 Mae'r nodyn hwn yn un o gyfres o nodiadau Canllawiau Cynllunio Atodol sy'n ymhelaethu ar bolisïau yn y cynllun datblygu ac ar faterion eraill. Ei amcan yw gwella dyluniad ac ansawdd datblygiadau newydd drwy eu trafod mewn ffordd glir a chryno. Pwrpas y nodiadau yw cynnig canllawiau cyffredinol a fydd o gymorth i aelodau o'r cyhoedd a swyddogion mewn trafodaethau cyn cyflwyno ceisiadau cynllunio, a helpu swyddogion i ymdrin â cheisiadau cynllunio a helpu aelodau i benderfynu arnynt.

#### 2. STATWS A CHAMAU PARATOI

- 2.1 Nid yw Canllawiau Cynllunio Atodol y Cyngor yn rhan o'r cynllun datblygu sydd wedi'i fabwysiadu. Mae Llywodraeth Cymru wedi cadarnhau y gall Canllawiau Cynllunio Atodol fod yn ystyriaeth berthnasol, ar ôl ymgynghori â'r cyhoedd arnynt a'u cymeradwyo wedyn gan yr Awdurdod Cynllunio Lleol, pan fydd Awdurdodau Cynllunio Lleol, Arolygwyr Cynllunio a Llywodraeth Cymru yn penderfynu ar geisiadau ac apelau cynllunio. Cafodd y ddogfen Canllawiau Cynllunio Atodol hon ei chymeradwyo'n ffurfiol gan Bwyllgor Cynllunio Cyngor Sir Ddinbych ar XXXX.
- 2.2 Mae'r nodiadau hyn wedi'u paratoi'n unol â chanllawiau sydd yn Polisi Cynllunio Cymru (Gorffennaf 2014); Cynlluniau Datblygu Lleol Cymru (Rhagfyr 2005); a Nodiadau Cyngor Technegol Llywodraeth Cymru.

#### 3. GWYBODAETH GEFNDIR

- 3.1 Pwrpas y Canllawiau Cynllunio Atodol hyn yw helpu i ystyried ceisiadau am siopau prydau parod poeth. Wrth drafod y rhain, mae'r Cyngor yn ceisio cadw cydbwysedd rhwng yr angen i gael defnydd buddiol ar gyfer siopau gwag, y buddiannau masnachol a'r gofynion ar gyfer ceisiadau o'r fath ar y naill law a'r angen ar y llaw arall i ddiogelu hyfywedd a chymeriad yr ardal fasnachol neu i sicrhau safonau amwynder derbyniol ar gyfer preswylwyr mewn eiddo cyfagos.
- 3.2 Mae Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987 yn rhannu gwahanol fathau o ddefnydd yn Ddosbarthiadau Defnydd ar wahân. Mae siopau prydau parod poeth (ynghyd â bwytai, tafarndai, caffis a bariâu gwin) yn rhan o Ddosbarth A3. Y diffiniad o

siopau prydau parod poeth yw sefydliadau lle y mae gwerthu bwyd poeth i'w fwyta oddi ar y safle yn brif fusnes. Wrth benderfynu prif ddefnydd y safle, ystyrir y canlynol:

- Cyfran y lle sydd wedi'i ddynodi ar gyfer paratoi bwyd a gwasanaethau eraill o'i gymharu â'r lle sydd wedi'i ddynodi ar gyfer cylchredeg gan gwsmeriaid
- Nifer y byrddau neu gadeiriau sydd i'w darparu at ddefnydd cwsmeriaid.

3.3 Mae'r tabl isod yn dangos enghreifftiau o fathau o siopau sy'n cael eu hystyried yn siopau prydau parod poeth fel arfer. Fodd bynnag, nid yw'r rhestr hon yn cynnwys pob enghraifft bosibl.

Enghreifftiau o fathau o siopau prydau parod poeth	Enghreifftiau o fathau o siopau <b>nad</b> ydynt yn cael eu hystyried yn siopau prydau parod poeth
Siopau cyw iâr	Bwytai
Siopau pysgod a sglodion	Caffis
Siopau pizzas	Tafarndai
Siopau cebabau	Bariau gwin
Siopau prydau parod Tsieineaidd, Indiaidd ac eraill	Clybiau nos
Safleoedd gyrru drwodd	

#### 4. POLISI CYNLLUNIO

4.1 Dylai ymgeiswyr posibl gyfeirio at bolisiau RD 1 a PSE 8 yng Nghynllun Datblygu Lleol (CDLI) y Cyngor lle y disgrifir y polisiau a meini prawf cyffredinol ar gyfer ystyried ceisiadau o'r fath. Nodau cyffredinol y polisiau hyn, yng nghyswllt siopau prydau parod poeth, yw:

- Hybu bywiogrwydd a hyfywedd canol trefi
- Atal diffyg cydbwysedd annerbyniol rhwng mathau o ddefnydd ar gyfer manwerthu a mathau eraill o ddefnydd
- Lleoli siopau prydau parod poeth lle byddant yn cadw hyfywedd a chymeriad yr ardal o gwmpas.

#### 5. LLEOLIAD CYFFREDINOL

5.1 Wrth asesu addasrwydd y lleoliad mewn ceisiadau, dilynir y canllawiau canlynol:

- Fel arfer bydd ceisiadau o'r fath yn dderbyniol mewn canol tref diffiniedig ar yr amod eu bod yn bodloni'r meini prawf ym mholisi PSE 8 yn y CDLI.
- Gellir ystyried bod siopau prydau parod poeth yn dderbyniol hefyd y tu allan i ganol tref diffiniedig (ac o fewn y ffiniau datblygu). Fodd bynnag, bydd y Cyngor yn sicrhau nad yw nifer yr unedau o'r fath,

na'u crynhoad, yn amharu ar swyddogaeth, cymeriad ac atyniad y canol tref.

- Rhaid bod yn ofalus iawn wrth leoli'r mathau defnydd hyn o fewn neu'n gyfagos i ardaloedd sy'n rhai preswyl yn bennaf, gan gynnwys mannau preswyl sydd uwchben neu'n gyfagos i safle'r cais.

**5.2 Ni chaniateir ceisiadau am siopau prydau parod poeth o fewn 400 metr<sup>1</sup> i ffin ysgol neu goleg trydyddol.** Os bydd siopau o'r fath yn agos iawn i ysgolion, gallant ddenu plant i fwyta bwydydd rhad sy'n ddwys o ran egni ac yn wael o ran maeth. Yn Arolwg Iechyd Cymru (2012) cafwyd bod 34% o blant yng Nghymru dros eu pwysau neu'n ordew, ac mae goblygiadau pwysig yn hynny o ran iechyd hirdymor a chostau cysylltiedig i wasanaethau iechyd.

**5.3** Mae cyfraith achosion wedi dangos y gall agosrwydd i ysgol a bodolaeth polisi bwyta'n iach mewn ysgol fod yn ystyriaeth berthnasol wrth ystyried ceisiadau cynllunio am siopau prydau parod poeth. Mae Mesur Bwyta'n Iach mewn Ysgolion (Cymru) 2009 yn gosod dyletswydd ar Awdurdodau Lleol a chyrrff llywodraethu ysgolion i gymryd camau i hybu bwyta iach gan ddisgyblion. Ategwyd hyn gan y canllawiau 'Blas am Oes' ar safonau bwyd a maeth mewn ysgolion, a all gael eu tansilio drwy ddarparu siopau prydau parod poeth yn agos i ysgolion. Mae canllawiau NICE ar iechyd y cyhoedd 'Prevention of cardiovascular disease' (2010) a 'Llwybr Gordewdra Cymru Gyfan' (2010) hefyd yn argymhell bod Awdurdodau Lleol yn cyfyngu nifer y siopau bwyd brys mewn ardaloedd penodol, gan gynnwys mannau sy'n agos i ysgolion.

## **6. YSTYRIAETHAU ERAILL**

**6.1** Ar ôl cadarnhau bod y lleoliad yn addas yn gyffredinol yng nghydestun polisi, y prif faterion eraill i'w hystyried yng nghyswllt siopau prydau parod poeth yw:

- Sŵn ac aflonyddu;
- Crynhoad / clystyrau o fathau defnydd tebyg;
- Oriau agor;
- Traffig, Parcio a Mynediad;
- Arogleuon;
- Sbwriel.

Gellir lliniaru effeithiau'r rhan fwyaf o'r materion hyn drwy osod amodau ac ystyried lleoliad a gweithrediad y defnydd at ddarparu prydau parod yn ofalus.

### **6.2 Sŵn ac Aflonyddu**

---

<sup>1</sup> Credir bod 400m yn cyfateb yn weddol agos i bellter cerdded o 10 munud, ar ôl ystyried rhwystrau ffisegol (ee adeiladau, goleuadau traffig etc).

- Mae siopau prydau parod yn arwain at fynd a dod mynych gan gwsmeriaid, ar droed neu mewn ceir.
- Mae gweithgarwch o'r fath yn gallu creu sŵn sy'n troi'n niwsans oddi wrth gwsmeriaid sy'n ymgynnull ar y stryd, drysau ceir yn cau a setiau radio mewn ceir os yw'r defnydd arfaethedig mewn ardal sy'n un breswyl gan mwyaf, er y gall problemau godi hefyd os yw'r defnydd yng nghanol tref lle a bod fflatiau uwchben.
- Am y rhesymau uchod, ni roddir caniatâd cynllunio fel arfer mewn ardaloedd sy'n rhai preswyl yn bennaf.
- Bydd angen cymryd mesurau digonol i ynysu sŵn ar waliau a nenfwd yr eiddo, cyn cychwyn y defnydd.

### 6.3 Crynhoad / Clystyrau o Fathau Defnydd Tebyg

- Ar y cyfan, ledled y Sir, mae'r mathau defnydd hyn wedi'u gwasgaru. Fodd bynnag, ceir mannau lle y mae crynhoad o ddefnyddiau o'r fath, gan gynnwys safleoedd (tafarndai/clybiau/bwytai) sydd o gymeriad penodol ac sy'n agor yn hwyr y nos. Gall ystyriaethau gwahanol fod yn berthnasol yma o ran mathau defnydd ychwanegol ac oriau agor.
- Dylid osgoi crynadau neu glystyrau o'r mathau defnydd hyn gan y byddant yn amharu'n aml ar gymeriad ardal.

### 6.4 Oriau Agor

- Tra bydd y rhan fwyaf o fusnesau'n gweithredu rhwng oddeutu 9.00 a.m. a 5.30 p.m. fel arfer, ni fydd siopau prydau parod poeth yn agor tan amser cinio gan mwyaf a gall perchnogion wneud cais am ganiatáu masnachu ar y safle tan oriau mân y bore wedyn.
- Yn aml, bydd angen gosod amodau cynllunio i gyfyngu oriau agor er mwyn lleihau'r aflonyddu ar y gymuned o gwmpas. Fodd bynnag, ni fydd un set o derfynau amser yn briodol ledled y Sir gan fod cymaint o wahaniaeth rhwng ardaloedd. Rhaid penderfynu ar gais yn ôl ei rinweddau ei hun. Os yw'r siop prydau parod poeth arfaethedig mewn ardal lle y ceir oriau agor tan hwyr y nos, gall fod yn dderbyniol iddi barhau i fasnachu tan hanner nos neu wedyn. Dylid cael mwy o reolaeth mewn lleoliadau/canolau tref eraill ac, os yw siop prydau parod poeth arfaethedig yn agos i eiddo preswyl, ni ddylai barhau i fasnachu tan yr hwyr er mwyn amwynder preswylwyr lleol.

### 6.5 Traffig, Parcio a Mynediad

- Mae'n debygol y bydd siopau prydau parod poeth yng nghanol y trefi mwy yn denu nifer mawr o gwsmeriaid ar droed. Fodd bynnag, bydd cyfran fawr o gwsmeriaid y siopau prydau parod poeth sydd ar y prif lwybrau allan o drefi ac mewn canolfannau siopa lleol neu yng nghanol pentrefi yn dod mewn ceir a bydd arnynt angen mannau parcio am gyfnod byr yn agos iawn i'r eiddo. Felly, bydd yn bwysig bod man parcio hygyrch ar gyfer cerbydau yn agos iawn i'w safle (e.e. cilfan o flaen y siop) os yw y tu allan i ganol y dref. Mae iard gwasanaethu yng nghefn yr



eiddo neu faes parcio cyhoeddus eithaf pell yn annhebygol o gael eu defnyddio ar gyfer hyn a bydd eiddo sydd ar linellau melyn dwbl y tu allan o ganol trefi yn anaddas fel arfer.

- Bydd angen gwelededd digonol ar gyfer ceir sy'n dod i mewn neu'n gadael y safle ac mae'n annhebygol y bydd ceisiadau ar gyfer safleoedd ger cyffyrdd, yn enwedig cyffyrdd lle y mae rheolaeth ar draffig, yn cael eu cefnogi, yn enwedig os nad oes trefniadau gwasanaethu neu barcio oddi ar y stryd.

## 6.6 Arogleuon

- Mae arogleuon coginio o siopau prydau parod yn gallu achosi problemau o ran amwynder i breswylwyr cyfagos
- Dylid lliniaru problemau sy'n ymwneud ag arogleuon drwy osod cyfleusterau addas ar gyfer echdynnu aer.
- Bydd yr union ddyluniad yn amrywio o safle i safle, ond dylid gosod pob cyfleuster echdynnu aer yng nghefn yr eiddo, a bydd lliw a dyluniad yr uned yn gydnaws â'r strydlyn. Fel arfer, bydd cyfarpar modern, ynghyd ag awyru helaeth, yn cael eu hystyried yn ddigonol i ostwng niwsans o arogleuon i lefel oddefadwy heblaw yn y lleoliadau mwyaf sensitif.
- Wrth roi caniatâd cynllunio, bydd amod yn cael ei osod yn mynnu bod cynllun ar gyfer echdynnu arogleuon coginio yn cael ei gymeradwyo gan yr awdurdod cynllunio lleol a bod y cyfarpar yn cael ei osod cyn cychwyn y defnydd. Ni fydd y defnydd o hidlyddion siarcol yn dderbyniol.
- Os yw'n ymarferol ac yn enwedig mewn ardaloedd cadwraeth neu adeiladau rhestredig, dylid defnyddio leinin fflw y tu mewn i simnai bresennol.

## 6.7 Sbwriel

- Pa mor ofalus bynnag y bydd y perchennog/gweithredwr, mae siopau prydau parod poeth yn tueddu i greu sbwriel. Er bod hyn y tu hwnt i'w reolaeth i bob pwrpas, rhaid i'r perchennog wneud pob ymdrech i gadw'r ardal o gwmpas y safle yn rhydd o sbwriel. Gall fod yn briodol gwneud cytundeb cyfreithiol i'r diben hwnnw, yn enwedig ar gyfer cadwyni cenedlaethol mawr. Mae pŵer gan yr awdurdod lleol, drwy ddeddfwriaeth amgylcheddol, i gymryd camau gorfodi os ceir tramgwyddo o ran gadael sbwriel a gall hyn arwain at erlyn mewn llys yn y pen draw.
- Os yw'n briodol, bydd amod yn cael ei osod ar y caniatâd cynllunio i fynnu bod y gweithredwr yn darparu cynwysyddion (ar ei draul ei hun) ar gyfer gadael sbwriel, yn unol â manylion a gyflwynir i'r Awdurdod Lleol.

## 7. CANIATÂD CYNLLUNIO

- 7.1 Mae siopau prydau parod poeth (ynghyd â bwytaï, tafarndai, caffis a bariâu gwin) yn dod o dan Ddosbarth A3 sy'n caniatáu defnyddio safle ar gyfer gwerthu bwyd neu ddiod i'w fwyta neu ei yfed oddi ar y safle.

Felly, bydd yn bosibl newid safle o fod yn un sy'n gwerthu un math o fwyd poeth ar hyn o bryd, e.e. pysgod a sglodion, i fod yn un sy'n gwerthu math gwahanol o fwyd poeth, e.e. prydau parod Tsieineaidd, heb yr angen am ganiatâd cynllunio. Fodd bynnag, os oes bwriad i ddefnyddio safle i werthu prydau parod poeth lle na wneir hynny ar hyn o bryd, bydd angen gwneud cais cynllunio am newid defnydd. Yn achos gweithredwyr siopau bara a siopau gwerthu brechedanau sy'n gwerthu cyfran fach o fwyd poeth, ni fydd angen gwneud cais am ganiatâd cynllunio i fod yn siop prydau parod poeth fel arfer, yn ôl maint y gweithrediad.

- 7.2 Nid yw arlwyo symudol, er enghraifft masnachu ar y stryd o gerbyd neu stondin, yn dod o dan reolaeth y system gynllunio ac felly nid yw'n dod o dan y Canllawiau Cynllunio Atodol hyn. Bydd y mathau defnydd hyn yn ddarostyngedig i systemau trwyddedu eraill, a dylid gofyn am gyfarwyddyd gan Dîm Trwyddedu'r Cyngor.

## **8. DEDDFWRIAETH ARALL**

- 8.1 Bydd angen cymeradwyaeth ar gyfer ceisiadau o dan ddeddfwriaeth arall hefyd e.e. Diogelu'r Amgylchedd, a Rheoliadau Adeiladu. Rhaid i ymgeiswyr sicrhau eu bod yn cydymffurfio â'r gofynion hyn.

## **9. MANYLION CYSYLLTU**

Tîm Cynllunio Strategol a Thai  
Ffôn: 01824 706916  
E-bost: [ldp@denbighshire.gov.uk](mailto:ldp@denbighshire.gov.uk)

Tîm Rheoli Datblygu  
Ffôn: 01824 706727  
E-bost: [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk)

Tîm Trwyddedu  
Ffôn: 01824 706311  
E-bost: [licensing@denbighshire.gov.uk](mailto:licensing@denbighshire.gov.uk)

Tîm Iechyd a Diogelwch Bwyd  
Ffôn: 01824 706405  
E-bost: [envhealth@denbighshire.gov.uk](mailto:envhealth@denbighshire.gov.uk)

## **APPENDIX 2**

# **Report of Consultation**

## **Supplementary Planning Guidance:**

### **Hot Food Takeaways**

**April 2015**

#### **1. Introduction**

- 1.1 This report sets out the consultation that was undertaken on the draft Supplementary Planning Guidance (SPG): Hot Food Takeaways, including a summary of the responses received and how they have been taken into account by the Council.
- 1.2 The Council consulted the public on the draft SPG for a period of 12 weeks between 1<sup>st</sup> December 2014 and 13<sup>th</sup> February 2015. The consultation included public notices in local papers, press releases, and a letter to all people on the Local Development Plan database, including (but not limited to): City, Town and Community Council; Councillors; Assembly members; Members of Parliament; adjacent local authorities and the general public informing them of the consultation and telling them how to respond. Copies of the document were made available on the Denbighshire County council website, in public libraries and Council One Stop Shops.

#### **2. Responses received**

- 2.1 Four responses to the consultation were received, from Planware Ltd (on behalf of McDonalds), Natural Resources Wales, Campaign for the Protection for Rural Wales and the Coal Authority. The responses raised the following issues:
- Limiting the number and location of hot food takeaways is unjustified and inconsistent with national policy
  - There is a lack of evidence linking proximity of takeaways to schools to adverse health consequences
  - No consideration has been given to the health impacts of other uses therefore the proposed approach will be ineffective
  - Limiting the number and location of hot food takeaways will have a disproportionate effect on land use planning and the economy.
- 2.2 A summary of the consultation responses are included at the end of this report in Table A.

### **3. Changes proposed**

- 3.1 Taking account of the consultation responses received, it is not proposed to make any changes to the draft SPG.

**TABLE A: Consultation responses**

<b>Representor</b>	<b>Organisation</b>	<b>Comment (summary)</b>	<b>Council's response</b>	<b>Changes proposed</b>
<b>Deb Roberts</b>	The Coal Authority	No comments to make.	Comment noted.	No change proposed.
<b>MW Moriarty</b>	Campaign for the Protection of Rural Wales (CPRW)	No comments to make.	Comment noted.	No change proposed.
<b>Deborah Hemsworth</b>	Natural Resources Wales (NRW)	No comments to make.	Comment noted.	No change proposed.
<b>Benjamin Fox</b>	Planware Ltd. (representing McDonalds)	Limiting the number and location of hot food takeaways would be inconsistent with the National Planning Policy Framework and is not a positive approach to planning.	<p>The National Planning Policy Framework applies only in England.</p> <p>Planning Policy Wales states that 'policies, decisions and proposals should... contribute to the protection and, where possible, the improvement of people's health and well-being as a core component of sustainable development'.</p> <p>The SPG does not propose to limit the number of takeaways, rather their proximity to schools in order to assist in addressing childhood overweight /obesity and associated health problems, which are well-documented. It is considered the proposed</p>	No change proposed.

Representor	Organisation	Comment (summary)	Council's response	Changes proposed
			approach is consistent with national planning principles and sustainable development.	
		There is no adequate evidence to justify the underlying assumption that locating hot food takeaways within certain distances of schools causes adverse health consequences. This lack of evidence has been confirmed in a number of planning decisions.	Welsh Government's Preventing Childhood Obesity Steering Group report 'Turning the Curve on Childhood Obesity in Wales' (February 2015), includes a range of practical recommendations on how to prevent easy access to less healthy eating options, including restricting new takeaways or fast-food restaurants near schools. The SPG also refers to similar recommendations contained within NICE public health guidance and the 'All Wales Obesity Pathway'.	No change proposed.
			The planning decisions referred to were made in different contexts from the SPG and involved other factors which affected each decision.	
		No consideration has been	It is recognised that	No change proposed.

Representor	Organisation	Comment (summary)	Council's response	Changes proposed
		<p>given to other A class uses and their contribution or impact on daily diet or wellbeing. The suggested approach is therefore not holistic and will not achieve the principle aim.</p>	<p>supermarkets, shops etc may also contribute to unhealthy food choices. However, shops and supermarkets offer a far greater choice of food and other services therefore restricting their locations is considered to be disproportionate. The purpose of the SPG is to provide guidance on applications for hot food takeaways only.</p> <p>National strategies and guidance recognise that no one action alone will address health and obesity issues but restricting the location of hot food takeaways can be considered as one part of tackling the problem.</p>	
		<p>Restricting the location of hot food takeaways would have a disproportionate effect on land use planning and could stifle economic development.</p>	<p>Restrictions on the location of hot food takeaways would not apply to existing takeaway businesses.</p> <p>Planning Policy Wales states that the planning</p>	<p>No change proposed.</p>

Representor	Organisation	Comment (summary)	Council's response	Changes proposed
			<p>system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated when taking decisions. As referred to above, PPW also recognises the importance of considering health and well-being as a core component of sustainable development. It is considered that restricting new hot food takeaways around schools is a proportionate and justified approach in tackling childhood obesity and associated health problems.</p>	



Supplementary Planning Guidance - Hot  
Food Takeaways  
15<sup>th</sup> April 2015

Equality Impact Assessment

# Supplementary Planning Guidance - Hot Food Takeaways

**Contact:** Angela Loftus, Planning & Public Protection Service  
**Updated:** 15/04/15

## 1. What type of proposal / decision is being assessed?

A new or revised policy

## 2. What is the purpose of this proposal / decision, and what change (to staff or the community) will occur as a result of its implementation?

The proposal is to seek approval from Planning Committee to adopt Supplementary Planning Guidance for hot food takeaways. If adopted, this will replace the existing Hot Food Takeaways SPG and will be used in determining planning applications.

## 3. Does this proposal / decision require an equality impact assessment? If no, please explain why.

*Please note: if the proposal will have an impact on people (staff or the community) then an equality impact assessment **must** be undertaken*

No

The proposal is to adopt updated planning guidance relating to new hot food takeaways. The content of the SPG does not set policy but merely provides additional explanation and information for Members, Officers and developers in applying the LDP policies. The LDP underwent a full EqIA in 2010.

## 4. Please provide a summary of the steps taken, and the information used, to carry out this assessment, including any engagement undertaken

*(Please refer to section 1 in the toolkit for guidance)*

The Denbighshire Local Development Plan (LDP) is the overarching policy document under which all SPG sit and this underwent an EqIA in 2010.

**5. Will this proposal / decision have a positive impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?**  
*(Please refer to section 1 in the toolkit for a description of the protected characteristics)*

No

**6. Will this proposal / decision have a disproportionate negative impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?**

No

**7. Has the proposal / decision been amended to eliminate or reduce any potential disproportionate negative impact? If no, please explain why.**

No	Not required
----	--------------

**8. Have you identified any further actions to address and / or monitor any potential negative impact(s)?**

No	Not required
----	--------------

Action(s)	Owner	By when?

**9. Declaration**

Every reasonable effort has been made to eliminate or reduce any potential disproportionate impact on people sharing protected characteristics. The actual impact of the proposal / decision will be reviewed at the appropriate stage.

<b>Review Date:</b>	April 2016
---------------------	------------

Name of Lead Officer for Equality Impact Assessment	Date
Angela Loftus	15.04.15

**Please note you will be required to publish the outcome of the equality impact assessment if you identify a substantial likely impact.**

---

<b>Adroddiad i'r:</b>	<b>Pwyllgor Cynllunio</b>
<b>Dyddiad y Cyfarfod:</b>	<b>15 Ebrill 2015</b>
<b>Aelod / Swyddog Arweiniol:</b>	<b>Y Cyng. David Smith, Parth Cyhoeddus Angela Loftus, Rheolwr Cynllunio Strategol a Thai</b>
<b>Awdur yr Adroddiad:</b>	<b>Karsten Brußk, Swyddog Cynllunio</b>
<b>Teitl:</b>	<b>Briff Datblygu Safle 'Triongl Rhuddlan' - Mabwysiadu dogfen derfynol</b>

---

## **1. Am beth mae'r adroddiad yn sôn?**

- 1.1 Mae'r adroddiad hwn yn rhoi gwybod i Aelodau o'r ymgynghoriad cyhoeddus 11 wythnos ar Friff Datblygu Safle drafft 'Triongl Rhuddlan', ac mae'n argymhell mabwysiadu dogfen fel nodyn Canllaw Cynllunio Atodol (CCA).

## **2. Beth yw'r rheswm dros lunio'r adroddiad hwn?**

- 2.1 Mae Llywodraeth Cymru wedi cadarnhau, yn dilyn cynnal ymgynghoriad cyhoeddus a chymeradwyaeth ddilynol yr Awdurdod Cynllunio Lleol, y gellir trin Canllawiau Cynllunio Atodol fel ystyriaethau cynllunio perthnasol pan fo Awdurdodau Cynllunio Lleol, Arolygwyr Cynllunio a Llywodraeth Cymru yn penderfynu ar geisiadau cynllunio ac apeliadau.
- 2.2 Cynhaliodd Cynllunio Strategol a Thai ymgynghoriad cyhoeddus 11 wythnos ar y Briff Datblygu Safle drafft 'Triongl Rhuddlan' rhwng Rhagfyr 2014 a Chwefror 2015, trafodwyd materion a godwyd yn y sylwadau a ddaeth i law gydag Aelodau Grŵp Llywio'r Cynllun Datblygu Lleol ym mis Chwefror 2015, ac, felly, mae angen penderfyniad ar fwriad y Cyngor i fabwysiadu'r ddogfen ddrafft.

## **3. Beth yw'r Argymhellion?**

- 3.1 Argymhellir bod yr Aelodau'n mabwysiadu'r Briff Datblygu Safle drafft 'Triongl Rhuddlan', sy'n amgaeedig yn Atodiad I, gan gynnwys diwygiadau arfaethedig i'r ddogfen, ar gyfer penderfynu ar geisiadau cynllunio ac apeliadau cynllunio.

## **4. Manylion yr Adroddiad**

- 4.1 Os caiff ei mabwysiadu, bydd y Briff Datblygu Safle drafft 'Triongl Rhuddlan' yn dod yn un o gyfres o Ganllawiau Cynllunio Atodol sy'n ymhelaethu ar bolisiâu neu egwyddorion Cynllun Datblygu Lleol Sir Ddinbych 2006-2021 ar gyfer datblygu dyraniadau safle unigol mewn fformat sy'n ceisio llywio proses, dyluniad ac ansawdd datblygiadau newydd.

- 4.2 Cymeradwyodd yr Aelodau'r ddogfen ddrafft ar gyfer ymgynghoriad cyhoeddus 11 wythnos yn y Pwyllgor Cynllunio ar 22 Hydref 2014. Roedd yr ymgynghoriad yn cynnwys paratodau datganiadau i'r wasg, gwybodaeth ar wefan y Cyngor ac e-bost neu lythyr i'r holl bobl ar y gronfa ddata Cynllun Datblygu Lleol, gan gynnwys Cyngorau Dinas, Tref a Chymuned, Cyngorwyr Sir, awdurdodau lleol cyfagos ac aelodau o'r cyhoedd, yn eu hysbysu o'r manylion ymgynghori, dau ddigwyddiad galw heibio mewn digwyddiadau yn Llyfrgell Rhuddlan a sut i ymateb.
- 4.3 Roedd copiâu o'r ddogfen ddrafft a ffurflenni sylwadau ar gael ar wefan y Cyngor, mewn Llyfrgelloedd Cyhoeddus a 'Siopau Un Stop' y Cyngor.
- 4.4 Yn ogystal, cafodd tua 400 o gartrefi yng nghyffiniau'r safle daflen yn cynnwys yr holl fanylion ymgynghori angenrheidiol ac yn hysbysebu dau ddigwyddiad galw heibio yn Llyfrgell Rhuddlan. Cynhaliodd y Swyddogion y ddwy sesiwn hyn ar 10 Rhagfyr 2014, ac ar 17 Ionawr 2015, a fynychwyd gan tua 50 o drigolion â diddordeb. Yn y digwyddiadau, roedd Swyddogion o wahanol adrannau'n bresennol i siarad â'r cyhoedd, rhoi rhagor o wybodaeth a chyngor ar ymholiadau'n benodol i'r safle.
- 4.5 Daeth 9 sylw ysgrifenedig i law'r Cyngor, yn mynd i'r afael â'r pynciau canlynol:
- mathau o ddefnydd tir;
  - effaith priffyrdd;
  - ystyriaethau o ran risg llifogydd; ac
  - ymddangosiad gweledol y safle.
- 4.6 Mae copiâu o'r sylwadau gwreiddiol ar gael gan y Tîm Cynllunio Strategol a Thai yn Ninbych dros y ffôn 01824 706916 neu drwy e-bost: cdll@sirddinbych.gov.uk. Mae Atodiad II i'r adroddiad hwn yn cynnwys yr adroddiad ymgynghori sy'n cynnwys crynodeb o bob ymateb a ddaeth i law ac amlinelliad o'r newidiadau arfaethedig.
- 4.7 Mae nifer o ddiwygiadau yn cael eu cynnig mewn ymateb i'r sylwadau a ddaeth i law. Dangosir y rhain fel testun **bras** neu ~~â llinell drwyddynt~~ yn y Canllaw Cynllunio Atodol sydd ynghlwm yn Atodiad I.
- 4.8 Ni fu unrhyw sylwadau ar yr Asesiad Amgylcheddol Strategol (AAS) - dogfen sgrinio, gweler Atodiad IV.

## 5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?

- 5.1 Bydd y Canllaw Cynllunio Atodol yn cyfrannu'n gadarnhaol at y Blaenoriaethau Corfforaethol canlynol fel y nodir gan Gyngor Sir Ddinbych:
- *Moderneiddio'r Cyngor i sicrhau effeithlonrwydd a gwella gwasanaethau ar gyfer ein cwsmeriaid.* Bydd datblygwyr, perchnogion tir a'r gymuned leol yn Rhuddlan yn cael dogfen gyfarwyddyd gyda'r diweddaraf ar faterion cynllunio i'w hystyried wrth gyflwyno tir ar gyfer datblygu ar y safle. Mae'r ddogfen hefyd yn ategu at Bolisi BSC2 Cynllun Datblygu Lleol Sir Ddinbych

2006 – 2021, 'Blaenoriaeth Datblygu Tir Llwyd' oherwydd bod rhannau o'r safle yn cael eu dynodi ar gyfer datblygiad yn unol â'r polisi lleol hwn.

- *Datblygu'r economi leol.* Mae'r Canllaw Cynllunio Atodol yn nodi canllawiau ar sut y gall tir diffaith neu wedi'i dan-ddatblygu gael ei ddefnyddio er dibenion economaidd ac felly, darparu swyddi i'r gymuned leol. Mae'n cefnogi'n fras yr amcanion a geir yn 'Strategaeth Uchelgais Economaidd a Chymunedol 2013 - 2023' Sir Ddinbych.

## **6. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?**

- 6.1 Nid oes unrhyw gostau i'r Cyngor wrth fabwysiadu'r Briff Datblygu Safle drafft 'Triongl Rhuddlan'.
- 6.2 Ar ôl ei fabwysiadu, bydd y Canllaw Cynllunio Atodol o fudd i nifer o adrannau'r Cyngor. Er enghraifft, gall Datblygu Economaidd a Busnes ddefnyddio'r ddogfen ar gyfer dyrchafiad safle, trafodaeth gyda phartïon â diddordeb ynghylch potensial y safle, a chefnogi camau gweithredu a amlinellir yng Nghynllun Tref Rhuddlan 2012 - 2020. Bydd gan y Tîm Rheoli Datblygu wybodaeth ychwanegol am fathau derbyniol o ddatblygiad yn nhermau cynllunio a chyfyngiadau posibl y safle.

## **7. Beth yw prif gasgliadau'r Aseiad o Effaith ar Gydraddoldeb (AEC) a gynhaliwyd ar y penderfyniad? Dylai'r templed AEC wedi'i lenwi gael ei atodi fel atodiad i'r adroddiad.**

- 7.1 Casgliad sgriniad yr Aseiad o Effaith ar Gydraddoldeb yw nad oes angen Aseiad o Effaith ar Gydraddoldeb ar gyfer Briff Datblygu drafft y safle, gan gynnwys y diwygiadau arfaethedig i'r ddogfen, gweler Atodiad III.
- 7.2 Cafodd yr aelodau farn sgriniad Aseiad o Effaith ar Gydraddoldeb gyda'r adroddiad i'r pwyllgor cynllunio ar 22 Hydref 2014, pan geisiodd Swyddogion gymeradwyaeth ar gyfer ymgynghoriad cyhoeddus â rhanddeiliaid allweddol ac aelodau o'r cyhoedd. Daethpwyd i'r casgliad nad oedd angen Aseiad o Effaith ar Gydraddoldeb llawn bryd hynny.
- 7.3. Nid yw'r diwygiadau arfaethedig i'r ddogfen, sydd o natur olygyddol a ffeithiol, yn gwarantu aseiad llawn.

## **8. Pa ymgynghoriadau a gynhaliwyd gyda'r Pwyllgorau Archwilio ac eraill?**

- 8.1 Trwy gydol y broses o baratoi'r ddogfen, gweithiodd Swyddogion Cynllunio ar y cyd ar gynnwys y Briff Datblygu Safle drafft gyda chydweithwyr o Briffyrdd, Datblygiad Economaidd a Busnes, Rheoli Datblygu, Eiddo, ac Uwch Beiriannydd y Cyngor yn rhoi cyngor ar ystyriaethau risg llifogydd. Cafodd y ddau Aelod Lleol ar gyfer Rhuddlan wybod am gynnydd ar bob cam.
- 8.2 Trafododd Aelodau Grŵp Llywio'r Cynllun Datblygu Lleol gynnwys y ddogfen ddrafft cyn yr ymgynghoriad cyhoeddus ym mis Medi 2014, ac fe wnaethant drafod materion a godwyd mewn sylwadau a ddaeth i law yn Chwefror 2015.

8.4 Fe wnaeth Aelodau'r Pwyllgor Cynllunio roi sylwadau ar y ddogfen ddrafft cyn cytuno ar y ddogfen ddrafft ar gyfer ymgynghori gyda Chynghorau Dinas, Tref a Chymuned, ymgynghoreion statudol, darparwyr isadeiledd ac aelodau o'r cyhoedd yn y Pwyllgor Cynllunio ym mis Hydref 2014.

8.5 Cyflwynwyd y ddogfen hefyd i Grŵp Aelodau Ardal Elwy a Chyngor Tref Rhuddlan ym mis Tachwedd 2014.

## **9. Datganiad y Prif Swyddog Cyllid**

9.1 'Ni ragwelir y bydd mabwysiadu'r Brîff Datblygu Safle yn creu unrhyw gostau ychwanegol, ond os bydd unrhyw rai yn codi, rhaid i'r rhain gael eu cynnwys o fewn cyllidebau Adrannol presennol.'

## **10. Pa risgiau sydd yna ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?**

10.1 Nid oes unrhyw risgiau uniongyrchol i'r Cyngor. Fodd bynnag, mae 'Triongl Rhuddlan' yn safle porth allweddol i mewn i dref Rhuddlan a'r prif aneddiadau ar hyd yr arfordir. Bydd cynnal y status-quo yn arwain at ddirywiad pellach o rai darnau o dir ac yn cael effaith andwyol ar ymddangosiad gweledol y safle a'r golygfeydd cyfan o adeiladau hanesyddol (rhestredig) fel Castell Rhuddlan.

10.2 Ni fyddai peidio â chymryd unrhyw gamau, h.y. heb unrhyw ganllawiau cynllunio ar gyfer partïon â diddordeb, yn gyson ag uchelgais y Cyngor i ddarparu cymunedau lleol gyda swyddi, amgylchedd adeiledig deniadol a naturiol i fyw ynddo a gwneud busnes, a gall niweidio'r economi ymwelwyr yn y rhan hon o'r Sir.

## **11. Pŵer i wneud y Penderfyniad**

11.1 Deddf Cynllunio a Phrynu Gorfodol (2004).



Briff Datblygu Safle Draft

# Triongl Rhuddlan

Prif Ddogfen



Tim Cynllunio a Pholisi Datblygu  
Cyngor Sir Ddinbych  
Cynllunio Strategol a Thai  
Rhagfyr 2014 Ebrill 2015

Cyngor  
**sir ddinbych**  
**denbighshire**  
County Council

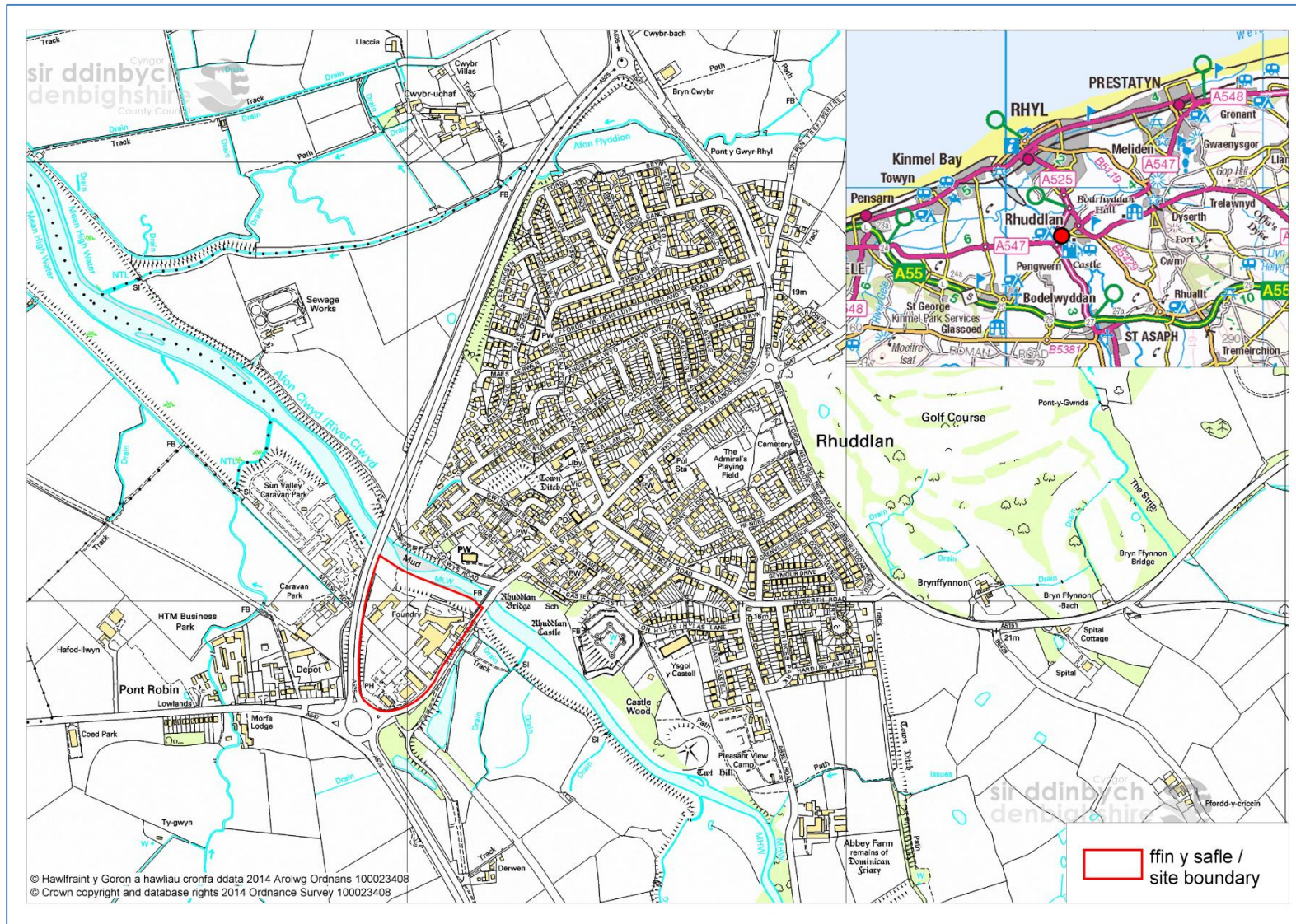


## Cynnwys

1.	Cyflwyniad	4
2.	Statws y Ddogfen a Chamau Paratoi	4
3.	Lleoliad a Disgrifiad o'r Safle	4
4.	Polisiâu Cynllunio	7
5.	Risg Llifogydd	11
6.	Ardaloedd allweddol i'w datblygu yn y dyfodol	14
7.	Mynediad a Symudiad	17
8.	Ystyriaethau Pellach	19
9.	Cysylltiadau	21
10.	Ffynonellau / Llenyddiaeth	22
Ffigur 1	Lleoliad 'Triongl Rhuddlan'	3
Ffigur 2	Polisiâu lleol sy'n berthnasol i ddatblygu ar y safle	7
Ffigur 3	Parthau Risg Llifogydd perthnasol i 'Driongl Rhuddlan'	12
Ffigur 4	Ardaloedd allweddol ar gyfer datblygu yn y dyfodol	15

Llun y Clawr: 'Triongl Rhuddlan' (Golygfa o'r Awyr, 2009)

Ffigur 1: Lleoliad 'Triongl Rhuddlan'



Tudalen 115

## 1. Cyflwyniad

- 1.1 Mae'r briff datblygu safle hwn yn un o gyfres o nodiadau Canllawiau Cynllunio Atodol sy'n ymhelaethu ar bolisiau neu egwyddorion datblygu Cynllun Datblygu Lleol (CDLI) Sir Ddinbych 2006-2021 ar gyfer dyraniadau safle unigol mewn fformat sy'n ceisio arwain y broses, dyluniad ac ansawdd datblygiadau newydd. Bwriad y nodiadau yw cynnig canllawiau manwl i gynorthwyo aelodau'r cyhoedd, Aelodau'r Cyngor, datblygwyr posibl a Swyddogion mewn trafodaethau cyn cyflwyno ceisiadau cynllunio yn y dyfodol, ac wrth geisio llunio penderfyniad yn eu cylch.

## 2. Statws y Ddogfen a'r Camau Paratoi

- 2.1 ~~Gymeradwywyd y briff datblygu safle hwn yn ffurfiol ar gyfer ymgynghori gan Bwyllgor Cynllunio Cyngor Sir Ddinbych ar 12 Tachwedd 2014. Mabwysiadwyd y CCA hwn yn ffurfiol gan Bwyllgor Cynllunio Cyngor Sir Ddinbych ar 15 Ebrill 2015.~~

- 2.2 Nid yw Nodiadau Canllawiau Cynllunio Atodol (CCA) y Cyngor yn rhan o'r Cynllun Datblygu Lleol a fabwysiadwyd. Mae Llywodraeth Cymru (LIC) wedi cadarnhau y gellir trin CCAau fel ystyriaethau cynllunio perthnasol, ar ôl ymgynghoriad cyhoeddus a chymeradwyaeth ddilydol yr Awdurdod Cynllunio Lleol (ACLI), wrth i'r ACLI, Arolygwyr Cynllunio a Llywodraeth Cymru benderfynu ar geisiadau cynllunio ac apeliadau.

- 2.3 Mae'r ddogfen hon wedi'i pharatoi yn unol â'r polisi cynllunio ym Mholisi Cynllunio Cymru (Argraffiad 7), dogfennau canllawiau wedi'u darparu gan Lywodraeth Cymru a chyngor gan Gyfoeth Naturiol Cymru (CNC) ynglŷn â materion risg llifogydd.

## 3. Lleoliad a Disgrifiad y Safle

- 3.1 Mae Rhuddlan yn dref fechan wedi'i lleoli ar fan croesi strategol dros afon

Clwyd sy'n darparu mynediad i'r brif ffordd arfordirol gan gynnwys trefi glan y môr Prestatyn a'r Rhyl. Mae wedi'i lleoli 4km i'r gogledd o gefnffordd yr A55, prif goridor cludiant Gogledd Cymru, ac wedi'i chysylltu â rhan o ffordd ddeuol yr A525. (gweler Ffigur 1). Mae tua 4,400 o bobl yn byw yn Rhuddlan. Mae'r dref wedi'i nodi fel tref twf is yn hierarchaeth anheddiad Cynllun Datblygu Lleol Sir Ddinbych 2006-2021 (CDLI) mewn perthynas â thai ychwanegol arfaethedig yn ystod cyfnod y Cynllun.

3.2 Mae rhan ddeheuol y dref, sydd mewn lleoliad uwch ben yr afon Clwyd ac yn edrych i lawr dros y safle dan sylw, yn ddiffiniedig oherwydd Eglwys y Santes Fair (Adeilad Rhestredig: Gradd II\*), Pont Rhuddlan (Adeilad Rhestredig: Gradd II\*, Cofeb Hynafol Cofrestredig) a'r Castell (Adeilad Rhestredig: Gradd I, Cofeb Hynafol Cofrestredig); ac maent oll wedi'u lleoli o fewn yr Ardal Gadwraeth. Mae ardal sy'n gymysgedd o ddatblygiadau preswyl, masnachol a diwydiannol yng ngorllewin y dref ar hyd Ffordd Abergele (A547).

3.3 Llund 1 Golygfa dros y safle tuag at Eglwys y Santes Fair (chwith), Pont Rhuddlan (canol) a'r Castell (dde)



3.4 Mae'r term 'Triongl Rhuddlan' yn cyfeirio at tua 4.5ha o dir sydd wedi'i lleoli i'r de-orllewin o Afon Clwyd, rhwng canol tref hanesyddol Rhuddlan a chyffordd

cylchfan yr A525 a'r A547. Mae afon Clwyd yn ffin i'r gogledd-ddwyrain, ger Ffordd yr Orsaf (A547) yn cysylltu'r gyffordd gyda chanol y dref i'r dwyrain, gyda ffordd ddeuol yr A525 yn arwain o gyffordd y gylchfan i'r Rhyl (a elwir yn Ffordd Osgoi Rhuddlan) tua'r gorllewin.

- 3.5 Llund 2 Golygfa o Eglwys y Santes Fair dros afon Clwyd a'r safle tuag at gyffordd cylchfan yr A525 a'r A547 gyda Ffordd Osgoi Rhuddlan yn codi ar y dde



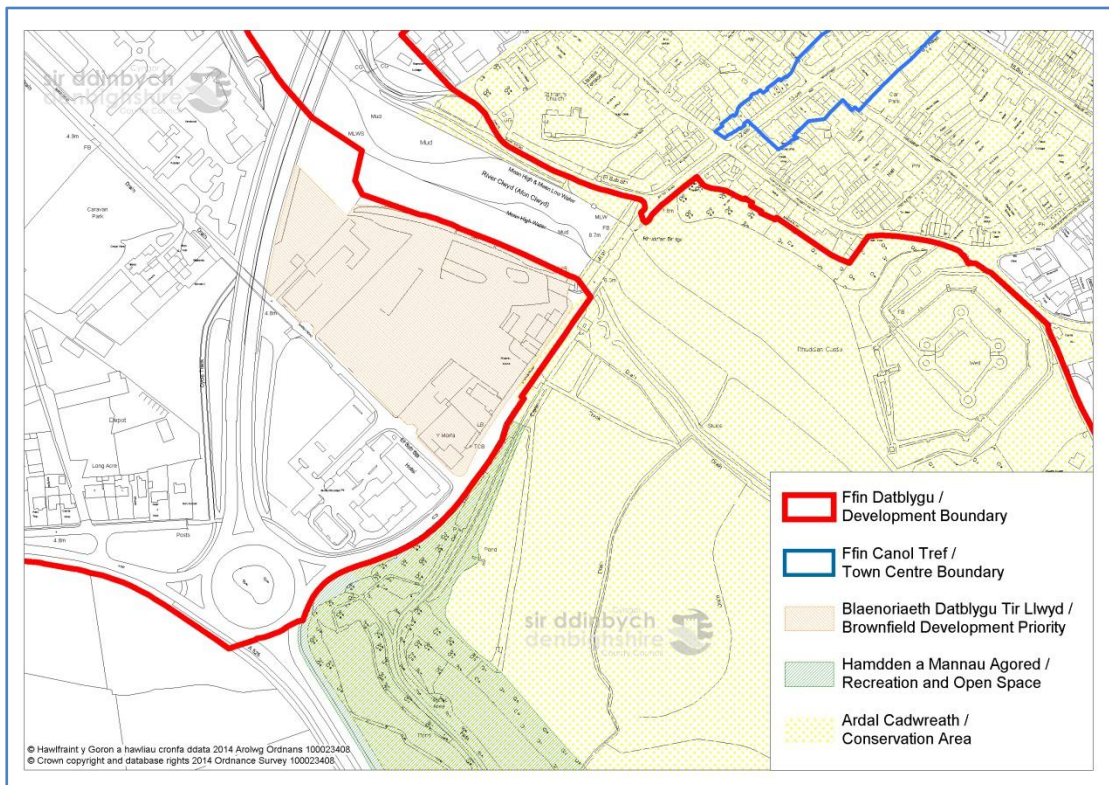
- 3.6 Mae Marsh Road yn haneru'r safle; yn gyflin ag afon Clwyd ac yn darparu'r unig fynediad oddi ar Ffordd yr Orsaf i nifer o adeiladau masnachol ar y safle, **sawl** maes carafannau ac eiddo preswyl unigol sydd wedi'u lleoli ar y tir cyfagos. Mae gwasanaeth bws rheolaidd ar hyd Ffordd yr Orsaf yn ystod y dydd, gan gysylltu gyda Gorsaf y Rhyl (tua 4km), Gorsaf Prestatyn (tua 7.5km), Ysbyty Glan Clwyd ym Modelwyddan (tua 3km) a'r holl aneddiadau mwy yn Nyffryn Clwyd.

- 3.7 Mae'r safle yn borth allweddol i mewn i'r dref sy'n hynod weladwy o'r A525, Eglwys y Santes Fair a Chastell Rhuddlan. Mae rhannau mawr ohono'n gymysgedd o dir heb ei ddatblygu a thir diffaith. Dymuna'r Cyngor weld defnydd economaidd i'r tir unwaith eto, gan wella edrychiad gweladwy'r safle a'i wneud yn ddeniadol fel lle ar gyfer busnesau newydd posibl.

## 4. Polisi Cynllunio

4.1 Mae Ffigur 2 yn dangos polisiau lleol allai fod yn rhan o'r ystyriaethau wrth benderfynu ar geisiadau cynllunio ar gyfer y safle. Gweler Map Cynigion y CDLI ar gyfer Rhuddlan a Map Allweddol y CDLI i gael trosolwg o'r polisiau cynllunio sy'n berthnasol i'r ardal ehangach.

4.2 Ffigur 2 Polisiâu lleol sy'n berthnasol i ddatblygu ar y safle



4.3 Mae Polisi Cynllunio Cymru (argraffiad 7), paragraff 2.1.2 yn nodi bod yn rhaid llunio penderfyniadau ar geisiadau cynllunio yn unol â'r cynllun datblygu a fabwysiadwyd oni bai bod ystyriaethau materol yn nodi i'r gwrthwyneb. Mabwysiadwyd Cynllun Datblygu Lleol 2006-2021 (CDLI) Sir Ddinbych ym mis Mehefin 2013, ac mae'n cynnwys polisiau lleol sy'n berthnasol i gynigion datblygu ar gyfer 'Triongl Rhuddlan'.

4.4 Mae ystyriaethau perthnasol yn faterion **destunau** a allai fod yn berthnasol i'r penderfyniad megis cymhwysedd isadeiledd ffisegol (e.e. draeniau cyhoeddus neu systemau dŵr), sŵn neu aflonyddwch o ganlyniad i'r

defnydd, cynhwysedd priffyrdd, cadwraeth natur ac amcanion bioamrywiaeth, yr **amgylchedd hanesyddol**, risg llifogydd, penderfyniadau apeliadau blaenorol ac adroddiadau ymholiadau cynllunio, neu waith ymchwil a gwblhawyd i gefnogi cynigion cynllunio.

- 4.5 (1) Polisi PNU 1 y CDLI - Ffin Ddatblygu: Mae'r safle wedi'i leoli o fewn ffin datblygu Rhuddlan, h.y. gellir ystyried amrywiaeth helaeth o ddefnydd ar gyfer y tir fel datblygiad addas yn amodol ar feini prawf polisi manwl sy'n ymdrin â datblygu cynaliadwy a dyluniad o safon. Fodd bynnag, oherwydd yr ystyriaethau o ran risg llifogydd (gweler Pennod 5) ~~a'r digwyddiadau diweddar~~, mae'n annhebyg y bydd y Cyngor yn cefnogi ceisiadau ar gyfer datblygiad a restrir fel rhai sy'n 'agored iawn i niwed' yn Nodyn Cyngor Technegol 15 Llywodraeth Cymru: Datblygu a Risg Llifogydd, e.e. eiddo preswyl.
- 4.6 Dylai bod cynigion datblygu'n ceisio codi safonau dyluniadau o ran yr amgylchedd adeiledig ac yn sicrhau'r amgylchedd gorau drwy ddylunio tirwedd. Golyga hyn ~~efallai y bydd yr~~ **bod yn rhaid i'r** ymgeiswyr ~~yn dymun~~ ystyried y materion canlynol (nid yw'r rhestr yn gynhwysfawr): uchder adeiledig a maint, dwysedd y datblygiad, uchder yr adeiladau, gweithrediad Systemau Draenio Trefol Cynaliadwy (SUuDS), darpariaeth ~~nodweddi~~ **mesurau lliniaru** tirwedd gwyrdd a deunydd adeiladu sy'n cyd-fynd â'r ardal o'i amgylch.
- 4.7 (2) Polisi CCC 2 y CDLI – Blaenoriaeth Datblygu Tir Llwyd: Mae'r tir rhwng Marsh Road ac afon Clwyd wedi'i ddynodi fel ardal 'blaenoriaeth datblygu tir llwyd' i gydnabod y potensial i gyfrannu at dwf economaidd ac adfywiad cynaliadwy Rhuddlan. Mae'r Cyngor yn cydnabod nad yw'r holl safleoedd a ddatblygwyd yn flaenorol yn addas ar gyfer pob cynnig oherwydd halogiad posibl, risg llifogydd, neu amcanion cadwraeth natur. Dylai unrhyw gais cynllunio i ddatblygu ar y safle hwn gynnwys gwybodaeth yn arddangos sut y mae pob cynnig unigol yn cyfrannu at adfywiad, amrywiaeth (economaidd) a chefnogi camau gweithredu **ac amcanion a amlinellwyd yn 'Strategaeth**



Uchelgais Economaidd a Chymunedol 2013 – 2023' y Cyngor a 'Gweledigaeth Rhuddlan' fel y nodwyd yng Nghynllun Tref Rhuddlan 2012-2020: Edrych Ymlaen Gyda'n Gilydd'.

- 4.8 (3) Polisi GEH 1 y CDLI - Ardal Gadwraeth: Mae Ardal Gadwraeth Rhuddlan yn ffinio'r gogledd, gogledd-ddwyrain a'r dwyrain; yn cynnwys llinell adeiladu benodol ac ardaloedd mawr o dir pori agored sy'n darparu golygfeydd helaeth o'r safle tuag at y Castell, Bryniau Clwyd, ac i Ddyffryn Clwyd. Mae'n hanfodol bod unrhyw gynigion datblygu yn ystyried cymeriad a lleoliad yr ardal gadwraeth, adeiladau rhestredig a chofebion; yn enwedig o ran effeithiau andwyol posibl ar leoliad Castell Rhuddlan (Adeilad Rhestredig: Gradd I) æ, Eglwys y Santes Fair a Phont Rhuddlan ( ill dau yn Adeiladau Rhestredig: Gradd II\*).
- 4.9 Bydd gwerthuso'r cyd-destun lleol yn hanfodol er mwyn canfod a deall patrwm datblygu hanesyddol a phatrymau nodweddiadol treflun. Gallai ymarfer o'r fath gynnwys (nid yw'r rhestr hon yn gynhwysfawr): Dwysedd adeiladau, mathau o ddatblygiadau a phensaernïaeth; llinellau adeiladau, toeau a strydoedd; golygfeydd allweddol ac eilaidd; gofodau agored pwysig; a llinellau toeau a simneiau.
- 4.10 Llun 3 Golygfa dros y tir a ddynodwyd yn flaenoriaeth datblygu tir llwyd tuag at y dref (canol) a Chastell Rhuddlan (dde)



- 4.11 Mae'n bwysig asesu cymeriad yr ardal; yn enwedig os bu datblygiadau yn y gorffennol nad oeddent yn cyd-fynd â'r cyd-destun lleol. Dylid gweld hyn fel cyfle i wella'r ardal yn hytrach na chynnal y sefyllfa bresennol wael. Efallai y bydd yr ymgeiswyr yn dymuno trafod cynigion gyda Swyddogion Cadwraeth y Cyngor neu gorff '~~CADW~~' '**Cadw**' Llywodraeth Cymru cyn cyflwyno cais cynllunio.
- 4.12 (4) Ffin Canol y Dref / **Datblygiad Adwerthu** - Polisi HEG 8 / HEG 9 CDLI : mae canol tref Rhuddlan tua 500m i'r gogledd-ddwyrain, ac yn cynnwys gwesty, siop torri gwallt, bwyty, cludfwyd poeth, a chyfran fechan o ddefnydd stryd fawr draddodiadol megis optegydd, fferyllydd, siop bapurau newydd a dwy archfarchnad fechan. Mae Polisi HEG 8 CDLI yn berthnasol i ddatblygu o fewn ffiniau canol tref fel y dengys Mapiâu Cynigion y CDLI. ~~æ~~ Mae Polisi HEG 9 CDLI yn cyfeirio at ddatblygu mewn lleoliad sydd tu allan i ganol tref ond o fewn ffiniau datblygu. Gan nad yw'r safle wedi'i leoli mewn canol tref ddynodedig, ~~mæ~~ **bydd** meini prawf a **ddynodir yn** HEG 9 yn berthnasol **ar y cyfan** i'r datblygiad manwerthu bwriedig yn Nhriongl Rhuddlan. Mae'r polisi'n nodi y caniateir cynigion ar gyfer defnydd adwerthu bychan ar yr amod eu bod: (1) yn llai na 500 metr sgwâr o arwynebedd gros; (2) yn gwasanaethu'r ardal leol; (3) nad ydynt yn ffurfio rhan o stad ddiwydiannol; a (4) nad ydynt yn peryglu hyfywedd a bywiogrwydd canol trefi neu ardal. Pe bai maint unrhyw ddatblygiad adwerthu **arfaethedig** yn fwy na 500 metr sgwâr o arwynebedd gros, ~~byddai'r~~ **gallai'r** meini prawf a amlinellwyd ym Mholisi Cynllunio Cymru (argraffiad 7) ~~paragraff 10.3.11~~ a chanllawiau Nodyn Cyngor Technegol 4: Adwerthu a Chanol Trefi (1996) **fod** yn berthnasol. **Felly mae'n rhaid i ymgeiswyr (1) arddangos galw, (2) gweithredu prawf dilyniannol yn cyfiawnhau'r lleoliad a (3) darparu achos cryf ei fod yn cefnogi adfywiad lleol a mentrau datblygu economaidd.**
- 4.13 Astudiaeth Adwerthu Sir Ddinbych – mae'r Capasiti Adwerthu (2013) yn nodi nad oes angen cyfleuster ychwanegol (e.e. archfarchnad fwyd) ac adwerthu cymhariaeth (e.e. siop offer, offer trydanol) yng ngogledd y Sir, a ledled y Sir yn ei chyfanrwydd. Pe bai dyraniadau tai CDLI yn cael eu darparu a bod y

diwydiant twristiaeth yn parhau i gynyddu ar y lefelau cyfredol, byddai angen cynnydd cymedrol o gyfleusterau adwerthu fyddai'n cael eu diwallu gan ganiatâd cynllunio cyfredol. Pe bai'r rhagamcanion poblogaeth yn gywir yna byddai galw cymedrol am adwerthu cymhariaeth fyddai'n cael ei ddiwallu gan gynnydd yn effeithlonrwydd masnach Canol Tref y Rhyl a dyraniad adwerthu ym Marchnad y Rhyl. ~~Mae tir yn Nhriongl Rhuddlan yn elwa o ganiatâd cynllunio a gymeradwywyd ond na weithredwyd ar gyfer sawl uned adwerthu sy'n cynnig nwyddau cymhariaeth. Felly mae'n rhaid i unrhyw gynnis datblygu sy'n ymwneud ag adwerthu sydd tu hwnt i'r trothwyon a nodwyd ym mhobolisi GEH 9 CDLI ddiwallu polisi cenedlaethol a amlinellwyd yn 4.12(uchod) a; (1) arddangos galw, (2) gwneud cais am brawf dilyniannol yn cyfiawnhau'r lleoliad a (3) darparu achos cryf ei fod yn cefnogi adfywiad lleol a mentrau datblygu economaidd.~~

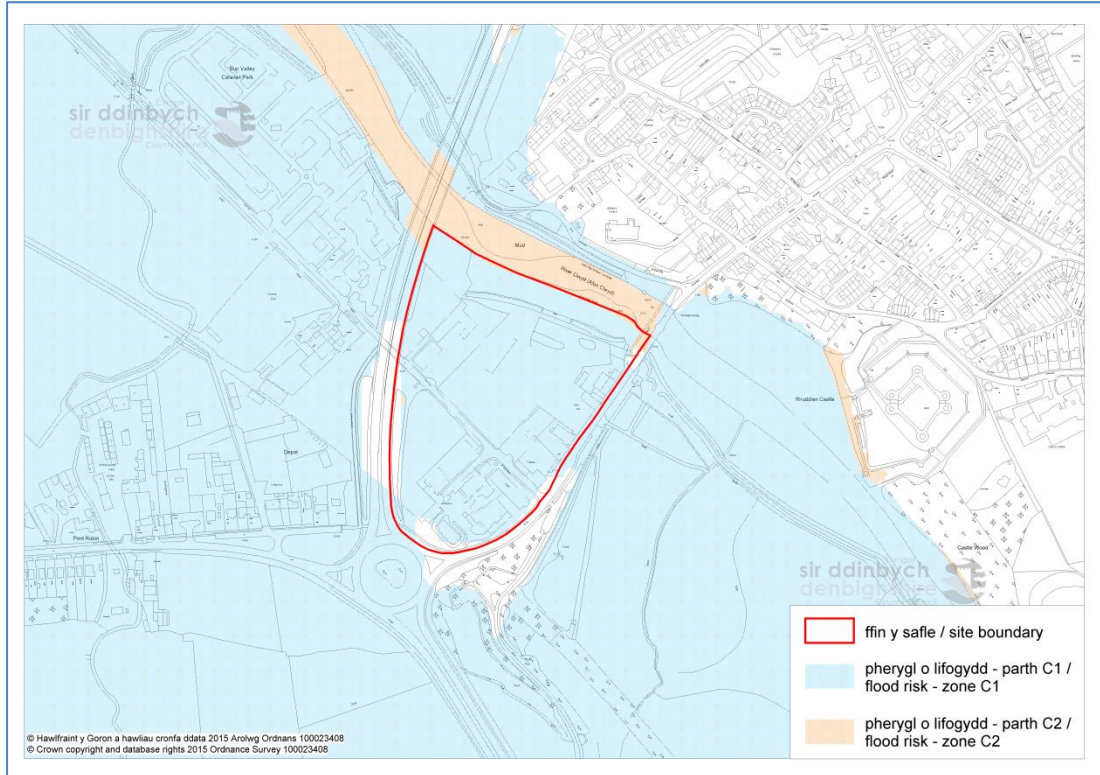
- 4.14 (5) Polisi CCC 11 CDLI - Hamdden a Lle Agored: Er nad oes unrhyw dir wedi'i ddynodi ar gyfer hamdden a lle agored ar y safle, creodd Cyngor Sir Ddinbych warchodfa natur leol gyda chefnogaeth y gymuned leol ar y tir cyfagos ac mae llwybr cerdded a beicio pellter hir Gogledd Cymru ar lan arall yr afon. Mae cyfle i wella'r cynnig hamdden trwy ddarparu gwasanaethau sy'n gysylltiedig â thwristiaeth, gan ymgorffori golygfeydd trawiadol tuag at Castell Rhuddlan a Bryniau Clwyd, gan greu cyswllt gwyrdd rhwng canol y dref, y warchodfa natur leol ac aneddiadau eraill ar hyd yr arfordir a Dyffryn Clwyd.

## 5. Risg Llifogydd

- 5.1 Mae'r safle o fewn Parth Risg Llifogydd C1 Map Cyngor Datblygu Llywodraeth Cymru y cyfeirir ato yn Nodyn Cyngor Technegol (TAN) 15: Datblygu a Risg Llifogydd. Mae Parth C1 yn dynodi ardaloedd gorlifdir sydd wedi eu datblygu gydag isadeiledd sylweddol, yn cynnwys gwahanol fathau o amddiffynfeydd rhag llifogydd. O ganlyniad, gallai datblygu ddigwydd ond bydd yn amodol ar ganlyniadau'r prawf cyfiawnhad a derbynioldeb y canlyniadau ar gyfer mathau penodol. Gellir canfod gwybodaeth fanwl ynglŷn

â phroffion cyfiawnhau a meini prawf derbyniol yn TAN 15 LIC: Datblygu a Risg Llifogydd, paragraffau 6-7 ac Atodiad 1.

5.2 Ffigur 3 Parthau Risg Llifogydd yn ardal 'Triongl Rhuddlan' (Mawrth 2015)



5.3 O ran risg llifogydd, gellir categorio'r mathau o ddatblygiad yn eang fel (1) Gwasanaethau Brys (e.e. ysbytai, gorsaf dân), (2) Datblygiad sy'n Agored lawn i Niwed (e.e. adeiladau cyhoeddus, pob eiddo preswyl), a (3) Datblygiad sy'n Llai Agored i Niwed (e.e. diwydiant cyffredinol, adwerthu, meysydd parcio). Er nad yw'r canllawiau cynllunio cenedlaethol yn cynnwys gwahardd datblygu sy'n agored iawn i niwed ym Mharth C1, mae'n rhaid i gynigion datblygu gydymffurfio â'r meini prawf a osodwyd yn TAN15, a byddai unrhyw gyngor gan Gyfoeth Naturiol Cymru (CNC) yn cael ei drin fel ystyriaeth berthnasol.

5.4 Oherwydd sawl digwyddiad o lifogydd dros y ddwy flynedd diwethaf (e.e. Tachwedd 2012, Rhagfyr 2013) a gosod cynlluniau amddiffyn rhag llifogydd, comisiynodd Cyngor Sir Ddinbych JBA Consulting i gynhyrchu 'Asesiad Canlyniadau Llifogydd Strategol Sir Ddinbych – Diweddariad' (uSFCA).

Cyhoeddwyd yr adroddiad terfynol ym mis Gorffennaf 2014, a gellir cael e-gopiâu ar wefan yr awdurdod (&fAwww.sirddinbych.gov.uk/cdll;). Cyn y digwyddiadau a nodwyd uchod, ni chafwyd unrhyw lifogydd ar y safle ers 1966.

#### 5.5 Llund 4 Golygfa ar hyd glannau afon Clwyd tuag at bont Rhuddlan



- 5.6 Mae'r uSFCA 2014 yn disgrifio potensial digwyddiadau llifogydd o wahanol ffynonellau ar gyfer Triongl Rhuddlan, ac yn asesu data technegol ar gyfer gwahanol fathau o ddatblygiad yn unol â meini prawf TAN15 ar gyfer amodau goddefiant digwyddiadau llifogydd. ~~Prif ffynhonnell-risg llifogydd yw afon Clwyd (llifogydd-afonol) ond nid yw hyn yn eithrio posibilrwydd llifogydd llanw o Foryd Clwyd ac unrhyw risg o dorri'r amddiffynfeydd rhag llifogydd. Mae'r safle mewn perygl o ffynonellau'r llanw a ffynonellau afonol. (Ffynhonnell: uSFCA, t. 56)~~ Mae materion sylweddol wedi'u hamlygu o ran meini prawf digwyddiad llifogydd derbyniol (e.e. dyfnder llifogydd, uchafswm cyflymder llif yr ardal) ar gyfer datblygiadau gwasanaethau brys a phreswyl (ystafelloedd cyfanheddol).
- 5.7 Mae'r uSFCA a Chyfoeth Naturiol Cymru (**CNC**) (mewn ymateb i ymholiadau cynllunio blaenorol) yn amlygu bod angen cyflwyno Asesiad o Ganlyniad Llifogydd (FCA) gydag unrhyw gynnig sy'n ceisio caniatâd cynllunio ar y safle

hwn. Mae'n rhaid i'r datblygwyr allu dangos y gellir rheoli risgiau i'r datblygiad, ac yn deillio o'r datblygiad, yn ystod hyd oes ddisgwyliedig y datblygiad.

5.8 ~~Nid yw codi lefelau tir unigol ar y safle i wneud lle ar gyfer datblygiad diamddiffyn iawn, e.e. y gwasanaethau brys ac eiddo preswyl, yn opsiwn derbyniol i fynd i'r afael ag uchafswm dyfnder llifogydd oherwydd y potensial o ddadleoli dyfroedd llifogydd ac achosi effeithiau risg llifogydd andwyol ar berchnogion tir cyfagos. (Gweler TAN 15 paragraff A1.15)~~ Gellid cynnig codi lefelau tir unigol ar y safle ar gyfer datblygiad 'Llai Agored i Niwed' ac 'Agored lawn i Niwed' er mwyn cydymffurfio â TAN 15 rhan A1.14. Mae CNC yn cadarnhau y gellir cyflwyno rhai addasiadau i lefel y tir i leihau'r perygl o lifogydd a chanlyniadau llifogydd ar y safle, ond byddai angen ystyried effeithiau trydydd parti yn ofalus (gweler TAN15, paragraff A1.12); a byddai angen cynllun storio llifogydd cydadferol, pe bai effeithiau llifogydd yn cael eu nodi oddi ar y safle.

5.9 Dylai datblygwyr fod yn ymwybodol, o dan delerau Deddf Adnoddau Dŵr 1991 (fel y'i diwygiwyd) a'r Is-ddeddfau Draenio Tir, bydd hefyd angen cydsyniad Cyfoeth Naturiol Cymru ar gyfer unrhyw waith, neu strwythurau a leolir yn, o dan, dros neu o fewn 7 metr o frig glan (neu droed yr amddiffynfeydd rhag llifogydd uwch ar ochr y tir) yr Afon Clwyd, a ddynodwyd yn "brif afon". Bydd y sefydliad yn defnyddio grymoedd deddfwriaethol i sicrhau na fydd unrhyw gynlluniau datblygu yn y dyfodol yn peryglu ei allu i gael mynediad at y cwrs dŵr (ac asedau amddiffyn rhag llifogydd) nac ymgymryd â gwaith gwella yn y dyfodol.

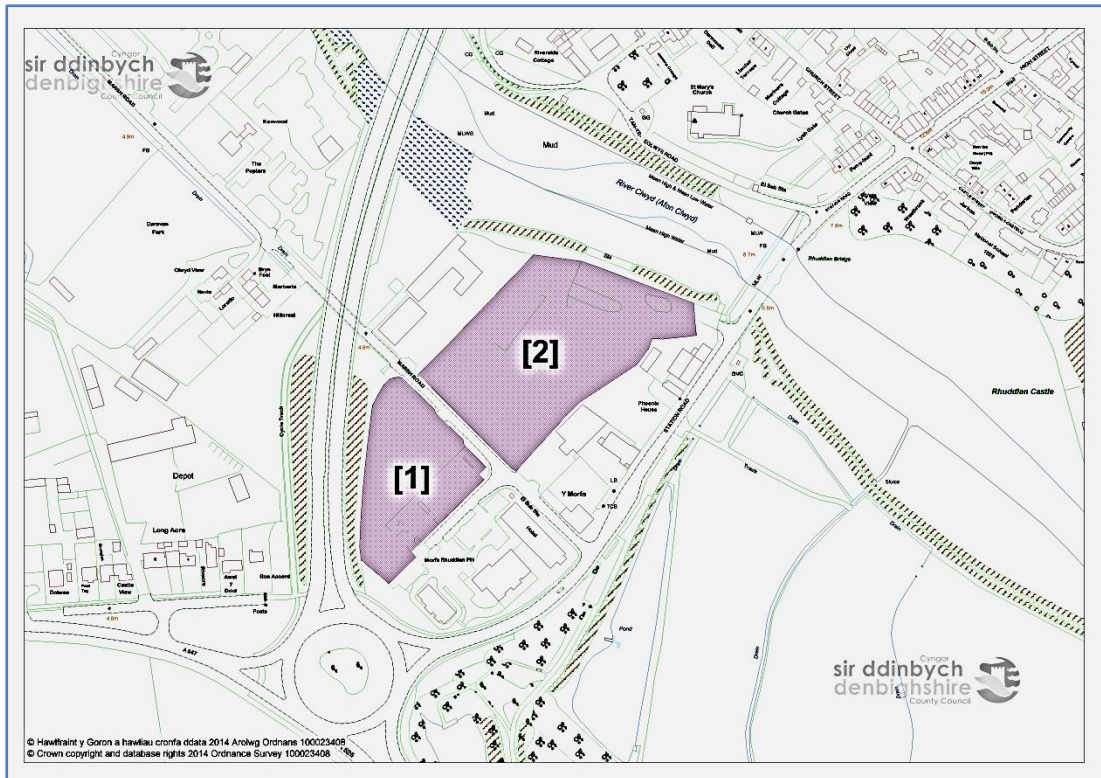
## 6. Ardaloedd allweddol ar gyfer datblygu yn y dyfodol

6.1 Mae'r bennod hon yn canolbwyntio ar ddwy ardal lle y byddai'r Cyngor yn disgwyl datblygiad o safon, i fod yn rhyw fath o ddatblygiad angor ar y safle, ac o'r herwydd, byddai'n denu busnesau eraill. (gweler Ffigur 4, p. 14). Mae ffiniau'r safle a nodwyd yn rhai dangosol yn unig, ac nid ydynt yn cynrychioli

perchnogaeth na chaniatâd cynllunio. Nid yw'r Cyngor yn berchennog unrhyw ddarn o'r tir ond byddant yn cynorthwyo gyda thrafodaethau cynigion datblygu.

6.2 Efallai y bydd cyfleoedd i ailddatblygu darnau eraill o dir ar y safle neu ar hyd blaen Ffordd yr Orsaf. Byddai cynigion i ailddatblygu, trawsnewid a gwelliannau dylunio i wella'r atyniad ac edrychiad yn cael eu hannog.

6.3 Ffigure 4 Ardaloedd allweddol ar gyfer datblygu yn y dyfodol



6.4 ~~Ardal 1: mae'r ardal tua 0.7ha hecтар. ac yn elwa o ganiatâd cynllunio ar gyfer datblygiad adwerthu, yn cynnwys codi dau adeilad sy'n cynnwys 6 uned gyda chyfanswm o tua 2,600 metr sgwâr. Cymeradwywyd Caniatâd Cynllunio Amlinellol ar gyfer cynllun defnydd cymysg yn 1997 ac fe'i adnewyddwyd yn 2000, ar gyfer y safle i'r de o Marsh Road gyda chynigion ar gyfer gwesty, bwyty ac elfen o adwerthu. Ar ôl cymeradwyo caniatâd cynllunio llawn er mwyn codi bwyty, gwesty, uned cludfwyd gyda'r opsiwn o'i gasglu mewn car ac uned adwerthu nad yw'n ymwneud â bwyd yn 2005, mae'r ymgeiswyr wedi llwyddo i gael diwygiadau i'r elfen adwerthu ond ni~~

weithredwyd y caniatâd.

6.5 ~~Daw'r caniatâd cynllunio cyfredol i ben ym mis Tachwedd 2014, oni ddechreuir datblygu ar y safle. Byddai'r Cyngor yn fodelon trafod cynlluniau tebyg yn y fframwaith polisi a fabwysiadwyd a gyda chyngor gan Gyfoeth Naturiol Cymru ynglŷn â risg lifogydd (gweler Pennod 4 a 5). Daeth y caniatâd cynllunio diwethaf i ben ym mis Tachwedd 2014. Hoffai'r Cyngor weld cynlluniau tebyg yn cael eu gweithredu, ond nid yw'n gwrthwynebu mathau amgen o ddefnydd tir sy'n cydymffurfio â pholisi cenedlaethol a lleol, yn bodloni meini prawf risg lifogydd ac yn cyfrannu at adfywiad economaidd yr ardal. Er enghraifft, efallai y bydd ymgeiswyr am ystyried cyfleusterau sy'n gysylltiedig â thwristiaeth sy'n darparu ar gyfer pobl sy'n beicio neu'n cerdded ar hyd yr afon Clwyd, yn aros ar y safleoedd carafannau cyfagos neu archwilio'r golygfeydd yn Nyffryn Clwyd.~~

6.6 Llund 5 Golygfa o gyffordd cylchfan yr A525 a'r A547 dros Ardal 1 gydag Eglwys y Santes Fair yn y cefndir



6.7 Ardal 2: Mae'r ardal hon yn mesur tua 1.4ha, ac nid yw'n elwa o ganiatâd cynllunio cyfredol. Mae'r darnau o dir yn eiddo i wahanol bartion sy'n golygu y byddai angen cydweithrediad rhwng perchnogion tir pe baent yn dymuno creu datblygiad mawr neu unigol.



6.8 Bu mentrau economaidd ar y safle hwn yn flaenorol, er enghraifft ffowndri a golchdy, byddai'r Cyngor yn croesawu stad ddiwydiannol fechan gydag unedau dechreuol ar y safle, gan ddarparu cyfleoedd cyflogaeth i unigolion sy'n byw yn yr ardal. Fodd bynnag, nid yw'r cynnig hwn yn rhagfarnu yn erbyn mathau eraill o ddefnydd tir. **Yn debyg i Ardal 1 (gweler paragraff 6.5),** ~~Mae digonedd o gyfleoedd i wella'r cynnig cyfredol o gyfleusterau cymunedol a chyfleusterau hamdden, gweithgareddau awyr agored a thwristiaeth neu fentrau masnachol ar gyfer y gymuned leol. Anogir yr ymgeiswyr i egluro sut y bydd eu cynigion yn cefnogi'r strategaeth ddatblygu ar gyfer Ardal Adfywio Strategol Arfordir Gogledd Cymru, camau gweithredu a nodwyd yng Nghynllun Tref Rhuddlan, neu unrhyw ddogfennau eraill sy'n ceisio gwella safonau byw ar gyfer preswylwyr ar hyd yr arfordir.~~

6.9 Llundun 6 Golygfa dros Ardal 2 tuag at Eglwys y Santes Fair



## 7. Mynediad a Symudiadau

7.1 Dylid cael mynediad i gerbydau o'r A547, gan ddefnyddio Marsh Road fel prif ffordd i nifer o safleoedd ar y safle. Mae'r ddarpariaeth gyfredol angen mynediad i eiddo preswyl, busnesau a maes carafanau ar hyd Marsh Road, a bydd angen i unrhyw ddatblygiad gynnal llwybr trwy'r cyfnod adeiladu ac ystyried llwybr amgen ar adegau os yw'n briodol.

7.2 Mae'r Cyngor wedi cyflwyno cyfyngiad pwysau dros dro ar Bont Rhuddlan trwy gyflwyno traffig mewn un rhes. Mae angen gwaith allweddol i uwchraddio'r strwythur rhestredig er mwyn ymdopi â'r cynnydd mewn traffig a phwysau'r cerbydau sy'n teithio dros afon Clwyd yn ddyddiol. Mae hyn yn golygu, y dylid hysbysu ceisiadau am ddefnydd tir sy'n cynnwys symud nwyddau a cherbydau trwm yn rheolaidd efallai na fydd modd mynd i Ffordd yr Orsaf o ganol y dref.

7.3 Llun 7 Golygfa ar hyd cyffordd Marsh Road gyda Ffordd yr Orsaf (Medi 2014)



7.4 Dylai'r cynigion ddarparu amodau diogel ar gyfer cerddwyr a beicwyr o fewn ac i/o'r safle. Efallai y bydd angen cynnal gwaith gwella'r ffordd a'r palmentydd, yn dibynnu ar natur y cynigion unigol a'r cynnydd traffig posibl o ganlyniad i'r datblygiad. Efallai y bydd y Cyngor yn gofyn am Asesiad Cludiant i asesu trefniadau mynediad i'r safle a dylid trafod gwaith gwella ffyrdd posibl; gwaith arolwg, methodoleg a chanlyniadau gydag adran Priffyrdd y Cyngor gyda'r bwriad o'u gweithredu. **Gallai'r Cyngor geisio cyfraniadau ariannol gan ymgeiswyr os oes angen gwaith gwella i liniaru unrhyw effeithiau andwyol ar y rhwydwaith ffyrdd lleol.**

7.5 Ym mis Medi 2014, roedd y Cyngor yn cyflawni astudiaethau dichonoldeb

gyda'r bwriad o adeiladu palmant o Faes Carafanau Sun Valley ar hyd Marsh Road tuag at y Gyffordd gyda Ffordd yr Orsaf. Y prif amcan yw gwella diogelwch ffyrdd a'r profiad ar gyfer ymwelwyr ac aelodau'r cyhoedd sy'n teithio ar hyd y ffordd. Mae'r argymhellion cychwynnol yn cynnwys cyflawni arolygon pellach i symudiadau o'r tarddiad-cyrchfan i nodi'r galw a gwneud defnydd priodol o gytundebau Adran 278 o Ddeddf Priffyrdd 1980 fyddai'n cynnwys darparu palmant fel rhan o gynigion datblygu yn y dyfodol.

#### 7.6 Llun 8 Golygfa ar hyd Marsh Road tuag at Ffordd yr Orsaf (Medi 2014)



### 8. Ystyriaethau Pellach

8.1 *Halogiad:* Cynghorir y datblygwyr i archwilio'r posibilrwydd o halogiad tir ar y tir i'r gogledd o Marsh Road oherwydd y gweithgareddau crefftwaith oedd yn gysylltiedig â ffowndri a oedd yn weithredol yno'n flaenorol.

8.2 *Gwarchodfa Natur:* ~~Mae'n rhaid i gynigion datblygu barchu amcanion bioamrywiaeth a chadwraeth natur. Dylai unrhyw waith sy'n agos at wely'r afon, gan gynnwys gwelliannau, osgoi unrhyw newidiadau i gyfaint ac ansawdd dŵr afon Clwyd. Mae'r afon yn ymuno â Bae Lerpwl ym Moryd Clwyd sydd tua dwy filltir i'r gogledd, sydd wedi'i ddynodi'n Ardal Warchod Arbennig ac yn derbyn gwarchodaeth dan Gyfarwyddyd Cynefinoedd.~~

Mae gan CNC gofnodion o Ystumod (Chiroptera), Dyfrgwn (Lutra lutra), Madfallod Cribog Mawr (Triturus cristatus) a'r Barcud Coch (Falco Subbuteo) o fewn 1 cilomedr o Driongl Rhuddlan. Bydd angen i unrhyw gais cynllunio ddarparu digon o wybodaeth, trwy arolygon ac asesiadau priodol, i alluogi'r awdurdod lleol i benderfynu a yw'r cynnig yn debygol o fod yn niweidiol i gynnal Statws Cadwraeth Ffafriol (SCFf) poblogaeth (neu nythfa) rhywogaethau a warchodir yr effeithir arni.

8.3 Mae'r safle wedi ei leoli ger yr afon Clwyd sy'n cysylltu â nifer o safleoedd rhyngwladol a chenedlaethol a warchodir. Bydd angen i unrhyw gynnig datblygu gynnwys manylion am ddulliau gweithio a mesurau atal llygredd a fydd yn sicrhau na fydd y gwaith yn cael effaith ar y cwrs dŵr cyfagos, h.y. ansawdd dŵr a chyfaint dŵr, a nodweddion y safleoedd a warchodir.

8.4 *Draenio:* Ceisiadau cynllunio blaenorol ar gyfer cynnig datblygu (e.e. Harvey's – cais cynllunio rhif: 44/2014/0101) a'r astudiaeth ddichonoldeb gyntaf o ran gosod palmant ar hyd Marsh Road (gweler paragraff 7.5) yn amlgu problemau gyda draenio ar y safle oherwydd diffyg rhigol. Mae'r dŵr wyneb yn llifo i'r draeniau a'r ceuffosydd ar hyd Marsh Road yn bennaf. Felly, mae'n rhaid i gynigion datblygu gynnwys datrysiadau draenio, a dylent osgoi cynyddu'r dŵr wyneb sy'n llifo o safle'r cais.

8.5 *Asesiad Effaith Amgylcheddol:* ~~Cynghorir datblygwyr i wirio bod eu cynnig yn eiddymffurfio ag un o'r categorïau yn Atodiad 1 neu Atodiad 2 Cyfarwyddyd Asesiad o Effaith Amgylcheddol (85/337/EEC). Os mai dyma'r achos, dylid cynnwys Asesiad o Effaith Amgylcheddol gyda'r ceisiadau cynllunio.~~ Cynghorir ymgeiswyr i ganfod a yw eu cynnig cynllunio yn dod o dan y rheoliadau yn Rheoliadau Cynllunio Gwlad a Thref (Asesiad Effaith Amgylcheddol) (Cymru a Lloegr) 1999, ac, felly, y gellid eu dosbarthu yn 'ddatblygiad Asesiad Effaith Amgylcheddol'. Diben Asesiad Effaith Amgylcheddol yw sefydlu a yw datblygiad yn debygol o achosi effeithiau sylweddol ar yr amgylchedd a pha fath o fesurau lliniaru y gallai fod eu hangen i'w lleihau.

8.6 Rhaid i bob cynnig sy'n cyd-fynd â'r disgrifiad a grybwyllir yn Atodlen 1 y rheoliadau fod yn amodol ar Asesiad Effaith Amgylcheddol, ond nid oes rhaid i gynigion sy'n cyd-fynd â'r disgrifiad a grybwyllir yn Atodlen 2 y rheoliadau fod yn amodol ar Asesiad Effaith Amgylcheddol, gan ddibynnu ar ganlyniad yr ymarfer sgrinio Asesiad Effaith Amgylcheddol. Mae rhagor o wybodaeth am y broses ar gael yng Nghylchlythyr 11/99 y Swyddfa Gymreig ('Asesiad Effaith Amgylcheddol (AEA)') neu i'w cael gan yr adran Cynllunio / 'Rheoli Datblygu'.

## 9. Cysylltiadau

9.1	<p>Cyngor Sir Ddinbych Cynllunio a Gwarchod y Cyhoedd Rheoli Datblygu Caledfryn Ffordd y Ffair Dinbych LL16 3RJ Ffôn: 01824 706727 E-bost: <a href="mailto:cynllunio@sirddinbych.gov.uk">cynllunio@sirddinbych.gov.uk</a></p>	<p>Cyngor Sir Ddinbych Cynllunio a Gwarchod y Cyhoedd Polisi a Chynllunio Datblygu Caledfryn Ffordd y Ffair Dinbych LL16 3RJ Ffôn: 01824 706727 E-bost: <a href="mailto:cdll@sirddinbych.gov.uk">cdll@sirddinbych.gov.uk</a></p>
9.2	<p>Cyngor Sir Ddinbych Tai a Datblygu Cymunedol Datblygiad Economaidd a Busnes Caledfryn Ffordd y Ffair Dinbych LL16 3RJ Rhif ffôn: 01824 706860 E-bost: <a href="mailto:econ.dev@denbighshire.gov.uk">econ.dev@denbighshire.gov.uk</a></p>	<p>Cyngor Sir Ddinbych Priffyrdd a Gwasanaethau Amgylcheddol Adran Priffyrdd a Chludiant Caledfryn Ffordd y Ffair Dinbych LL16 3RJ Rhif ffôn: 01824 706882 E-bost: <a href="mailto:priffyrdd@sirddinbych.gov.uk">priffyrdd@sirddinbych.gov.uk</a></p>

## 10. Ffynonellau / Llyfryddiaeth

Cyngor Sir Ddinbych, Cynllun Datblygu Lleol Sir Ddinbych 2006 - 2021, mabwysiadwyd ym mis Mehefin 2013

Cyngor Sir Ddinbych, Astudiaeth Capasiti Adwerthu 2013, dogfen ar gael o wefan CSDd

Cyngor Sir Ddinbych, Cynllun Tref Rhuddlan 2012-2020: Edrych Ymlaen Gyda'n Gilydd', dogfen ar gael o wefan CSDd

Llywodraeth Cymru, Ardal Adfywio Strategol Arfordir Gogledd Cymru – rhaglen

Llywodraeth Cymru, Polisi Cynllunio Cymru (Argraffiad 7), Gorffennaf 2014

Llywodraeth Cymru, Nodyn Cyngor Technegol 15: Datblygu a Risg Llifogydd (2004)

## **Appendix II: Report of Consultation – draft Site Development Brief 'Rhuddlan Triangle' (April 2015)**

### **1. Introduction**

- 1.1 This report informs Members of the 11 week public consultation on the draft Site Development Brief 'Rhuddlan Triangle'; including a summary of the representations received and how they have been taken into account by the Council in finalising the draft document.
- 1.2 Members approved the draft document for an 11 week public consultation at the Planning Committee on 22<sup>nd</sup> October 2014. The consultation preparations included press releases, information on the Council's website and an email or letter to all people on the LDP database, including City, Town and Community Councils, County Councillors, adjacent local authorities and members of the public, informing them of the consultation details, two drop-in events at Rhuddlan Library and how to respond. Public consultation took place between 1st December 2014 and 13th February 2015.
- 1.3 Copies of the draft document and comment forms were made available on the Council's website, in Public Libraries and the Council's 'One Stop Shops'. About 400 households in the vicinity of the site received a leaflet containing all necessary consultation details and advertising two drop-in events at Rhuddlan Library.
- 1.4 Planning Officers held these two sessions on 10th December 2014 and on 17th January 2015, which were attended by about 50 interested residents. At the events, Officers from different departments were present to talk to the public, provide further information and advice on site-specific queries.
- 1.5 The Council also consulted on the Strategic Environmental Assessment (SEA) - screening document, accompanying the draft document, with statutory consultees, i.e. Natural Resources Wales and Cadw, and members of the public but did not receive any representations.

### **2. Representations received**

- 2.1 The Council received 9 written representations, and Officers spoke to about 50 interested residents at Rhuddlan Library. These include responses from Natural Resources Wales, Campaign for the Protection of Rural Wales, local businesses and interested parties in bringing development forward on site.
- 2.2 Representations received addressed the following topics:
  - support for the Council's intention to support regeneration on site;
  - impact on local road network; for example site access from Station Road and lorry parking along Marsh Road;
  - forms of land use: proposals for industrial use, food retail development or tourism-related facilities;
  - flood risk considerations and application of flood mitigation measures; and

- design requirements for new developments, respecting the historic environment.
- 2.3 Copies of the original representations are available from the Strategic Planning & Housing team in Denbigh by phone 01824 706916 or by email: [ldp@denbighshire.gov.uk](mailto:ldp@denbighshire.gov.uk). Table 1 to this report contains a summary of each response received and outlines proposed amendments.

### 3. Document changes

- 3.1 Officers propose a small number of amendments to the draft document to reflect representations received (see Table 1), respond to factual changes and implement minor editorial alterations. These are shown as **bold** or ~~strike through~~ text in the draft document attached to the Planning Committee report on 15th April 2015 in Appendix I.
- 3.2 Factual changes are required with regard to paragraphs 6.4 and 6.5 because of the expiration of planning permission for retail development in November 2014. Natural Resources Wales provided further information on flood risk mitigation, location of highly vulnerable development on site and the maintenance of flood defences. There has also been a change to paragraph 5.6 prior to public consultation as a result of the discussion that Members had at Planning Committee on 22nd October 2014.



Table 1: Consultation responses

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
Laura Beech (3237)	Walsingham Planning on behalf of Property Alliance Group (‘PAG’)	PAG supports the Council’s proactive approach to regenerate Rhuddlan Triangle; and support the principal elements of development as outlined in paragraph 3.7	Support welcomed.	No change proposed.
		Paragraph 6.5 refers to the existing planning permission for non-food retail in Area 1 – Site Development Brief should allow for other forms of land use, especially food retail and service development, to attract new business to the area	Land west of Premier Inn and south of Marsh Road has not been allocated for a specific form of land use in DCC’s Local Development Plan but benefitted from planning consent for non-food retail in the past. The Council will consider alternative proposals in line with adopted national and local policies.	Amendments to be made to paragraphs 6.4 and 6.5 in light of factual changes and provision of information on alternative forms of land use
M. W. Moriarty (3121)	Campaign for the Protection of Rural Wales – Clwyd Branch	Sub-Section 4.4: Amend fourth line of sub-section to read; ‘... <i>conservation and biodiversity objectives, <u>the historic environment</u>, flood risk, previous appeal...</i> ’ Reason for amendment: Due to the antiquity of human occupation in the area.	Change agreed, i.e. inclusion of additional wording; to highlight historic environment as a material planning	Amendment to be made to paragraph 4.4 as outlined in representation
		Sub-Section 4.6: Amend text to read; ‘ <i>That means applicants <u>have to consider the following matters (that are by no means exhaustive): built height and scale, density of development, elevation of buildings, implementation</u></i>	Change agreed, i.e. re-wording and inclusion of additional wording; to stress importance of design considerations in potential development proposals and to avoid	Amendments to be made to paragraph 4.6 as outlined in representation

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
M. W. Moriarty (3121)	Campaign for the Protection of Rural Wales – Clwyd Branch	<i>of Sustainable Urban Drainage Systems (SUDS), provision of green landscape <u>mitigation measures</u> and built material sympathetic to the surrounding area.</i> Reason for amendment: To emphasise a requirement to limit visual impact of any development looking across the site into the Vale of Clwyd or towards Rhuddlan and the Clwydian Range that forms part of a designated AONB	adverse effects on the historic environment and principal views from / towards the site	
		Sub-Section 4.8: Amend end of last sentence to read; ' <i>...Rhuddlan Castle (Listed Building: Grade I), <u>St Mary's Church and Rhuddlan Bridge (both a Listed Building: Grade II*)</u></i> .' Reason for amendment: Being a Grade II* Listed Building, Rhuddlan Bridge denotes that it is a structure of more than just local importance. This also requires to be taken into account with regard to potential adverse effects upon its setting by development.	Change agreed, i.e. re-wording of sentence; to stress the importance of Rhuddlan Bridge with regard to legislation and protection	Amendment to be made to paragraph 4.8 as outlined in representation
		Sub-Section 4.11: Amend last sentence to read; ' <i>Applicants <u>are required</u> to discuss proposals with the Council's Conservation Officers, <u>Archaeologist</u>, or Welsh Government body 'CADW' prior to submitting a planning application.</i> ' Reason for	There is no statutory requirement for applicants to carry out pre-application consultation. The Council encourages applicants to undertake such an exercise prior to submitting a planning	No change proposed.

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
M. W. Moriarty (3121)	Campaign for the Protection of Rural Wales – Clwyd Branch	amendment: To make such pre-application consultation a requirement due to the antiquity of settlement in the area and potential archaeology being within the development site.	application. Hence, the chosen wording of paragraph 4.11	
Mandy Evans (791)	Abergele Town Council	Members of the Committee did not feel that they were able to comment on the policy of another County.	Comment noted.	No change proposed.
Deborah Hemsworth (276)	Natural Resources Wales	NRW supports the inclusion of 'Chapter 5: Flood Risk', and the requirement of submitting an Flood Consequence Assessment (FCA) in support of any planning application as outlined in paragraph 5.7	Support welcomed.	No change proposed.
		Clarification on potential adverse flood risk impacts associated with land raising of the site as outlined in paragraph 5.8; type of mitigation measure may be put forward for both 'less vulnerable' and 'highly vulnerable' development to achieve compliance with part A1.14 of Technical Advice Note (TAN) 15 but careful consideration of third party impacts would be necessary	Change agreed to clarify the situation re the application of raised land levels or required land modification to accommodate 'less vulnerable' and 'highly vulnerable' development on site	Amendments to be made to paragraph 5.8 in line with NRW's advice, Figure 3 to be updated in line with newly published Welsh Government advice maps
		Paragraph 5.8: Suggest changing the reference to paragraph A1.12 of TAN15 regarding new development should not result in flooding elsewhere.	Change agreed to provide correct reference	Paragraph 5.8 - Replace reference to A1.15 of TAN15 with A1.12 of TAN15

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
Deborah Hemsworth (276)	Natural Resources Wales	Inclusion of an additional paragraph outlining the requirements of Flood Defence Consent - legal requirement for potential developers to seek NRW's consent regarding any works, or structures located in, under, over or within 7 metres of the bank top of the River Clwyd.	Change agreed, inclusion of additional paragraph is agreed to provide further advice on Flood Defence Consent for potential applicants	Chapter 5: Inclusion of additional paragraph 5.9 - outlining the requirements of Flood Defence Consent
		NRW has records of protected species within 1km of Rhuddlan Triangle; and advises on legal requirements and additional information to be sought for planning proposals that are likely to cause an adverse effect on protected species	Change agreed, inclusion of additional paragraphs is agreed to provide potential applicants with further information on avoiding adverse effects on protected species and habitats.	Amendments to be made to paragraph 8.2 and inclusion of additional paragraph 8.3 to provide further advice for applicants on protection of natural environment
Adrian Townsend (3239)	Sun Valley Caravan Park	'Rhuddlan Triangle' should be developed in a way that supports local tourism businesses, e.g. art and craft studios, provision of small shops, coach and car parking	Tourism is an important business sector in Denbighshire, and the Council would welcome proposals in support of this industry branch.	Inclusion of additional information in paragraphs 6.5 and 6.8 to outline the potential for tourism development.
		Disagrees with the provision of additional industrial units in the area	Paragraph 6.8 clearly states that industrial use is an option for bringing land back into use but by no means the only way. The Council welcomes alternative proposals that support the objectives, outcome and priorities laid out	Amendment to be made to paragraph 4.7 to refer to Denbighshire County Council's 'Economic and Community Ambition Strategy'.

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
Adrian Townsend (3239)	Sun Valley Caravan Park		in Denbighshire County Council Economic & Community Ambition Strategy 2013 – 2023.	
		Highway improvements are required to the entire lengths of Marsh Road to improve access to caravan parks	It is acknowledged that improvement works to Marsh Road or / and the junction of Marsh Road / Station Road is required with additional development. Paragraph 7.1 outlines requirements for road works affecting all properties and businesses along Marsh Road, and paragraph 7.4 highlights the identification of mitigation measures to be required for new development to avoid adverse effects on the local road network.	Amendment to be made to paragraph 7.4 to provide further information on potential developer's contribution towards required highways improvement works.
Robert M Hughes (3224)	---	New developments should be designed to not detract from the view of the Church and the Castle, be sensitive to the areas and address flood risk considerations; however, design considerations should not render potential development unviable	Design considerations will be an essential part in assessing potential development proposals due to the prominent location adjacent to three listed buildings	No change proposed.
		Site should be developed to cater for small business units to provide job opportunities, especially for young people	Paragraph 4.7 and Chapter 6 outline the site's capacity to contribute towards economic regeneration through the	No change proposed.

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
			provision of employment opportunities	
John Owens (3240)	John Owens Solicitors on behalf of Trustees of J. T Owens; Mr & Mrs P Ashman – Ash Motors; Mr & Mrs J Morris – Morris Stores; County Laundry & Cleaners (Rhyl) Limited	It is strongly felt that the Site Development Brief will improve the prospects of a suitable development, in keeping with the position of the site and the needs of the landowners and the local community.	Support welcomed.	No change proposed.
		Draft document identifies two key areas for future development (paragraph 6.2) which do not include those parts of the site that front onto Station Road – these sites should be included in any proposal for the site and form part of the Site Development Brief	Paragraph 6.2 outlined that the Council would assist in bringing forward development on all parts of the site but further information explicitly referring to the frontage of Station Road to be included.	Amendment to be made to paragraph 6.2 to explicitly refer to the frontage of Station Road
		Site could be used for any of the following types of mixed developments (subject to financial and environmental viability): light industrial, retail, small warehousing, offices and residential housing	The Council do not wish to object to alternative forms of land use, subject to compliance with national and local planning policies.	No change proposed.
		Mix of light industrial and office use would not only enhance the existing offer but would increase prosperity within the town on Rhuddlan	Comment noted.	No change proposed.
		Residential development above small starter units, offices or retail units would both enhance security and amenity on site, and mitigate flood	The Council received advice from Natural Resources Wales on location of 'highly vulnerable' development on	Chapter 5 has been amended in light of latest NRW's advice, including the location

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
John Owens (3240)	John Owens Solicitors on behalf of Trustees of J. T Owens; Mr & Mrs P Ashman – Ash Motors; Mr & Mrs J Morris – Morris Stores; County Laundry & Cleaners (Rhyl) Limited	consequences	site and, therefore, does not categorically oppose residential development but points out the requirement of satisfying all flood risk considerations.	of highly vulnerable development.
		Traffic and highway considerations: developers are advised to discuss with the Council any measures relating to traffic pressure alleviation on Marsh Road and on its junction with Station Road	Chapter 7 'Access and Movement' outlines relevant traffic and highway considerations.	No change proposed.
Mrs G Thompson (3221)	---	Supports the principles of paragraphs 3.7 and 4.13	Support welcomed.	No change proposed
		Consideration should be given to accommodate a high school on site to cater for increasing demand for school places due to various residential developments taken place in the area	Schools are classed as 'highly vulnerable development' and the Council is unlikely to support a new school at Rhuddlan Triangle to site being denoted as flood risk zone C1. Improvements to Rhyl High School will provide additional capacity.	No change proposed.
		T-junction Marsh Road / Station Road needs to be improved to provide safe pedestrian crossing towards the nature reserve	Depending on a development proposal's nature, contributions may be sought towards improving site access / egress for pedestrians	Amendment to be made to paragraph 7.4 to provide additional information on developer's potential contributions

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
				towards highway improvement works
		New retail development should avoid detrimental effect on shops located along the High Street	Paragraph 4.12 outlines requirements and policy criteria regarding retail development, including a need assessment and the application of a sequential test for justifying the location.	No change proposed.
Wendy Clayton (3241)	---	Residential development should be considered on site due to housing shortage in the County; preferable business / offices on ground floor and above some residential development	The Council received advice from Natural Resources Wales on location of 'highly vulnerable' development on site and, therefore, does not categorically oppose residential development but points out the requirement of satisfying all flood risk considerations.	Chapter 5 has been amended in light of latest NRW's advice, including the location of highly vulnerable development.
General comments made by members of the public at two drop-in events at Rhuddlan Triangle		Where will the drainage be located, and where will additional sewerage be treated?	General drainage considerations are dealt with in paragraph 8.1. Details will be discussed with applicants and infrastructure providers when detailed proposals come forward.	No change proposed.
		Vacant and derelict areas to be greened until start of development to improve visual appearance of site	The Council would support temporary landscaping prior to development but those measures are outside this	No change proposed.



<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
			briefs remit and the Council's control.	
		Public foot path or cycle path to be provided on both sites of River Clwyd to provide for circular way for visitors from Kinmel Bay and Rhyl	There may be scope to provide for a footpath / cycle path on the western side of the river. Details can be discussed as part of a planning application.	No change proposed.
		Highway concerns: improvement works are required to Marsh Road, Station Road and junction of both; parking enforcement should be in place on Marsh Road to keep it clear for passing vehicles; an additional site entrance / egress could be created at the location of Phoenix house	Chapter 7 'Access and Movement' outlines pertinent traffic and highway considerations. Paragraph 7.4 provides also information on potential developer's contribution towards required highways improvement works.	Amendment to be made to paragraph 7.4 to provide further information on potential developer's contribution towards required highways improvement works.
		Area is contaminated	Applicants will be asked to carry out a contamination survey on land proposed for development. (see paragraph 8.1)	No change proposed.

Mae tudalen hwn yn fwiadol wag

Site Development Brief: Rhuddlan Triangle  
- Adoption of final document  
26 March 2015

Equality Impact Assessment

# Site Development Brief: Rhuddlan Triangle - Adoption of final document

Contact: Karsten Brußk

Updated: 26.03.2015

## 1. What type of proposal / decision is being assessed?

Other
-------

## 2. What is the purpose of this proposal / decision, and what change (to staff or the community) will occur as a result of its implementation?

<p>The proposal is to adopt the draft Site Development Brief: Rhuddlan Triangle after the Council has consulted with members of the public and key stakeholders over a period of 11 weeks. The Site Development Brief supports planning policies contained within the Denbighshire Local Development Plan 2006 – 2021 and sets out the principles of development for the site in order to guide future proposals. If adopted the Site Development Brief will be used in determining applications for planning permission on the site.</p>
---

## 3. Does this proposal / decision require an equality impact assessment? If no, please explain why.

*Please note: if the proposal will have an impact on people (staff or the community) then an equality impact assessment **must** be undertaken*

<b>No</b>	<p>Supplementary Planning Guidance notes (SPGs) and SDBs amplify Denbighshire Local Development Plan 2006 – 2021 (LDP) policies in a clear and concise format with the aim of improving the process, design, and quality of new development. They do not set out new policies.</p> <p>The draft document was subject to EqIA screening prior to seeking Member's permission to consult with members of the public for a period of 11 weeks. Initial screening concluded that an EqIA is not required. There are minor changes proposed to the draft document but it cannot be envisaged how they can adversely effect any of the eight protected characteristics.</p>
-----------	---

4. **Please provide a summary of the steps taken, and the information used, to carry out this assessment, including any engagement undertaken**

*(Please refer to section 1 in the toolkit for guidance)*

<Type here>

5. **Will this proposal / decision have a positive impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?**

*(Please refer to section 1 in the toolkit for a description of the protected characteristics)*

<Please summarise any likely positive impact and identify which protected characteristics will benefit>

6. **Will this proposal / decision have a disproportionate negative impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?**

<Please summarise any disproportionate negative impact and identify which protected characteristics will be affected>

7. **Has the proposal / decision been amended to eliminate or reduce any potential disproportionate negative impact? If no, please explain why.**

<Please Select> <If yes, please provide detail>

8. **Have you identified any further actions to address and / or monitor any potential negative impact(s)?**

<Please Select> <If yes please complete the table below. If no, please explain here>

Action(s)	Owner	By when?
<Please describe>	<Enter Name>	<DD.MM.YY>
<Please describe>	<Enter Name>	<DD.MM.YY>
<Please describe>	<Enter Name>	<DD.MM.YY>
<Please describe>	<Enter Name>	<DD.MM.YY>
<Unrestrict editing to insert additional rows>	<Enter Name>	<DD.MM.YY>

---

## 9. Declaration

Every reasonable effort has been made to eliminate or reduce any potential disproportionate impact on people sharing protected characteristics. The actual impact of the proposal / decision will be reviewed at the appropriate stage.

Review Date:	n/a
--------------	-----

Name of Lead Officer for Equality Impact Assessment	Date
Karsten Brußk	26.03.2015

**Please note you will be required to publish the outcome of the equality impact assessment if you identify a substantial likely impact.**

---

## **Appendix IV Strategic Environmental Assessment (SEA) Screening – Site Development Brief for Rhuddlan Triangle.**

### *1. Legal Background*

- 1.1 This reports aims at determining whether the emerging Site Development Brief (SDB) for Rhuddlan Triangle, Rhuddlan, must be subject to a (full) Strategic Environmental Assessment (SEA) to comply with the requirements set out in ‘Environmental Assessment of Plans and Programmes (Wales) Regulations 2004’, henceforth referred to as SEA Regulations 2004, which transposes European Directive 2001/42/EC into national legislation.
- 1.2 The SEA Regulations 2004 place an obligation on local authorities to undertake a SEA on plans and projects;
- that are required for town and country planning or land use; and
  - set the framework for future development consent of projects listed in Annex I or II to European Council Directive 85/337/ EEC.
- Detailed guidance on the methodology is laid out in ‘A Practical Guide to the Strategic Environmental Assessment Directive’ (ODPM et al, 2005)
- 1.3 The Planning and Compulsory Purchase Act 2004 contained the requirement for local planning authorities to produce a Sustainability Appraisal (SA) for all local development plan documents. It was suggested to be of best practise to incorporate the SEA into the document accompanying SA. The Planning Act 2008 removed the obligation of carrying out a SA for Supplementary Planning Guidance (SPG) including SDB without establishing whether a SPG still requires the SEA.
- 1.4 SEA Regulations 2004, regulation 5(6) further clarifies that a SEA is not required for (1) a plan or programme which determines the use of a small area at local level or (2) minor modification to a plan or programme, unless it has been determined that the plan, programme or modification is likely to have significant environmental effects or the Welsh Government determines so.

### *2. SEA – screening*

- 2.1 Although this site development brief supplements policies from Denbighshire’s Local Development Plan (LDP) 2006 – 2021, which has been subject to a full SA (including SEA) appraisal, it is essential to determine whether this SDB is likely to have a significant effect on the environment. Natural Resources Wales (NRW) and Cadw (Welsh Monuments), both are statutory consultation bodies, will be consulted on this document to establish whether they agree with the Council’s viewpoint that this SDB would not be ‘likely to have significant environmental effects’.

- 2.2 If NRW or Cadw conclude that the plan would be likely to have significant effects on the environment, listing the reasons for their viewpoint, the requirements are established for a (full) SEA.
- 2.3 Table 1 presents the template for this screening process to determine the requirements for a SEA. It is an amended version of 'Figure 2 – Application of the SEA Directive to plan and programmes' in 'A Practical Guide to the Strategic Environmental Assessment' (2005).

Table 1: Screening for the need for an SEA

Stage	[Y / N]	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes	The SDB has been prepared by a local planning authority, and is likely to become adopted by the Council.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	The SDB is not required by legislative provision but amplifies Denbighshire Local Development Plan policy BSC2 (and other relevant LDP policies) and may become a material consideration in determining planning applications.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Yes  Yes	The SDB was prepared for town and country planning and may guide future land use if adopted.  'Urban development projects' (identified under Annex II - 10. (b) of the Directive) is the most relevant type of Annex II project in relation to the SDB. The SDB site totals approximately 4.5 hectares, and therefore exceeds the 0.5 hectare threshold outlined in the regulations.  The SDB suggests a few uses (leisure, community facilities or an industrial estate with starter units) that might be appropriate for the site. At this stage, any suggested use is not specific. Once a more specific use is identified, the planning application process would ascertain whether the proposed use (s) are EIA development by way of the standard screening process.



4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N/A	N/A
5. Does the PP Determine the use of small areas at local level,  OR  is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Yes  Yes	The SDB will be used to guide development of a small area (4.5 ha) at local level.  The SDB amplifies policies contained in the Denbighshire Local Development Plan 2006 - 2021 that was subject to a full SEA as part of the Plan process.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	N/A	N/A
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N/A	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	Please refer to table 2 'Assessment of the likely significant effects on the environment'

Table 2: Assessment of the likely significant effects on the environment

1. The characteristics of plans and programmes, having regard, in particular, to:		
SEA Directive Criteria (Article 3 (5) of directive 2001/42/EC)	Response	Is there a significant or specific effect beyond that anticipated by the parent policy framework? Y/N
1a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The SPD suggests acceptable uses and seeks to raise the standards of design on the site.	No.
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The SDB will not influence other plans and programmes but may guide future development on this particular site.	No.
1c) The relevance of the plan or programme for the integration of environmental	The SDB refers to the fact that all development proposals should be of high	No.

considerations in particular with a view to promoting sustainable development.	quality and inclusive design. Land use proposals, landscape elements and design must principally contribute to the creation of a sustainable community and secure the best environment.	
1d) Environmental problems relevant to the plan or programme.	Specific reference has been included to advise on the legal requirement regarding building works affecting nature conservation, alongside policy consideration to flooding, and contamination for example.	No.
1e) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	The SDB points out principal design aspirations but does not contain or impose specific measures. Those features are expected to be discussed as part of the planning application.	No.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
2a) The probability, duration, frequency and reversibility of the effects.	The aim of the SDB is to redevelop the site for the long-term future.	No.
2b) The cumulative nature of the effects.	The changes proposed will occur over a gradual period of time, and when taken as a whole, the effects of the SDB if implemented, will be on a local/small scale only.	No.
2c) The trans-boundary nature of the effects.	Indirect effects of redevelopment as outlined in the SDB would relate primarily to transport/highways and (visual) landscape impacts. Environmental considerations are considered at 2f.	No.
2d) The risks to human health or the environment (e.g. due to accidents).	It cannot be envisaged that there are any risks to human health or the environment beyond legal requirements. As the site is located in a designated flood zone, the SDB outlines that vulnerable uses (outlined in national policy) will not be permitted	No.

	on the site.	
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The SDB specifically refers to Rhuddlan Triangle site in Rhuddlan. There may be positive spill-over effects for the local community, e.g. job opportunities.	No.
2f) The value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> <li>▪ special natural characteristics or cultural heritage.</li> <li>▪ exceeded environmental quality standards or limit values.</li> <li>▪ intensive land-use.</li> </ul>	<p>The SDB area is near the Rhuddlan conservation area, and a number of listed buildings (including Rhuddlan Castle - Listed Building: Grade I and St Mary's Church -Listed Building: Grade II*).</p> <p>However, the SDB highlights the importance of any redevelopment proposal preserving and enhancing the setting and character of the conservation area, listed buildings and monuments near the site.</p> <p>The SDB area does not include any environmentally related designations but abuts a wildlife site. The SPD acknowledges that the River Clwyd (which abuts the site) connects to the Liverpool Bay SPA which is approximately 4km to the north. Therefore, the SDB seeks to ensure no changes to the water quality and quantity of the river. The SDB would improve environmental quality standards by re-developing a brownfield derelict site to high environmental standards.</p> <p>The site is a brownfield site that was previously used for industrial purposes. It is not considered any potential re-development and subsequent use of the site would lead to a more intensive land use of the site.</p>	No.
2g) The effects on areas or	The area affected by	No.

landscapes which have a recognised national, Community or international protection status.	proposals contained in the SDB is not covered by any landscape designation.	
--	---	--

### 3. *Conclusion*

- 3.1 The Council awaits responses from statutory consultation bodies: Natural Resources Wales and Cadw before concluding whether the site development brief for the Rhuddlan Triangle requires a (full) Strategic Environment Assessment.

## ADRODDIAD GWYBODAETH GAN Y PENNAETH CYNLLUNIO A GWARCHOD Y CYHOEDD

### CYN YSBYTY GOGLEDD CYMRU, DINBYCH.

#### 1. PWRPAS YR ADRODDIAD

- 1.1 Mae'r adroddiad yn rhoi diweddariad ffeithiol byr i'r Pwyllgor ar y datblygiadau ar safle Ysbyty Gogledd Cymru, yn unol â chais yr Aelodau yn y cyfarfod ym mis Mawrth 2015, ac mae'r adroddiad er gwybodaeth yn unig.
- 1.2 Roedd yr adroddiad ffurfiol diwethaf i'r Pwyllgor Cynllunio mewn perthynas â'r safle ym mis Medi 2013 pan ofynnwyd i'r Aelodau ystyried rhoi awdurdod i greu Gorchymyn Prynu Gorfodol.

#### 2 CEFNDIR FFEITHIOL

- 2.1 Bydd yr Aelodau'n ymwybodol o'r hanes hir sy'n ymwneud â'r safle ers ei gau ym 1995 a'i waredu gan y cyn Awdurdod Iechyd.
- 2.2 Dyfarnwyd y caniatâd cynllunio a roddwyd ym mis Medi 2006 ar gyfer cynllun ail-ddatblygu defnydd cymysg yn cynnwys galluogi datblygu tai ar y tir ac adfer adeiladau rhestredig ar ôl cwblhau Ymrwymiad Adran 106 a oedd yn amlinellu ystod o ofynion gan gynnwys sefydlu Cronfa Adfer.
- 2.3 Rhoddwyd caniatâd adeilad rhestredig yn 2008 i ddymchwel nifer o adeiladau ymylol o fewn y safle. Dechreuwyd ar y gwaith dymchwel ddiwedd 2008, ond cawsant eu hatal gan nad oeddynt wedi cael y Drwydded/ Trwyddedau perthnasol i darfu ar Rywogaethau a Warchodwyd (ystlumod).
- 2.4 Ym mis Rhagfyr 2008, yn dilyn tân difrifol a effeithiodd ar y Brif Neuadd, cyflwynodd y Cyngor Rybudd Adran 77 dan Ddeddf Adeiladu 1984. Cydymffurfiwyd â'r Rhybudd hwn, a dymchwelwyd yr adeilad oherwydd ei gyflwr peryglus.
- 2.5 Er y gwnaed nifer o gyflwyniadau manwl mewn perthynas â chaniatâd cynllunio 2006, ni chydymffurfiwyd â'r holl amodau o fewn y cyfnod perthnasol, a daeth y caniatâd i ben ym mis Medi 2009.
- 2.6 Ym mis Mawrth 2010, ymgysylltodd y Cyngor ag Ymddiriedolaeth Adfywio'r Tywysog i dderbyn cyngor a chefnogaeth. Cynhyrchodd yr Ymddiriedolaeth ddogfen Map Ffordd manwl yn esbonio'r opsiynau oedd gan y Cyngor ac yn argymhell ffordd ymlaen i'w dilyn pe bai esgeulustod y perchennog yn parhau.
- 2.7 Ym mis Hydref 2010, cyflwynwyd adroddiad Rhan II i'r Cabinet, a chytunodd yr Aelodau i gefnogi cyflwyno Rybudd Gwaith Brys a Rhybudd Atgyweirio, a ffurfio Cerbyd Un Diben ar ffurf Ymddiriedolaeth Gadwraeth yr Adeilad, yn unol â'r Map Ffordd.
- 2.8 Ym mis Rhagfyr 2010, rhoddodd y Pwyllgor Cynllunio awdurdod i gyflwyno Rhybudd Gwaith Brys a Rhybudd Atgyweirio, ac os nad oedd cydymffurfiaeth, y bwriad i fwrw ymlaen â'r Gorchymyn Prynu Gorfodol.
- 2.9 Cyflwynwyd y Rhybudd Gwaith Brys ym mis Mehefin 2011. Ar sail yr ymateb ar ran y perchnogion, rhoddwyd cyfarwyddwr y safle Demolition fynd ar y safle i wneud y gwaith

brys yn ddiodyn. Roedd y contract hwn yn para 14 mis. Cyflwynwyd gofynion perthnasol ar y perchennog i adennill yr arian a wariwyd, o dan Adran 55 Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990. Cost y gwaith brys hwn oedd tua £930,000 ac roedd y briff yn ymwneud â'r prif amrediad o adeiladau:

- 2.10 Cyflwynwyd y Rhybudd Atgyweirio ym mis Mai 2013.
- 2.11 Ym mis Medi 2013, rhoddodd y Pwyllgor Cynllunio awdurdod i ddechrau Pryniant Gorfodol o safle'r ysbyty yn unol ag Adran 47 Deddf 1990.
- 2.12 Cynhaliwyd Ymchwiliad Cyhoeddus mewn 3 eisteddiad rhwng mis Ebrill a mis Gorffennaf 2014 mewn perthynas â 3 o 5 gofyniad Adran 55 (h.y. tua hanner y £930,000 a wariwyd ar y gwaith brys). Rydym yn dal i aros am benderfyniad yr Arolygydd ar yr Ymchwiliad hwn. Mae'r 2 alwad Adran 55, na chyflwynwyd apêl ar eu cyfer yn arian sy'n ddyledus gan y perchennog i'r Cyngor.
- 2.13 Gwaned y Gorchymyn Prynu Gorfodol ym mis Mehefin 2014, gan ymgorffori'r Datganiad Rhesymau cysylltiedig. Gwnaed gwrthwynebiad i'r Gorchymyn ym mis Medi 2014, gan y perchennogion.
- 2.14 Cyflwynodd Ymddiriedolaeth Adfywio'r Tywysog gynigion manwl i'r Cyngor Sir ar gyfer datblygu'r safle ar ffurf cais cynllunio 'hybrid' a chais am ganiatâd adeilad rhestredig ar gyfer gwaith dymchwel pellach, ym mis Tachwedd 2014. Mae'r cais cynllunio'n cynnig trawsnewid prif amrediad yr adeiladau i 34 o fflatiau, gohirio gwaith ar nifer o adeiladau rhestredig eraill, a datblygu 5 hectar o dir at ddibenion preswyl fel 'datblygiad galluogi' i helpu ariannu'r gwaith adfer. Penderfynodd yr Ymddiriedolaeth ddilyn y camau hyn gan eu bod yn teimlo y byddai'n cefnogi'r Gorchymyn Prynu Gorfodol a phe bai'n llwyddiannus byddai'n caniatáu i Ymddiriedolaeth Gadwraeth Adeilad Ysbyty Gogledd Cymru werthu tir 'galluogi datblygiad' cyn gynted ag y bo modd, gan yn ei dro ddarparu chwistrelliad cyfalaf i ddechrau gwneud gwelliannau ar y safle a gwneud unrhyw waith brys pellach, ar y cyfle cyntaf posibl.
- 2.15 Cynhaliwyd ymgynghoriad ar geisiadau caniatâd cynllunio a chaniatâd adeilad rhestredig mis Tachwedd 2014 ac wrth i ni baratoi'r adroddiad hwn y dyddiad cynharaf posibl ar gyfer adrodd y ceisiadau i'r Pwyllgor am benderfyniad arno yw'r cyfarfod ar 13 Mai, 2015.
- 2.16 Cynhaliwyd gwrandawriad 3 wythnos o hyd yn Ninbych rhwng 3 a 20 Mawrth, 2015 fel rhan o'r ymchwiliad i'r gwrthwynebiad i'r Gorchymyn Prynu Gorfodol. Cynrychiolwyd y gwrthwynebydd gan QC a galwodd 5 tyst. Cynrychiolwyd y Cyngor gan fargyfreithiwr (sy'n arbenigo mewn Cynllunio a Gorchymyn Prynu Gorfodol) a galwodd 9 tyst. Rydym yn aros am benderfyniad yr Arolygydd.
- 2.17 Bydd swyddogion yn rhoi gwybod i Aelodau am y datblygiadau diweddaraf.

### **3 GWYBODAETH YCHWANEGOL**

- 3.1 Mae'r Aelodau wedi clywed o'r blaen fod y Cyngor wedi derbyn £1.9m mewn perthynas ag anghydfod ynghylch y cytundeb Adran 106 a'r bond cysylltiedig. Talwyd costau'r gwaith brys, costau cyngor preifata a chostau cyfreithiol allanol o'r gronfa hon.
- 3.2 Yn 2006/7 talodd y perchennog tua £250k i'r gronfa adfer. Mae gweddill o tua £18k yn dal i fod yn y gronfa adfer. Roedd y perchennog wedi gofyn i'r gweddill gael ei ddychwelyd. Mae'r Cyngor wedi cadw'r gweddill i'w osod yn erbyn hawliadau Adran 55 heb eu talu.

- 3.3 Sefydlwyd Ymddiriedolaeth Gadwraeth Adeilad, sef Ymddiriedolaeth Gadwraeth Adeiladau Ysbyty Gogledd Cymru (yr Ymddiriedolaeth) ac os bydd y Cyngor yn llwyddo gyda'u Gorchymyn Prynu Gorfodol (GPG) y bwriad yw "trosglwyddo" perchnogaeth yr eiddo i'r Ymddiriedolaeth. Rhoddodd Cadeirydd yr Ymddiriedolaeth dystiolaeth ar ran y Cyngor yn yr Ymchwiliad GPG diweddar. Llofnodwyd cytundeb cefn wrth gefn rhwng CSDd a'r Ymddiriedolaeth
- 3.4 Mae'r perchnogion wedi dweud eu bod yn bwriadu cyflwyno eu cais cynllunio eu hunain ar gyfer y safle, na fydd yn gwro'n sylweddol oddi wrth egwyddorion y cais PRT, ond gallai gynnwys mwy o dir i alluogi datblygu.
- 3.5 Os bydd y Cyngor yn llwyddo mewn perthynas â'r ymchwiliad GPG, yna mae'n dal angen awdurdod yr Aelodau i gymryd perchnogaeth yn ffurfiol, a bydd yn dal angen cytuno ar lefel yr iawndal i'w dalu i'r perchennog, os oes angen, a bydd yn cael ei osod gan driw'nlys annibynnol.

#### **4 ARGYMHELLIAD**

- 4.1 Dylai Aelodau nodi cynnwys yr adroddiad.

**GRAHAM H. BOASE**

**PENNAETH CYNLLUNIO A GWARCHOD Y CYHOEDD**

Mae tudalen hwn yn fwriadol wag



## Adroddiad Diweddarau Adran 106 – Pool Park Complex, Rhuthun

**RHIF CAIS:** 13/2011/1276/PF

**CYNNIG:** Ailddatblygu i ddarparu pentref gofal sy'n cynnwys cartref nyrsio 38 ystafell wely yn y prif dŷ, adnewyddu adeiladau presennol i ddarparu 6 o anheddau, dymchwel hen dŷ boeler a'r capel. Darparu 62 o fflatiau ac anheddau o fewn y tiroedd fel datblygiad galluogi, ynghyd â darparu cyfleusterau a gwasanaethau newydd ac adfer y tiroedd

**LLEOLIAD:** Pool Park Complex, Pool Park, Rhuthun

**YMGEISYDD:** Roberts Homes Ltd.

### 1. PWRPAS YR ADRODDIAD

- 1.1. Rhoi'r wybodaeth ddiweddaraf i Aelodau mewn perthynas â chynnydd Cytundeb Adran 106 ar gyfer Pool Park Complex, Rhuthun.
- 1.2. Efallai y bydd Aelodau yn cofio bod y Pwyllgor wedi penderfynu rhoi caniatâd cynllunio ar gyfer y datblygiad ym mis Medi 2013.

### 2. CEFNDIR A PHAM MAE ANGEN CYTUNDEB ADRAN 106

- 2.1. Mae'r cais yn ymwneud â nifer o ddatblygiadau sy'n cynnwys grŵp presennol o Adeiladau Rhestredig ynghyd â datblygiad adeiladau newydd o fewn y tiroedd. Cyflwynir yr elfen adeiladau newydd fel Datblygiad Galluogi.
- 2.2. Mae Datblygiad Galluogi yn fath o ddatblygiad a fyddai fel rheol yn annerbyniol o safbwynt cynllunio ond oherwydd y gall roi manteision cyhoeddus digonol i gyfiawnhau ei wneud, mae'n ffactor cadarnhaol i'w ystyried yn erbyn ystyriaethau eraill.
- 2.3. Yn nodweddiadol, y manteision yw, yn yr achos hwn, cynhyrchu arian a fydd yn cael ei ddefnyddio i dalu am waith i'w wneud i'r Adeilad Rhestredig ac adfer y tiroedd, sy'n barc hanesyddol.
- 2.4. O ran y Cytundeb Adran 106 yr argymhelliad oedd fel a ganlyn:-

*Bydd Swyddogion yn cychwyn trafodaethau manwl gyda'r ymgeiswyr dros union delerau'r ymrwymiad Adran 106 yn unol â phenawdau'r telerau sylfaenol a nodir isod a chwblhau'r Ymrwymiad o fewn 6 mis i ddyddiad penderfyniad y Pwyllgor Cynllunio.*  
*Penawdau'r telerau sylfaenol*

*Er mwyn sicrhau bod y datblygiad galluogi yn darparu cyllid ar gyfer y gwaith adfer i gwrdd â'r prif amcanion o ran telerau cynllunio a chadwraeth, awgrymir y telerau canlynol:*

1. *Bydd meddiannaeth yr unedau newydd yn cael eu cyfyngu i o leiaf un person ar yr aelwyd i fod yn naill ai dros 60 mlwydd oed a/neu sydd angen gofal. Manylion am y modd y bydd y safle yn cael ei reoli i'w cytuno.*
  2. *Cam 1: Yn cynnwys Pool Park, The Vegetable Store, The Stables, Unedau 1-5 a Bloc A.*  
*Ni fydd yr un o'r tai yn cael eu meddiannu nes bo gwaith adfer Pool Park House wedi cael ei gwblhau a bod y defnydd o'r Cartref Nyrsio wedi'i sefydlu. Manylion y gwaith penodedig i Pool Park House i'w nodi o fewn diffiniadau/ atodiadau cytundeb Adran 106.*
  3. *Cam 2: Yn cynnwys Unedau 6-21*  
*Ni fydd mwy na 5 o'r anheddau'n cael eu meddiannu nes bydd y gwaith penodedig ar gyfer addasu ac adfer The Bothy wedi cael eu cwblhau.*
  4. *Cam 3: Yn cynnwys The Bothy, Unedau 22-33, a Bloc B*  
*Ni fydd mwy na 15 o unedau yn cael eu meddiannu nes bo'r gwaith ar gyfer adfer a gosod allan yr Ardd Gaerog wedi cael ei gwblhau. Byddai manylion y gwaith penodedig i'r ardd gaerog yn cael eu nodi o fewn diffiniadau/ atodiadau cytundeb Adran 106.*
  5. *Mae paratoi Cynllun Rheoli Cadwraeth mwy manwl yn chwilio am y gwaith arfaethedig i'r tir, rhaglen waith a manylebau, yn gysylltiedig â'r camau ac amseroedd a nodir yn y Prif Delerau eraill.*
- 2.5. O ran adfer yr asedau treftadaeth, mae gofynion cytundeb drafft Adran 106 sydd mewn cylchrediad yn dilyn y system fwyaf effeithiol, a ddefnyddir yn y sefyllfaoedd hyn, ar gyfer cynnydd a ganiateir ar y cynllun masnachol neu ddefnydd ohono i fod yn gysylltiedig â chyflawni gwaith i'r ased treftadaeth. (Adeiladau Rhestredig) Mae'n caniatáu i'r fasnach neu'r defnydd ohono gael ei wahardd nes i'r manteision a gytunwyd ddod yn amlwg gan gynnwys sicrhau cyfyngiadau meddiannaeth gofynnol.
- 2.6. Mae'r Adeiladau Rhestredig i gael eu hadfer yn unol â Chydsyniad Adeilad Rhestredig a roddwyd ar gyfer y datblygiad, a bydd cynllun rheoli cadwraeth yn cael ei roi ar waith ar gyfer y Parc Hanesyddol.

### **3. CYNNYDD HYD YMA**

- 3.1. Dechreuodd trafodaethau ynghylch telerau'r cytundeb Adran 106 arfaethedig yn iawn dim ond pan oedd yr ymgeisydd wedi penodi Cyfreithwyr i weithredu ar eu rhan. Trafodwyd union delerau ym mis Ebrill 2014. Mae'r ffaith fod yr ymgeisydd wedi dod â Chyfreithwyr i mewn wedi arwain at gyflwyno drafft o Gytundeb Adran 106 i'r ymgeisydd ei ystyried. Mae'r drafft wedyn wedi bod yn destun trafodaeth uniongyrchol rhwng yr ymgeisydd a'r Swyddogion cynllunio i ddechrau, ac yn dilyn cyfarfod mewnol sy'n cynnwys cynllunio, Swyddogion cyfreithiol gan gynnwys Phil

Ebbrell (Pensaer Cadwraeth), mae drafft diwygiedig yn awr gyda'r ymgeisydd i'w ystyried a gobeithir y gall y cytundeb gael ei gwblhau yn y dyfodol agos.

#### **4. ARGYMHELLIAD**

Bod yr Aelodau yn nodi cynnwys yr adroddiad hwn.

Mae tudalen hwn yn fwriadol wag