

To: Chair and Members of the Planning Committee

Date: 15 June 2023

Direct Dial: 01824 712589

e-mail: democratic@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **10.30 AM** on **WEDNESDAY, 21 JUNE 2023** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE.**

Yours sincerely

G Williams
Monitoring Officer

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST (Pages 5 - 6)

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

3 URGENT MATTERS AS AGREED BY THE CHAIR

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

4 MINUTES (Pages 7 - 14)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 24 May 2023 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 6) -

5 APPLICATION NO.09/2022/1080 - LAND OPPOSITE PORTH Y WAEN, ABERWHEELER, DENBIGH (Pages 15 - 48)

To consider an application for the change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works at Land opposite Porth y Waen, Aberwheeler, Denbigh (copy attached).

6 APPLICATION NO. 45/2022/0644 - 30 BEDFORD STREET, RHYL (Pages 49 - 74)

To consider an application for the change of use of offices to form a dwelling at 30 Bedford Street, Rhyl (copy attached).

7 MONA OFFSHORE WINDFARM NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT (Pages 75 - 90)

To receive a report (copy attached) seeking members approval to submit a formal consultation response to the pre-application consultation on behalf of the Council.

MEMBERSHIP

Councillors

Councillor Mark Young (Chair)

Councillor Peter Scott (Vice-Chair)

Ellie Chard
Karen Edwards
Gwyneth Ellis
James Elson
Chris Evans
Jon Harland
Huw Hilditch-Roberts
Alan James
Delyth Jones
Julie Matthews

Terry Mendies
Raj Metri
Win Mullen-James
Merfyn Parry
Arwel Roberts
Gareth Sandilands
Andrea Tomlin
Cheryl Williams
Elfed Williams

COPIES TO:

All Councillors for information
Press and Libraries
Town and Community Councils

WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED

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

General introduction

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

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

The Chair will invite Officers to make a brief introduction to matters relevant to the meeting.

Officers will outline as appropriate items where we have received requests for deferral, withdrawals, special reports, and any Part 2 items where the press and public may be excluded. Reference will be made to additional information prior to the start of the meeting, including the late representations/amendments summary sheets ('Late Sheets') and any supplementary or revised plans relating to items for consideration.

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

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

The Planning Committee currently consists of 21 elected Members. In accordance with protocol, 11 Members must be present at the start of a debate on an item to constitute a quorum and to allow a vote to be taken.

County Council Members who are not elected onto the Planning Committee may attend the meeting and speak on an item, but are not able to make a proposal to grant or refuse, or to vote.

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

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

If any Member is minded to propose deferral of an item, including to allow for the site to be visited by a Site Inspection Panel, the request should be made, with the planning reason for deferral, before any public speaking or debate on that item.

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

Prior to any debate, the Chair may invite Officers to provide a brief introduction to an item where this is considered to be worthwhile in view of the nature of the application.

The Chair will announce that the item is open for debate and offer Members opportunity to speak and to make propositions on the item.

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

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

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

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

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

Prior to proceeding to the vote, the Chair will invite or seek clarification of propositions and seconders for propositions for or against the Officer recommendation, or any other resolutions including amendments to propositions. Where a proposition is made contrary to the Officer recommendation, the Chair will seek clarification of the planning reason(s) for that proposition, in order that this may be recorded in the Minutes of the meeting. The Chair may request comment from the Legal and Planning Officers on the validity of the stated reason(s).

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

The voting procedure

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

Members attending via Zoom

The voting will proceed with the Chair going around all the Planning Committee members eligible to vote to ask for their verbal "For", "Against" or "Abstain" vote. The votes will be marked down.

Members attending in person in the Chamber

The Members will use the electronic voting system and the result will be read out by the Chair.

Final Result

The Chair will add up the votes and will announce whether the application has been approved or refused.

LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of

*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-

*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 24 May 2023 at 9.30 am.

PRESENT

Councillors Ellie Chard, Karen Edwards, James Elson, Chris Evans, Jon Harland, Huw Hilditch-Roberts, Alan James, Delyth Jones, Julie Matthews, Terry Mendies, Merfyn Parry, Arwel Roberts, Gareth Sandilands, Peter Scott, Andrea Tomlin, Cheryl Williams and Mark Young

ALSO PRESENT

Legal Officer (CL); Development Control Manager (PM); Principal Planning Officer (PG); Senior Engineer, Development Control (MP); Senior Planning Officer (LG); Planning Officer (LM); Zoom Host (SJ) and Committee Administrator (SLW)

Observer – Councillor Pauline Edwards

Public Speakers –

Helen Williams (Aberwheeler Community Council Clerk, Applicant) – Agenda Item 7

Eva Walters (Applicant) – Agenda Item 10

1 APOLOGIES

Apologies for absence were received from Councillors Gwyneth Ellis, Win Mullen-James and Elfed Williams

2 DECLARATIONS OF INTEREST

Councillor Andrea Tomlin declared a personal interest in Item 9 (30 Bedford Street, Rhyl) as the applicant was known to Councillor Tomlin.

3 APPOINTMENT OF CHAIR

Nominations were sought for the position of Chair of the Planning Committee for the 2023/2024 municipal year.

Councillor Delyth Jones proposed Councillor Mark Young to be appointed as Chair for the 2023/2024 municipal year, seconded by Councillor Merfyn Parry.

There being no further nominations, it was –

RESOLVED that Councillor Mark Young be appointed Chair of the Planning Committee for the 2023/2024 municipal year.

4 APPOINTMENT OF VICE CHAIR

Nominations were sought for the position of Vice-Chair of the Planning Committee for the 2023/2024 municipal year.

Councillor Terry Mendies proposed Councillor Peter Scott be appointed Vice-Chair of the Planning Committee for the 2023/2024 municipal year, seconded by Councillor Karen Edwards.

There being no further nominations, it was –

***RESOLVED** that Councillor Peter Scott be appointed Vice-Chair of the Planning Committee for the 2023/2024 municipal year.*

5 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent matters.

6 MINUTES

The minutes of the Planning Committee held on 19 April 2023 were submitted

Councillor Terry Mendies had been noted as not in attendance but he had attended the meeting.

***RESOLVED** that, subject to the above, the minutes of the meeting held on 19 April 2023 be approved as a correct record.*

7 APPLICATION NO. 09/2022/1080/PF - LAND OPPOSITE PORTH Y WAEN, ABERWHEELER, DENBIGH

An application was submitted for the change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works at land opposite Porth y Waen, Aberwheeler, Denbigh (previously circulated).

Public Speaker –

Helen Williams (Aberwheeler Community Council Clerk (For) – the land had not been utilised for agriculture since 2016. The Community Council were in charge of the land which was to be used as a green area and have a green car park. Part of the hedge will be lost and a few more metres would be added on the west side. The area was busy due to being close to the Offa's Dyke path. The present entrance on brow of the hill which is in a dangerous position. The change of use of the land would provide a community facility which would be advantageous to the local community.

General Debate –

During discussions the following points were raised –

- (i) It was confirmed by a number of Members that the entrance to the land was in a dangerous place as vehicles tended to speed up the hill and agreed to the change of location to the entrance.
- (ii) The land had not been farmed for a number of years and the application would be a good resource for the community.
- (iii) The application stated six car park spaces. It was confirmed that there would be an overflow area for additional parking if required.
- (iv) An ecological appraisal was available. Green paths were to be cut through to the play area for pedestrian use only.

Councillor Merfyn Parry proposed the application be **GRANTED** against officer recommendation as the application would make a much better community facility for the area, seconded by Councillor Peter Scott.

It was discussed and agreed that Planning Officers would confirm the additional conditions with the local member and the conditions would be submitted to the next Planning Committee on 21 June, 2023, for ratification.

VOTE –

For (against officer recommendation) – 16

Against – 0

Abstain – 0

RESOLVED that the planning application be **GRANTED** against officer recommendation with additional conditions to be agreed with local member and submitted to the next Planning Committee on 21 June 2023 for ratification.

8 APPLICATION NO. 47/2023/0179 - BODLONFA LODGE, RHUALLT, ST. ASAPH

An application was submitted for the erection of extension and alterations to dwelling at Bodlonfa Lodge, Rhualt, St. Asaph.

Public Speaker –

Eva Walters (**For**) – the application was first brought to Planning Committee in July 2022 when it was recommended for approval with a larger set of clear glazed French doors and Juliette balcony in the rear bedroom. The decision was delayed following a request by Councillor Chris Evans to hold a site visit. As a result of being outside the timeline for a decision the application was referred to Welsh Government. In August 2022 the neighbours installed a patio which became the sole reason for Welsh Government to refuse the application on the grounds that the French doors and the Juliette balcony were too large and impacted the neighbours' new patio. These are also the reason for the restrictions in the current report. The fact around the application are as follows – the neighbours property directly borders a quarter mile deadend lane which services 8 other properties and 25+ residents as well as a further two farms accessing the fields beyond. The boundary wall between the house and the lane is low and interior of the house, garden and patio are easily looked into from the lane by foot and vehicle traffic as well as from the large clear windows on the east side of my property. The proposal to restrict the rear window with obscure glazing and no opening treats the patio with the same

privacy as a habitable room which it is not. It is not even used in the colder months. The previous application has already been modified to accommodate the privacy of the patio with a much smaller clear glazed window rather than the French doors to reduce the field of view to the rear already limited as the houses diverge away from each other and my property is sat further back. The back of my property is heavily bordered by 15 metre plus oak trees protected by tree preservation order resulting in little light penetration to the west side of the house at any time of the day at any time of the year. Obscure glazing to the window to the rear would further reduce the light penetration to the bedroom, therefore reducing the energy efficiency. The application has been deemed in line with all planning distances and requirements several times. The proposed to the rear window are excessive as they seek to preserve a privacy which has never existed at Little Lodge at the expense of my year round wellbeing. They are also not compliant with the Authority's Supplementary Planning Guidance nor proposed for other similar developments. I have had several major surgeries in recent years requiring extensive recovery in bed and I can testify to the benefits of good amounts of natural light in the bedroom to support mental health and wellbeing and the healing process. I am happy with the obscure glazing to the east window which increased the priority of my neighbours' habitable rooms but I object to the restrictions on the rear window.

At this juncture, the applicant requested that a vote on the application took place without the restrictions to the rear window.

A site visit had taken place on 19 May 2023.

Planning Officers confirmed they had taken the lead and given significant weight to what the previous Planning Inspector commented and directed members to page 119 of the agenda pack, paragraph 9, which summarised that a window in that location if it was able to be opened or not obscure glazed would have an unacceptable impact on the amenity of the neighbouring garden. The proposed condition reflected that summary.

In response to the applicant suggesting the obscured window would go against the supplementary planning guidance, which suggested obscure glazing should not be used in habitable rooms, in this instance within the mentioned bedroom there were two sets of windows on two elevations. Therefore, the window being recommended to be obscure glazed would be a secondary window, the other window would not be obscure glazed.

Councillor Chris Evans proposed the application be **GRANTED** as the resident had worked with officers to amend the plans, seconded by Councillor Peter Scott.

VOTE –

For – 16

Against – 0

Abstain – 0

RESOLVED that the planning application be **GRANTED** in accordance with officer recommendation.

9 APPLICATION NO. 40/2023/0148/PF - PLOT C2A Ffordd William Morgan, ST. ASAPH BUSINESS PARK, ST. ASAPH

An application was submitted for the erection of bus depot (sui generis use) including associated structures, formation of access and hardstanding, landscaping and associated works at Plot C2A Ffordd William Morgan, St. Asaph Business Park, St. Asaph.

General Debate –

- (i) Members were in support of the application as the applicant was a local family owned bus company.
- (ii) It was confirmed that the additional larger vehicles would not impact on the existing highway network.
- (iii) Condition 4 related to the retention and protection of the trees and hedges during site clearance, construction and operation in accordance with the measures set out in the approved Tree Survey. Concern was raised that during construction the trees and hedges would be trimmed and an additional condition was proposed. The condition would stipulate no lopping, topping, felling, trimming of trees and hedges which were to be retained without the written consent of the local Planning Authority. The condition may be limited to during the construction phase but officers were hopeful the additional condition eased members' concerns.

Councillor Merfyn Parry proposed the application be **GRANTED** to include the additional planning condition, seconded by Councillor Huw Hilditch-Roberts.

VOTE –

For – 16

Against – 0

Abstain – 0

RESOLVED that the planning application be **GRANTED** to include the additional planning condition.

10 APPLICATION NO. 45/2022/0644/PF - 30 BEDFORD STREET, RHYL

An application was submitted for change of use of offices to form a dwelling at 30 Bedford Street, Rhyl.

General Debate –

- (i) Concerns were raised regarding the officer recommendation to refuse the application which was due to the NRW objection to the proposed development due to the consequence of flooding in the area. This concern was not a criticism of the Planning officers. The building had not been utilised for some time and the area was in need of family homes. Millions of pounds were being spent on flood defence schemes currently being undertaken which would alleviate the concerns of flooding for the area.
- (ii) It was queried whether the property would become social housing and flood mitigation. It was confirmed that planning conditions would be required to

cover this and Planning officers would liaise with the local member and bring the conditions back to Planning Committee for ratification.

- (iii) It was agreed that the Planning Authority would work with NRW and other agencies regarding the proposed application.

Councillor Alan James proposed the application be **GRANTED** against officer recommendation as housing was needed in the area which was one of the most deprived areas in Wales. Also Flood Defence Schemes were currently being undertaken which would alleviate the risk of flooding in the area. Additional conditions to be discussed with the local member and brought back to Planning Committee for ratification, seconded by Councillor Andrea Tomlin.

VOTE –

For (against officer recommendation) – 16

Against – 0

Abstain – 0

***RESOLVED** that the planning application be **GRANTED** against officer recommendation and to include additional planning conditions to be agreed with local member and submitted to the next Planning Committee on 21 June 2023 for ratification.*

**AT THIS JUNCTURE (10:50 A.M.) THERE WAS A 10 MINUTE BREAK
THE MEETING RECONVENED AT 11.00 A.M.**

**11 WELSH GOVERNMENT CONSULTATION ON TARGETED CHANGES TO
CHAPTER 6 OF PLANNING POLICY WALES (EDITION 11)**

The Senior Planning Officer, introduced the Welsh Government Consultation which would seek views on the draft policy changes to the Planning Policy Wales (PPW) regarding net benefit for biodiversity and ecosystems and resilience.

Responses to the consultation were required by 31 May 2023.

The proposed changes were listed fully in the report. The proposed changes to the PPW would support the Council's Corporate Priority "A Greener Denbighshire" and the provisions contained in the "Climate and Ecological Change Strategy" (2021)

Consultation documents, including a draft consultation response form, were subject to a comprehensive discussion at the Strategic Planning Group meeting on 26 April 2023. Members supported Officers' principal view of the policy change were welcomed but concerns had been raised with the available resources to implement and enforce the additional provisions.

Following discussion, it was unanimously

***RESOLVED** to approve the submission of the Council's consultation response form to Welsh Government by 31 May 2023.*

12 INFORMATION REPORT - PLANNING APPEALS UPDATE

Information Report providing members with information on recent planning appeal decisions received from Planning and Environment Decisions Wales (PEDW) on cases within the County. The report covered a 12 month period from 1 May 2022 to 30 April 2023.

RESOLVED to note the *Information Report – Planning Appeals Update*.

THE MEETING CONCLUDED AT 11.25 A.M.

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Agenda Item 5

WARD : Llandyrnog

WARD MEMBER(S): Cllr Merfyn Parry (c)

APPLICATION NO: 09/2022/1080/ PF

PROPOSAL: Change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works

LOCATION: Land opposite Porth y Waen, Aberwheeler, Denbigh

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REPORT BY THE HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

**SUGGESTED PLANNING CONDITIONS REPORT: APPLICATION REFERENCE NUMBER
09/2022/1080**

Land opposite Porth y Waen, Aberwheeler

1. PURPOSE OF THIS REPORT:

1.1 Members will recall that, at the May 2023 meeting of Planning Committee, it was resolved to grant planning permission for the above planning application. As this was contrary to the Officer recommendation to refuse, Members also requested that Officers draft a set of planning conditions and allow Planning Committee to agree them before any decision is issued.

1.2 The application related to the change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works at land opposite Porth y Waen, Aberwheeler.

1.3 A copy of the original report to Planning Committee is attached as Appendix A.

1.4 This report seeks Members approval on the conditions to be imposed on the planning consent.

2. PROPOSED CONDITIONS:

2.1 Having regard to the nature and scale of the development, advice of statutory consultees and the resolution of Planning Committee, Officers would propose the following conditions and advisory notes should be imposed on the planning consent:

1. The development to which this permission relates shall be begun no later than 21st June 2028.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:

(i) Location Plan (Drawing No. 0988/LP) - Received 20 April 2023

(ii) Existing and Proposed Site Plan (Drawing No. 0988/1 Rev A) - Received 20 April 2023

(iii) Details of Vehicular / Pedestrian Access (Drawing No. 0988/SD1) - Received 20 December 2022

(iv) Use of Land Statement (Ref 0988/S) - Received 12 January 2023

(v) Ecological Appraisal (PJ Ecological Solutions, dated December 2022) - Received 19 April 2023

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

PRECOMMENCEMENT CONDITION

3. Notwithstanding the hereby approved plans, prior to the commencement of development or site clearance, a detailed hard and soft landscaping scheme designed to deliver a net benefit for biodiversity, shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
- (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting.
- (c) proposed materials to be used on the new access and parking area, paths and other hard surfaced areas.
- (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform.
- (e) the timing of the implementation of the planting and landscaping scheme.
- (f) details of minor artefacts and structures (e.g. furniture, gates, refuse or other storage units, signs, etc.) associated with the public open space.

The development shall proceed strictly in accordance with those details as approved.

Reason: In order to maintain and enhance biodiversity

PRECOMMENCEMENT CONDITION

4. Notwithstanding the hereby approved plans and documents, prior to the commencement of development or site clearance, a detailed Landscape Management Plan detailing how the vegetation on the site will be managed and maintained shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed strictly in accordance with those details as approved.

Reason: In order to maintain and enhance biodiversity and in the interests of visual amenity

5. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing

Reason: In order to maintain and enhance biodiversity and in the interests of visual amenity

6. Notwithstanding the hereby approved plans, no external lighting shall be permitted to be installed within the site until the written approval of the Local Planning Authority has been obtained to details of the proposals, which shall be designed to avoid negative impacts on nocturnal wildlife. The approved measures shall be implemented in full and retained at all times thereafter.

Reason: In the interest of the amenities of occupiers of nearby properties, to protect nocturnal wildlife.

PRECOMMENCEMENT CONDITION

7. Notwithstanding the hereby approved plans and documents, prior to the commencement of development, full details of a pedestrian access gate suitable for disabled persons into the existing playing field on the northern boundary and from the road on the south boundary shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of ensuring adequate connectivity with the existing area of Public Open Space

PRECOMMENCEMENT CONDITION

8. Notwithstanding the hereby approved plans and documents, prior to the commencement of development, a car parking management plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how accessible car parking shall be managed on site including site security and arrangements for overspill parking during

community events. Any plan subsequently approved shall be implemented in full unless otherwise agreed in writing by the Local planning Authority.

Reason: In the interests of highway safety and visual amenity.

9. No more than 6 formal car parking spaces as detailed on the proposed site plan (Drawing No. 0988/1 Rev A) shall be permitted on the site unless otherwise agreed in writing by the Local Planning Authority.

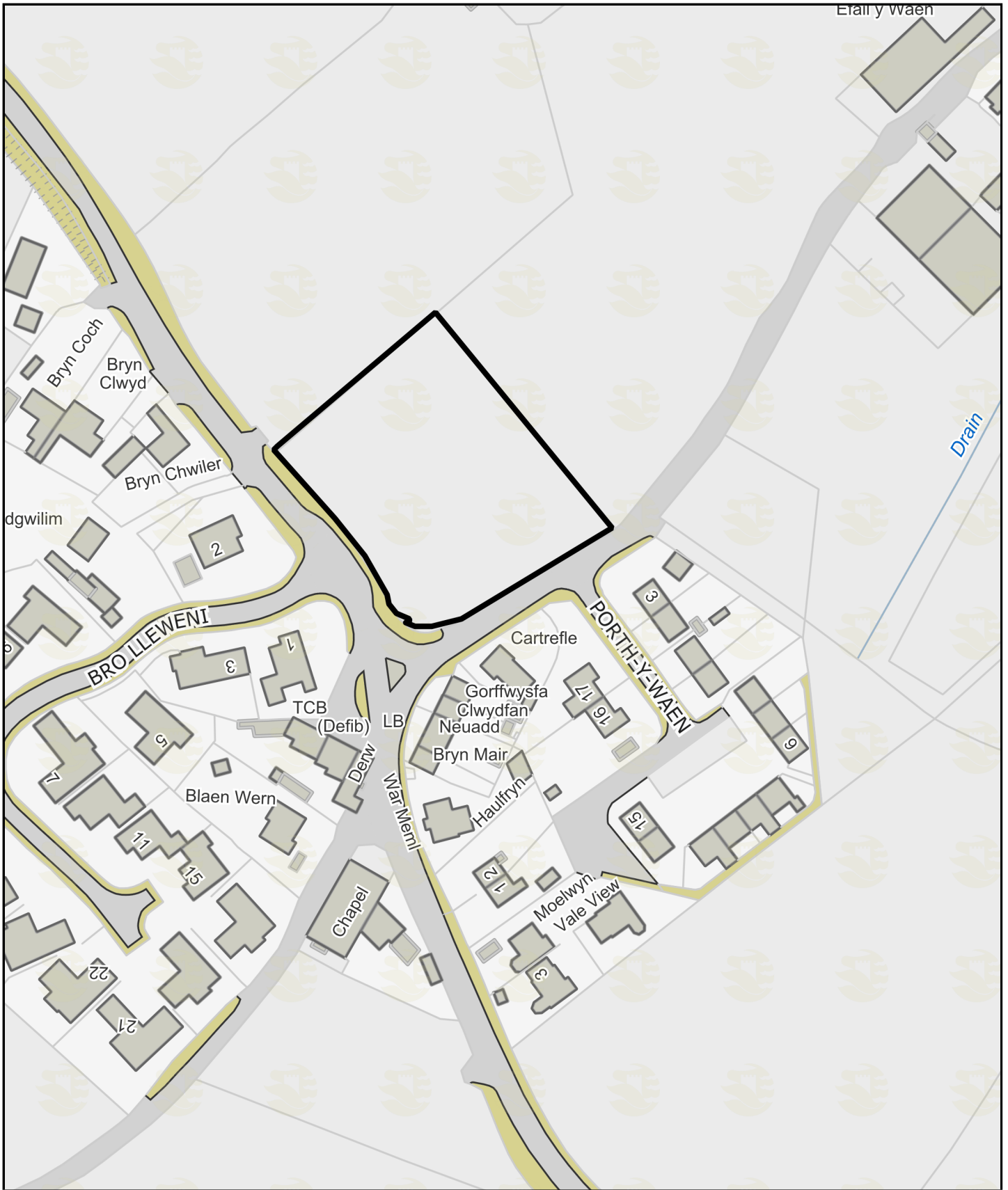
Reason: In the interests of highway safety and visual amenity.

3. RESOLUTION:

3.1 To approve the conditions and advisory notes set out in Section 2 above for inclusion on the Decision Notice.

EMLYN JONES HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTYSIDE SERVICE

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09-2022-1080

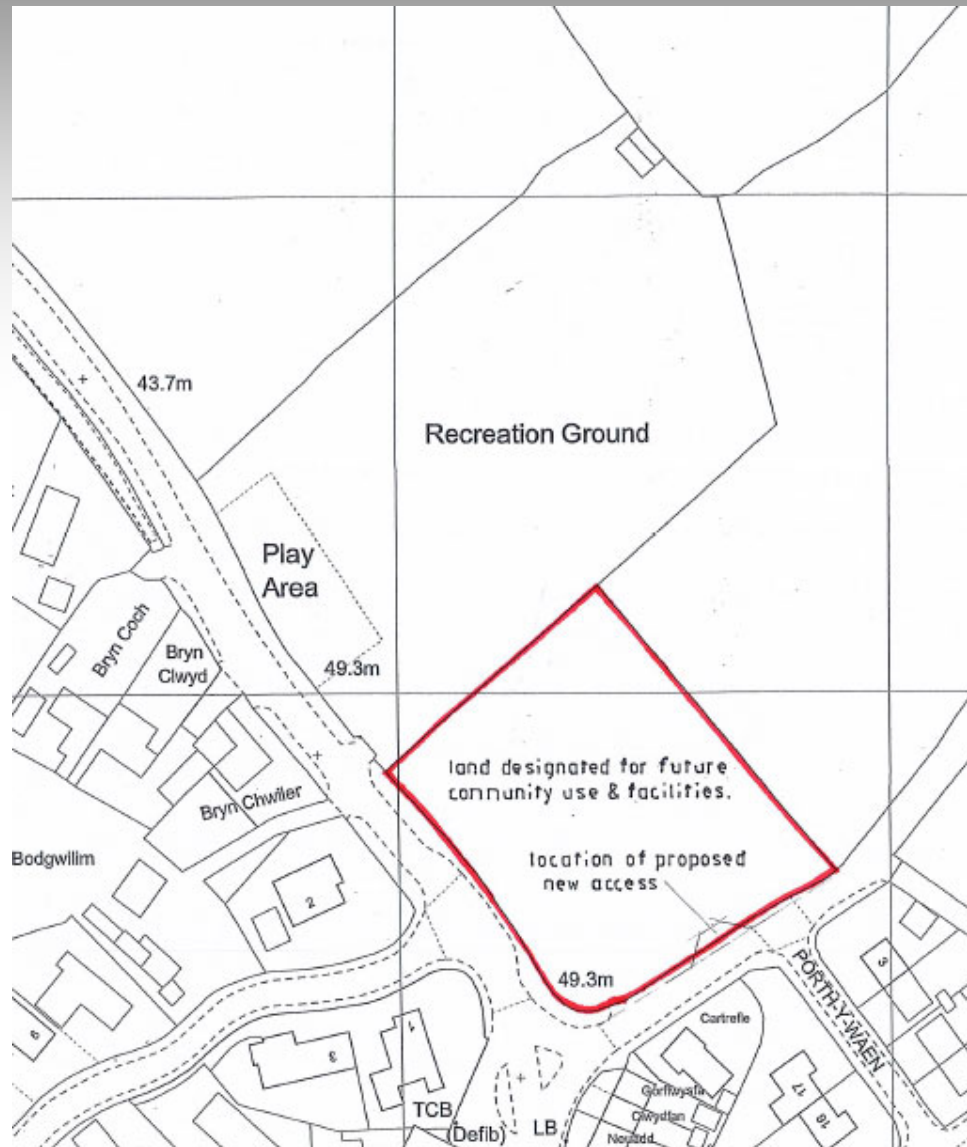


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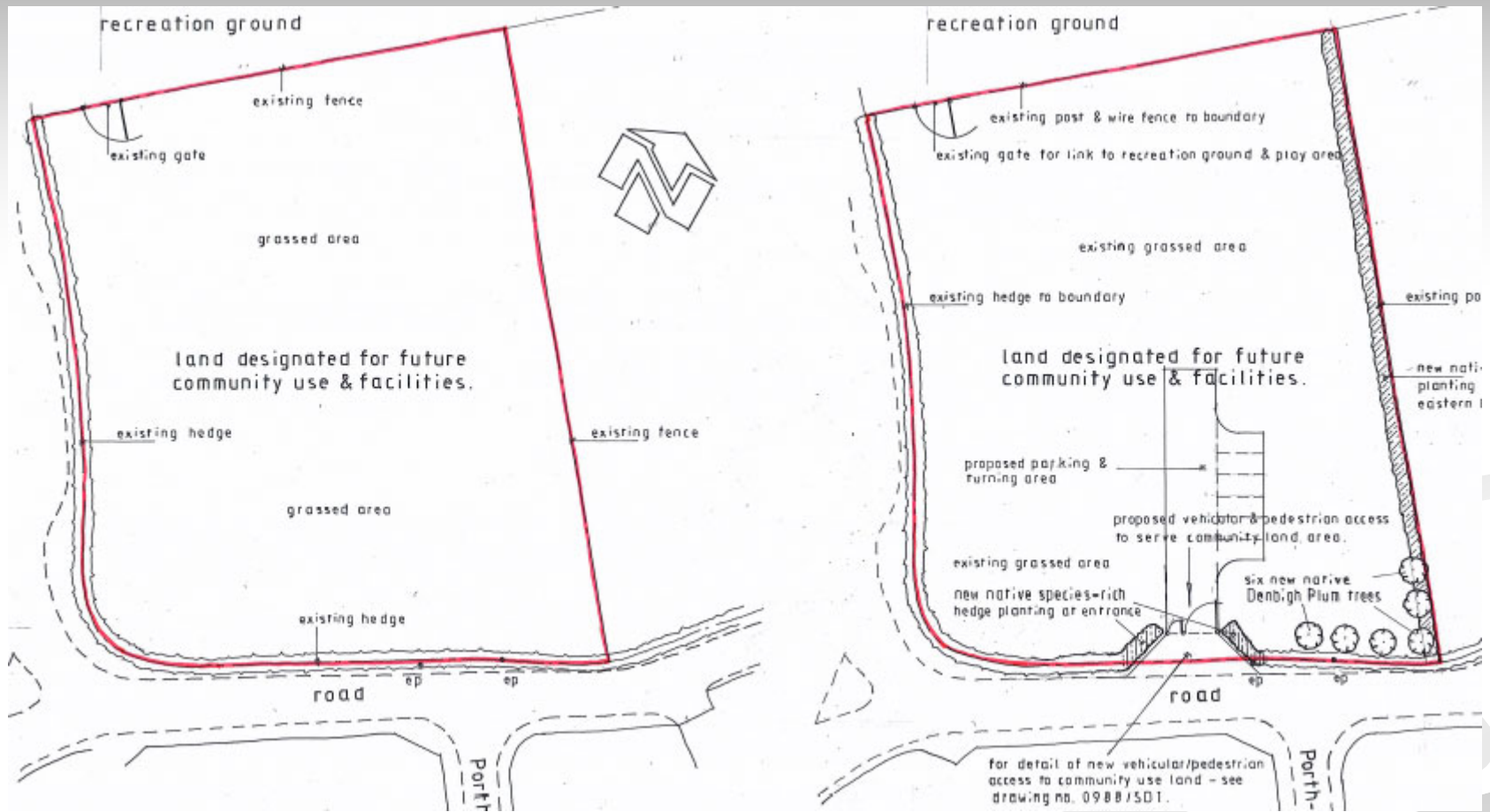
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Location plan



Existing and proposed site plan



Aerial view of the site



Location of access opposite Porth y Waen



Hedgerow within the site to be removed for access



View of the site from centre of the village

WARD : Llandyrnog

WARD MEMBER(S): Cllr Merfyn Parry (c)

APPLICATION NO: 09/2022/1080/ PF

PROPOSAL: Change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works

LOCATION: Land opposite Porth y Waen Aberwheeler Denbigh

APPLICANT: Mrs Helen Williams
Aberwheeler Community Council

CONSTRAINTS: None.

PUBLICITY UNDERTAKEN: Site Notice - No
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:

ABERWHEELER COMMUNITY COUNCIL-

No response received (applicant)

CLWYD POWYS ARCHAEOLOGICAL TRUST

'After checking the location via Google Street, the hedgerow involved looks to be quite modern, with the likelihood that a visibility splay increase for the road junction may have removed a section at the southwestern end. A little more investigation may be necessary, but I would suggest that the hedgerow may have been re-aligned with a road widening too, making the hedgerow of little significance. There are no known heritage assets on, or near the proposed section to be removed, and although the hedgerow/roadside is visible on the 1st ed Ordnance Survey mapping, I would suggest that it is not of any historic significance'.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer
No objection. Access is adequate to serve the development. Walking to the site would be more favourable and footway is opposite the site. There are low traffic movements on the road and no highways related issues are likely to arise from vehicular or pedestrian movement to/from the site. Consent will be required under Section 184 of the Highways Act.
- Ecology Officer
A hedgerow assessment was undertaken and the hedgerow satisfied criteria 7.a) on average in a 30m length, at least 7 woody shrub and tree species listed in the regulations which means the hedgerow is classified as important and should be protected under the Hedgerow Regulations 1997.

Confirmed that the woody species in this hedgerow are hawthorn (*Crataegus monogyna*), blackthorn (*Prunus spinosa*), ash (*Fraxinus excelsior*), elder (*Sambucus nigra*), rose (*Rosa* species), hazel (*Corylus avellana*), and holly (*Ilex aquifolium*).

- Drainage Officer
SAB approval required.
- Strategic Housing & Policy Officer-
The site is Grade 3a agricultural land which is classed as Best and Most Versatile (BMV).
Planning Policy Wales (11).

The applicant will need to demonstrate the overriding need for the development on this BMV land in line with national policy.

The site lies in open countryside where development must be strictly controlled. The applicant makes reference to future plans for a community centre that the proposed car park would serve. Without the details of the proposed community centre, it is not possible to assess the overall impact of the proposed development and this application would appear incomplete and premature. The provision of built community facilities can, subject to material planning considerations, be supported under LDP policy BSC 12 and a communities aspiration for additional facilities is understood.

The proposed car park on its own would appear to be an inappropriate development in open countryside, the overriding need for which on BMV land has not been established.

RECONSULTATION RESPONSES

Submission of Ecological Appraisal

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Ecology Officer
No objection but recommend conditions are attached to ensure there are no negative impacts on protected species. The recommended conditions include; the submission of a detailed landscaping scheme and planting list, Habitat Management Plan (prior to completion) and ensuring all works which could result in the damage or destruction of active bird's nests takes place outside of bird breeding season (March-August inclusive).

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Chris Dickson, Cartrefle, Aberwheeler

Nicola Bellerby, Cartrefle, Waen, Aberwheeler, Bodfari
Kate Jackson, Bryn Awel, Bodfari

Summary of planning based representations in objection:

Principle

Why does the site need to be in this location when the chapel can be used as a community centre

Already an entrance on the B5429 to the playground

Only part of the scheme submitted and only for a car park.

The park and recreational area is already underused and in need of development and maintenance, eg, provision for older children, benches for parents, upkeep of the football field, outdoor gym equipment, cycle run etc.

Wildflower planting can take place at the existing park

Highways

The road is too narrow for an entrance to be used safely

No footpath on that side of the road

A new access will cause safety concerns for road users including pedestrians and horses, horse boxes, delivery vans, tractors buses
Impacts to driveways opposite
Hedge is kept high so visibility is a concern
Query why existing entrance can't be used or a different entrance into the site
No pedestrian walkway
Improvements should be made to the existing park entrance at the brow of the hill

Visual amenity

Concerns the field is at a higher level than the road

Ecology

Loss of ancient hedgerows and impacts to birds and wildlife

Residential amenity

The access will impede the use of driveways of occupiers of dwellings opposite

Drainage and flooding

The field regularly floods in the south east corner and contained by the vegetation

RECONSULTATION RESPONSES:

None received.

EXPIRY DATE OF APPLICATION: 08/03/2023

EXTENSION OF TIME AGREED: 26/05/2023

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee
- deferral by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks permission for the change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works at land opposite Porth y Waen, Aberwheeler.
- 1.1.2 The existing field is proposed to be used as public open space land for use by the community and visitors. There is an existing gate to link with the recreation ground and play area to the north.
- 1.1.3 The application proposes a new access point into the site opposite Porth y Waen cul de sac. The access would involve the loss of 15.2m of hedgerow and would be set back 5m from the road. There would be a vehicle gate measuring 4m in width and a pedestrian gate 1.2m in width.
- 1.1.4 A 31m central access track is proposed in the centre of the field with car parking for 6 vehicles to the east side.
- 1.1.5 6 native species Denbigh Plum trees are proposed to be planted to the southeast corner along with replacement hedging to each side of the access.

- 1.1.6 A new native species hedgerow is proposed to be planted along the east boundary to supplement the existing fence line.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 Planning Statement, Community Council Feasibility Study and Ecological Appraisal.

1.3 Description of site and surroundings

- 1.3.1 The site is an open agricultural field bound on 2 sides by mature hedgerow. A post and wire fence separates the site to the north from the existing community recreation area and play park.
- 1.3.2 There is no direct field access into the site within the red line boundary as submitted.

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located outside the Aberwheeler development boundary as defined by the LDP.
- 1.4.2 The site is Grade 3a high quality agricultural land as classified by the Welsh Governments Predictive Agricultural Land Classification.

1.5 Relevant planning history

- 1.5.1 Previous unsuccessful applications for development of the land for residential purposes including 'loss of important hedgerow' and loss of high grade agricultural land as reasons for refusal.

1.6 Developments/changes since the original submission

- 1.6.1 Submission of Community Council Feasibility Study (confidential) and Ecological Appraisal.

1.7 Other relevant background information

- 1.7.1 Members will recall that this application was deferred by Members at the April Planning Committee to allow time for consideration of an Ecological Appraisal and to arrange a Site Panel visit.
- 1.7.2 The land is currently owned by Denbighshire County Council and discussions are being had with Property over the transfer of land to the Community Council.

A Community Consultation and Feasibility Study was carried out by the Community Council in September 2022 regarding the potential uses of the community field. It concluded that there was little community facilities and activities in the village.

An outline plan was drawn up for future development opportunities at the site including a community hub building potentially serving food and drinks, gardens, planting and pitch improvements.

The report states that the Community Council have advised the use of the chapel as a community facility is currently not 'fit for purpose' which limits what types of activities and events are allowable there. The study recommends that the Community Council will need to fully satisfy themselves that; i) the facilities at the chapel are not appropriate for future needs, ii) the capital cost of redeveloping the facilities would be too prohibitive and iii) the development of any facility on the playing fields would not unduly undermine the chapel's continued operation as a place of worship.

The study also recommends the more detailed designs of the whole site are commissioned for the landscaping and Community hub building.

2. DETAILS OF PLANNING HISTORY:

2.1 5/19/7493 Development of land for residential purposes and new access, WITHDRAWN 16/04/1985

2.2 5/11797 Residential development, GRANTED 11/04/1991

2.3 09/212/97 Development of 0/70 hectares of land for residential purposes, REFUSED 19/06/1997

THE REASON(S) for the Council's decision to refuse permission is (are):

- 1 The loss of Grade 1 Agricultural land is considered unacceptable in principle, being contrary to policy H1 of the Clwyd County Structure Plan : First Alteration.
- 2 The development would reduce the size of an agricultural holding and unacceptably affect the viability of this unit, also contrary to policy H1 of the Clwyd County Structure Plan : First Alteration.
- 3 The development would result in the loss of an important hedgerow to the detriment of visual amenity within the Special Landscape Area.

2.4 09/0020/98 Development of land for residential purposes, REFUSED 16/06/1998

THE REASON(S) for the Council's decision to refuse permission is (are):

- 1 The Local Planning Authority consider the proposal conflicts with Policy H.4 of the Glyndwr District Council Local Plan, and would result in an unacceptable scale of development out of character with the village, and inappropriate in terms of available facilities/services, being likely to set an undesirable precedent for similar development in small rural settlements.
- 2 The loss of Grade 1 Agricultural land is considered unacceptable in principle, being contrary to Policy H.1 of the Clwyd County Structure Plan : First Alteration.
- 3 The development would reduce the size of an agricultural holding and unacceptably affect the viability of this unit, also contrary to Policy H.1 of the Clwyd County Structure Plan : First Alteration.
- 4 The development would result in the loss of an important hedgerow to the detriment of visual amenity within the Special Landscape Area.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy BSC12 – Community facilities

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Recreational Public Open Space
Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021
Development Control Manual November 2016
Future Wales – The National Plan 2040

Technical Advice Notes:

TAN 5 Nature Conservation and Planning (2009)
TAN 6 Planning for Sustainable Rural Communities (2010)
TAN 12 Design (2016)
TAN 16 Sport, Recreation and Open Space (2009)
TAN 18 Transport (2007)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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. The DMM further states that material considerations 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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 Loss of best and most versatile agricultural land
- 4.1.3 Visual amenity

- 4.1.4 Residential amenity
- 4.1.5 Ecology and hedgerow removal
- 4.1.6 Drainage (including flooding)
- 4.1.7 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

In terms of the national planning policy context, Planning Policy Wales (PPW 11) Section 3.60 states that development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. It also advises that new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Paragraph 3.37 of PPW 11 states that “*The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake for its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources*”.

PPW states the countryside, in line with sustainability principles, should be conserved and where possible enhanced for its own sake.

Policy BSC 12 states that proposals for the provision of community facilities will be supported provided:

- i) they are located within existing development boundaries; or
- ii) outside of development boundaries, but within settlement clusters, the proposal will provide an essential facility to support the community.

The policy recognises that access to community facilities is an essential element of sustainable and inclusive communities. Community facilities such as schools, theatres, village halls and places of worship often serve a network of small settlements and are essential to reduce the amount of travelling to reach alternative community facilities. The loss of local facilities will lower community sustainability, and this can have a knock-on effect on the future well-being of the Welsh language. The Council will support and encourage the retention and improvement of community facilities which provide an essential facility to support the sustainability of Denbighshire's communities.

The proposal is for the change of use of land to community recreational area including the creation of an access and car park.

The provision of built community facilities can, subject to material planning considerations, be supported under LDP policy BSC 12 and a community's aspiration for additional facilities is understood. However, the application does not include details of a community building and therefore Policy BSC12 can not be applied in this case.

The site is lies in open countryside where development must be strictly controlled. The applicant refers to future plans for a community centre that the proposed car park would serve. Without the details of the proposed community centre, it is not possible to assess the overall impact of the proposed development and this application would appear incomplete and premature.

It is therefore considered that the principle of development in the open countryside is contrary to Local and National Planning Policy and is not supported.

4.2.2 Loss of best and most versatile agricultural land

Planning Policy Wales (PPW 11) Section 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW 11 notes this land is considered to be the Best and Most Versatile (BMV) and justifies conservation as a finite resource for the future.

PPW states that land of this quality (grade 1, 2, or 3a) should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

The proposal involves the loss of 0.04ha of agricultural land of Grade 3a quality to a community recreation facility and car park.

The approach to development on BMV land is two-fold:

a) is there an overriding need for the proposed development?

Officers remain of the view that insufficient justification has been provided to prove an overriding need for the use of the agricultural land for the development proposed. In Officers view any localised parking issues are not sufficiently evidenced or significant to justify the use of agricultural land.

The proposal is considered to be premature and piecemeal, and whilst the Feasibility Study indicates that there may be a proposal for a community hub in this location in the future, no details have been put forward of how the land is proposed to be used as a community facility, or indeed whether this proposal itself would justify the loss of Grade 3a agricultural land.

b) is there no other alternative site available?

The site is adjacent to a recreational area and children's play park. Representations have been received which suggest the existing chapel could be used for community use with upgrades, yet this option has not been explored before considering development on a greenfield site and BMV site. Other comments suggest that improvements need to be made to the existing play area and field to provide for a wider group of people. The existing field has a vehicular access point and Officers consider that utilising the existing access should be explored further. There could be scope to improve a community walking route around the existing playing field or utilising the existing area more efficiently, providing a wider range of facilities for all ages.

Overall, Officers consider the proposal for the change of use of land to a community recreational area and car park does not outweigh the loss of grade 3a best and most versatile agricultural land and the proposal is contrary to National Planning Policy.

4.2.3 Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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, and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

PPW 11 Section 6.3.3 states '*All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic,*

environmental and cultural benefits they provide, and to their role in creating valued places.'

Representations have been received raising visual amenity concerns due to the levels of the land which are higher than the road.

The proposal involves the change of use of agricultural land to community recreation land including a new access and car parking for 6 vehicles. The proposal would include the loss of 15m of hedgerow to facilitate the access.

No details of the community hub building (which has been suggested in the Feasibility Study) have been put forward with the proposal, nor the community gardens or how the space is to be used by the community. Members are advised therefore that the proposal being considered is solely that of one for a car park in the centre of the field, an associated vehicular highway access and track.

The loss of hedgerow to create the access will no doubt have a visual impact on the character of the area. However, the access is located to the east of the village up a lane and is not clearly visible from the centre of the village or the B4529. The hardstanding to create the access and car park is not likely to be clearly visible from outside the site, but would likely be visible from higher ground to the east. Officers question the siting of the access and car park in this location and query whether there is a more suitable location which utilises the existing access to the playing field and park. Officers are not aware that parking is a concern in the village as it would be expected that most visitors are local and would walk to the park and facilities.

Nevertheless, despite the full proposal (as indicated in the Feasibility Study) involving a community hub not being submitted with this application, the proposal only involves a car park and access at this point. Further consideration of any future development of the site would be undertaken with another planning application in the future.

Regarding the proposal, Officers do not consider the visual amenity impacts of the access and car park in this location would be significant enough to warrant a reason for refusal in this regard.

4.2.4 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

Representations have been received raising residential amenity concerns due to the new access impeding on the ability to use driveways to the properties opposite.

The proposal is for the change of use of land to community recreation area including car park and new access.

The proposed access is opposite an existing access off a lane which the Highways Officers have advised has low vehicle movements.

Officers acknowledge the concerns raised, however do not consider the new access would impact unacceptably on the occupiers of Cartrefle due to the low vehicle movements anticipated from the development. There is a community recreation ground existing to the north of the site and it is not expected that the use of this land would result in a level of disturbance to the occupiers of the neighbouring properties, more than what already exists.

The proposals would therefore be in general compliance with the policies and guidance listed above.

4.2.5 Ecology and hedgerow removal

Policy 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 (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (PPW 11) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

Concerns have been raised regarding the loss of hedgerow and the impact to wildlife.

The proposal is supported by an Ecological Appraisal which concludes that the hedgerow is species poor and the change of use may result in the loss or damage to some or all of the poor semi-improved grassland which characterises the site.

The proposal involves the loss of 15.2m of hedgerow to create the new access into the site and proposed a scheme of planting including 4 Denbigh plum trees and a length of hedgerow along the eastern boundary fence as ecological compensation and enhancement measures.

In determining planning applications which include the loss of hedgerows, Local Planning Authorities should have regard to the 'importance of the hedgerow'. There are two key aspects to the definition of an 'important hedgerow' which include whether the hedgerow is historic and if it is ecologically species rich.

The Clwyd Powys Archaeological Trust has considered the proposal and checked it against the Historic Environment Record. They have advised that the hedgerow does not fulfil any of the historical criteria for an important hedgerow.

The County Ecologist has advised that the hedgerow satisfies the criteria and is classed as 'important'. However, the County Ecologist has considered the contents of the Ecological Appraisal including the compensation and enhancement planting

scheme and has agreed that the additional hedgerow planting would compensate for the loss of hedgerow for the access, but more information would be required to be conditioned to control an appropriate mix of species and long term management.

Having regard to the advice provided by the County Ecologist, Officers are of the opinion that whilst the hedgerow does meet the criteria for an important hedgerow, the proposed compensation and enhancement planting would offset this loss. Therefore it is not considered justified to recommend a reason for refusal on the loss of a hedgerow. The recommended conditions include; the submission of a detailed landscaping scheme and planting list, Habitat Management Plan (prior to completion) and ensuring all works which could result in the damage or destruction of active bird's nests takes place outside of bird breeding season (March-August inclusive).

Should Members resolve to grant planning permission, it is considered reasonable to attach the recommended conditions to the decision to ensure there are no negative impacts on protected species or the nature conservation value of the site and to demonstrate that all reasonable steps have been taken to maintain and enhance biodiversity as required by Section 6.4 of Planning Policy Wales, Edition 11.

4.2.6 Drainage (including flooding)

Planning Policy Wales (PPW 11) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

Drainage concerns have been raised by a neighbour that the field becomes waterlogged in one corner.

As the site is not within a known area of flood risk, it is not considered the proposals would raise any further impacts on the area. A permeable surface should be installed for the new access and parking areas (no details provided) and the surface water drainage will be controlled through the SUDS SAB approval process. A note to applicant will be attached on any decision to grant to remind the applicants of their duty to obtain this consent which is covered by separate drainage legislation.

4.2.7 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

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 (PPW 11) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

Representations have been received raising highways concerns due to the access onto a narrow lane, lack of pedestrian footway on that side of the road and issues to vehicles using the access and impacts on neighbouring driveways.

The proposal involves the creation of a new access through an existing hedge, central access road to 31m in length to the centre of the field and parking provision for 6 vehicles.

The Highways Officer has raised no objection to the proposals and has advised that the vehicular movements on the road are low and therefore the access proposed is not considered likely to result in an unacceptable impact on the highway network.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 The site is lies in open countryside where development must be strictly controlled. The applicant makes reference to future plans for a community centre that the proposed car park would serve. Without the details of the proposed community centre, it is not possible to assess the overall impact of the proposed development and this application would appear incomplete and premature.

5.2 The proposed car park on it's own would appear to be an inappropriate development in open countryside, the overriding need for which on BMV land has not been established.

RECOMMENDATION: REFUSE- for the following reasons:-

1. It is the opinion of the Local Planning Authority that as the site is located on grade 3a agricultural land, (which Planning Policy Wales 11 considers to be the 'best and most versatile'), the application has not satisfactorily demonstrated that there is an overriding need

for the development in this location or that alternative lower grade agricultural or previously developed land is not available. The proposal is therefore contrary to the advice and guidance contained in Planning Policy Wales (Edition 11) Section 3.58 and 3.59.

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Agenda Item 6

WARD : Rhyl West

WARD MEMBER(S): Cllr Joan Butterfield
Cllr Alan James (c)

APPLICATION NO: 45/2022/0644/ PF

PROPOSAL: Change of use of offices to form a dwelling

LOCATION: 30 Bedford Street Rhyl LL18 1SY

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REPORT BY THE HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

SUGGESTED PLANNING CONDITIONS REPORT: APPLICATION REFERENCE NUMBER

45/2022/0644

30 Bedford Street, Rhyl

1. PURPOSE OF THIS REPORT:

1.1 Members will recall that, at the May 2023 meeting of Planning Committee, it was resolved to grant planning permission for the above planning application. As this was contrary to the Officer recommendation to refuse, Members also requested that Officers draft a set of planning conditions and allow Planning Committee to agree them before any decision is issued.

1.2 The application was for the change of use of offices to form a dwelling

1.3 During the debate there was some discussion as to whether there were any mitigation measures which could be required through planning condition. In Officers opinion, having reviewed the application and the response of NRW, the only mitigation measures which could have a positive impact on the development relate to increasing the floor level of the building. However, taking the nature of the building into account, Officers do not consider this to be a reasonable condition to impose.

1.4 A copy of the original report to planning committee is attached as Appendix A

1.5 This report seeks Members approval on the conditions to be imposed on the planning consent.

2. PROPOSED CONDITIONS:

2.1 Having regard to the nature and scale of the development, advice of statutory consultees and the resolution of Planning Committee, Officers would propose the following conditions and advisory notes should be imposed on the planning consent:

1. The development to which this permission relates shall be begun no later than 21st June 2028.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:

(i) Existing ground floor plan and site plan (Drawing No. 1) received 10 October 2022

(ii) Existing floor plans (Drawing No. 2) received 10 October 2022

(iii) Proposed ground floor plan and site plan (Drawing No. 3) received 10 October 2022

(iv) Proposed floor plans (Drawing No. 4) received 10 October 2022

(v) Location plan received 10 October 2022

(vi) Flood Consequences Assessment (Brian Killingworth dated February 2023) received 14 February 2023

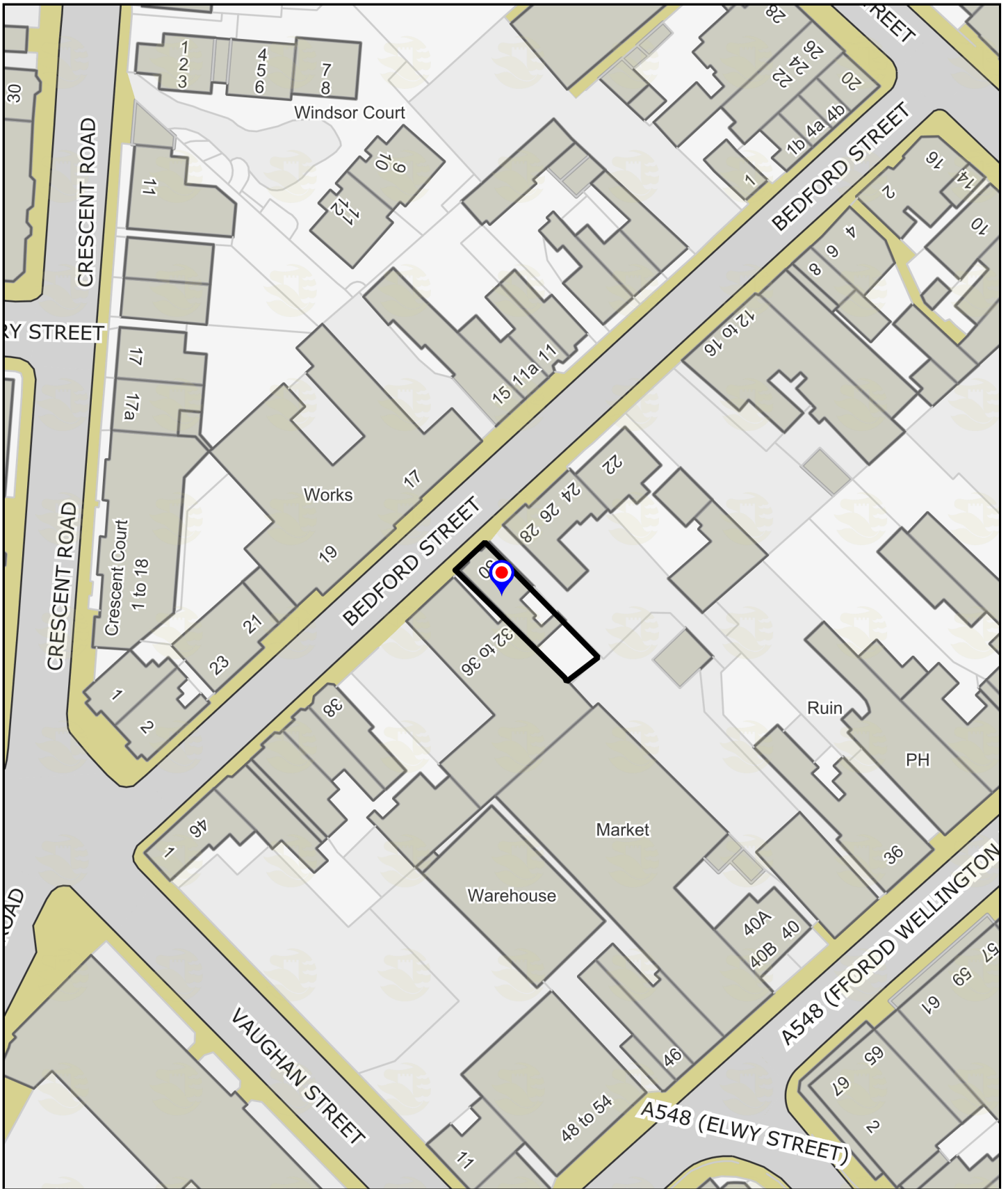
(vii) Flood Consequences Assessment Addendum (Brian Killingworth dated 15/03/23) received 20 March 2023

Reason 2: For the avoidance of doubt and to ensure a satisfactory standard of development.

3. RESOLUTION:

3.1 To approve the conditions and advisory notes set out in Section 2 above for inclusion on the Decision Notice.

EMLYN JONES HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTYSIDE SERVICE



45-2022-0644

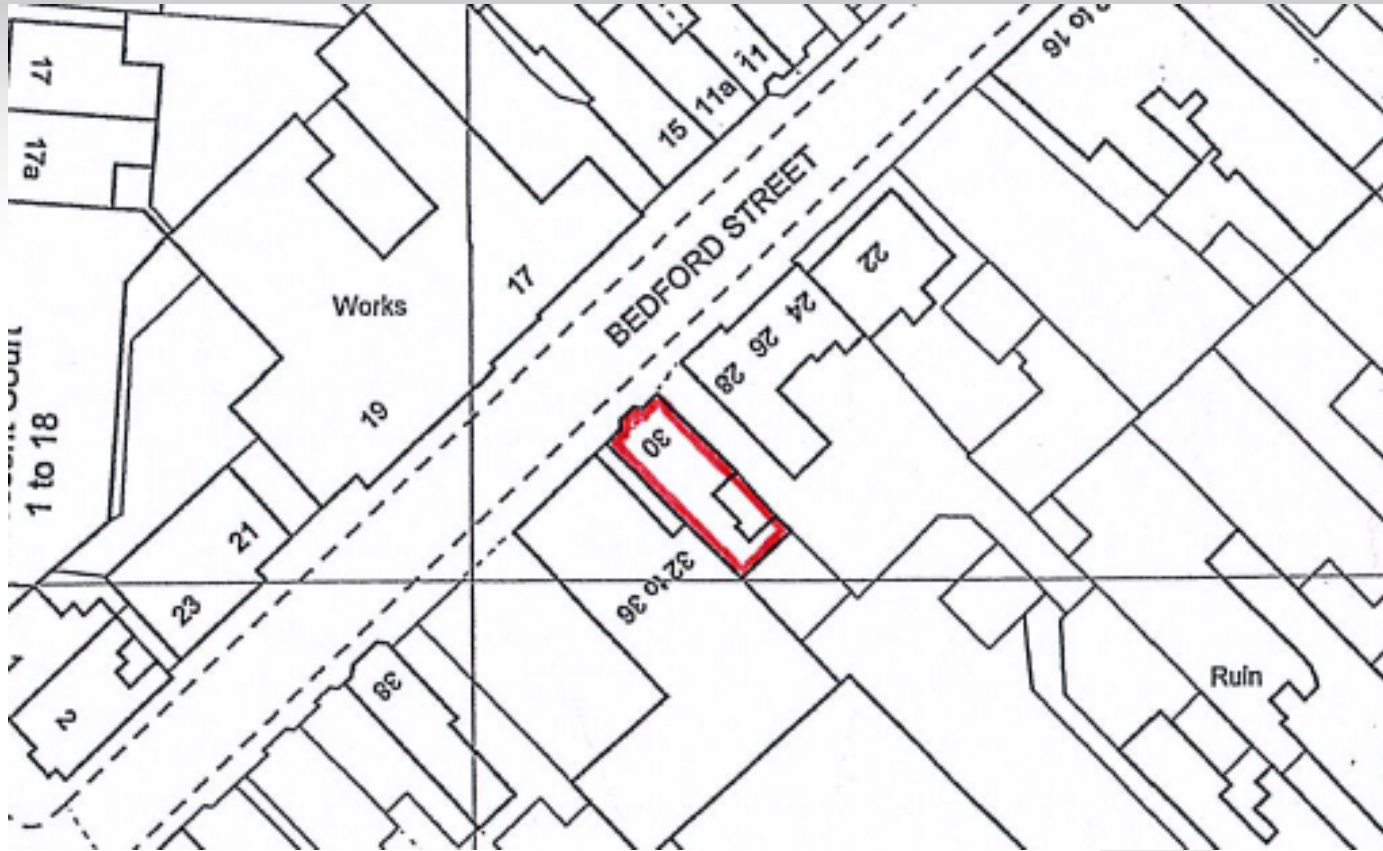


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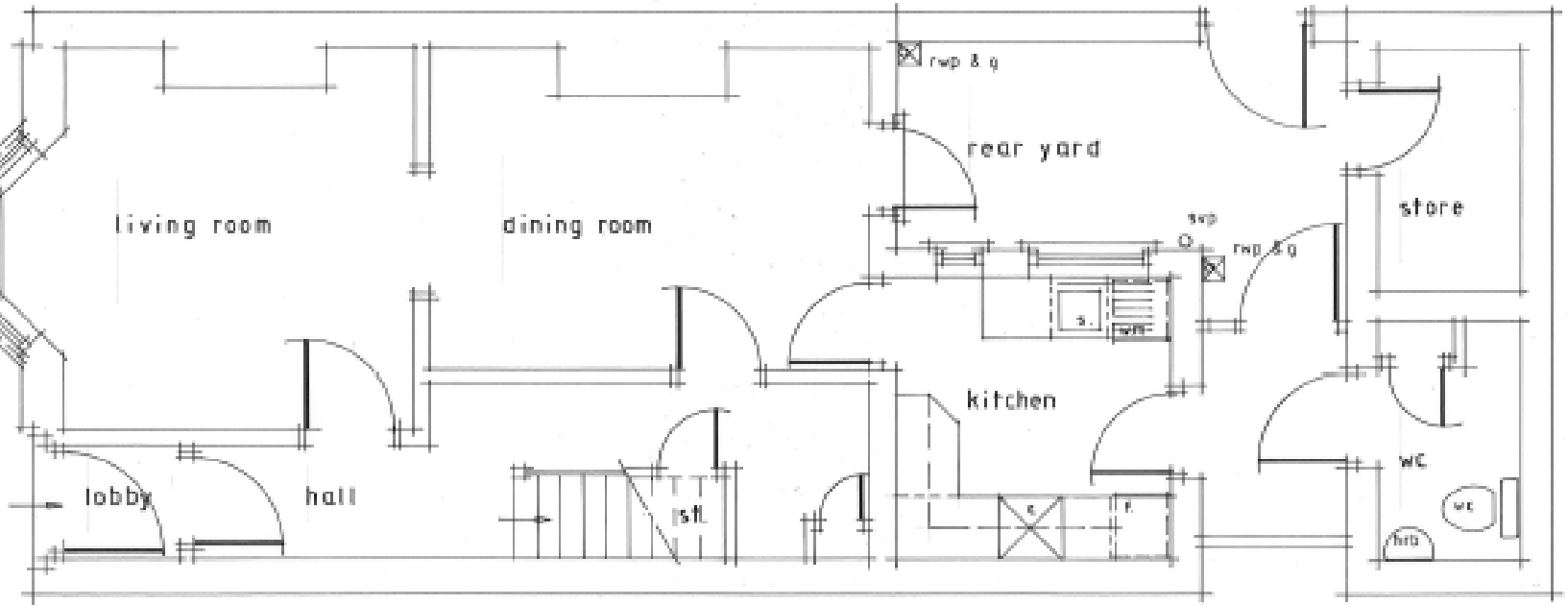
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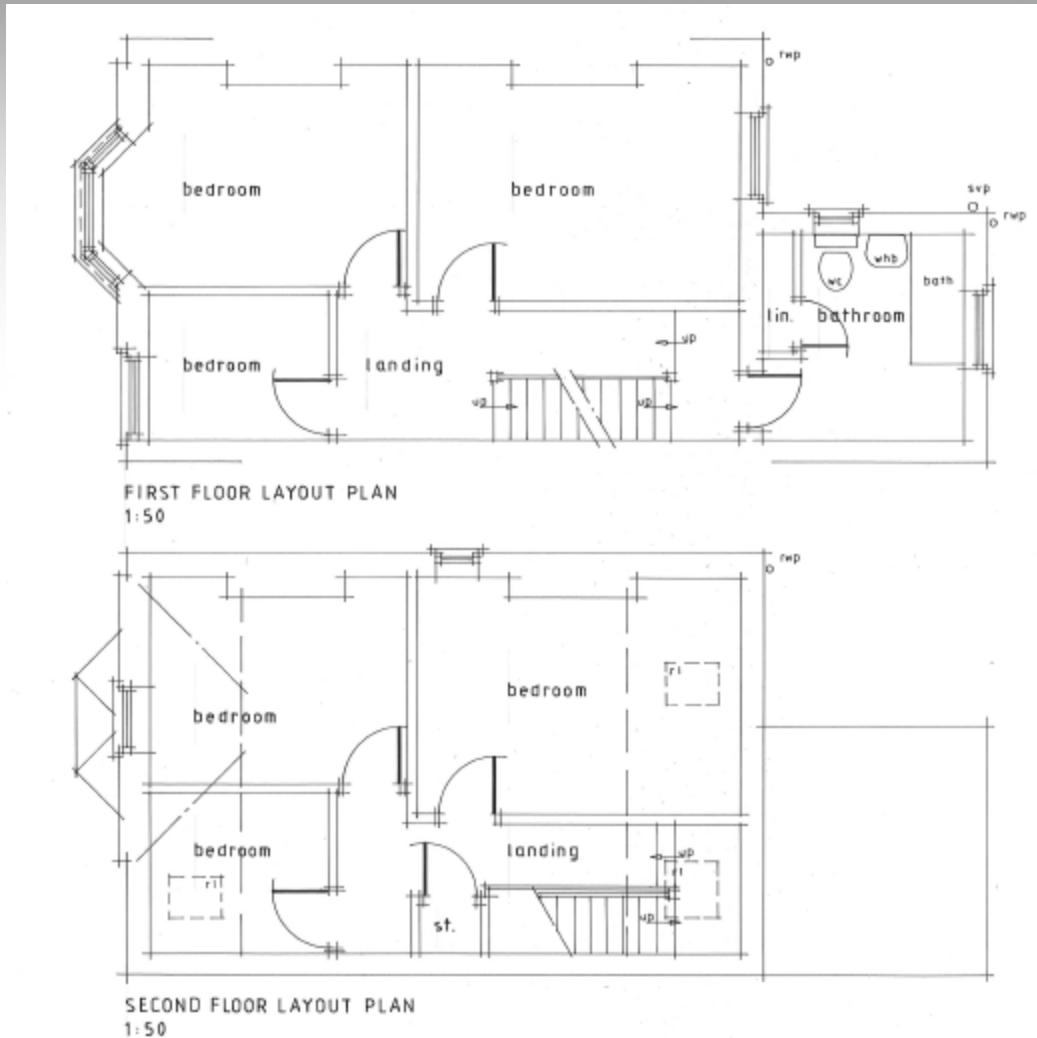
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Site Location



Site Plan (and GF Plan)



Proposed First and Second Floor Plans



Street View of Site



WARD : Rhyl West

WARD MEMBER(S): Cllr Joan Butterfield
Cllr Alan James (c)

APPLICATION NO: 45/2022/0644/ PF

PROPOSAL: Change of use of offices to form a dwelling

LOCATION: 30 Bedford Street Rhyl LL18 1SY

APPLICANT: Mrs Debra Moore

CONSTRAINTS: C1 Flood Zone
Conservation Area
Article 4 Direction

PUBLICITY UNDERTAKEN: Site Notice - No
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:

RHYL TOWN COUNCIL
"No objection"

NATURAL RESOURCES WALES

Objects to the proposed development as submitted and considers that the Flood Consequence Assessment (FCA) submitted has failed to demonstrate that the consequences of flooding can be acceptably managed over the development lifetime. Further detail of NRW's assessment and conclusion is contained in section 4.2.4 of the report.

NRW advise that if the Council is minded to grant planning permission, NRW should be informed of all matters that influence this decision prior to granting permission.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 12/12/2022

EXTENSION OF TIME AGREED: 24/05/2023

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

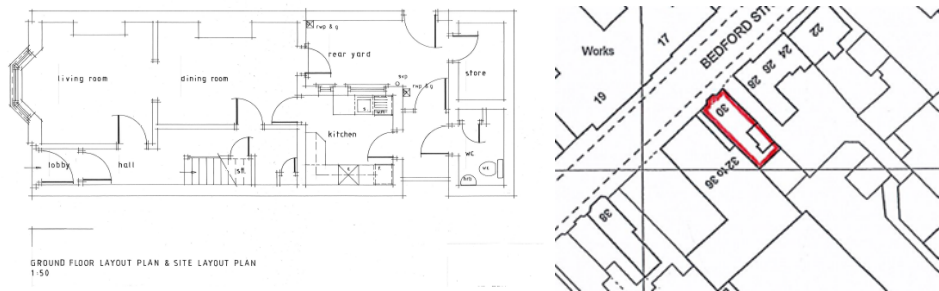
1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the "Change of use of Change of use of offices to form a dwelling at 30 Bedford Street in Rhyl.

- 1.1.2 Plans submitted in support of the application show no external alterations proposed. Nor would the internal layout be physically altered. The use of rooms would simply change to residential in the form of; living room, dining room, kitchen and wc on the ground floor, with 3 bedrooms with bathroom on the first floor and 3 further bedrooms on the second floor.
- 1.1.3 Plans show a rear/side yard with an outhouse and wc as existing, accessed from a lane to the side of the site.

See plans snip* Not to Scale and photo.



1.2 Other relevant information/supporting documents in the application

- 1.2.1 The application was supported by an FCA from Brian Killingworth.
- 1.2.2 It is understood that the site was on the market for a commercial use since September 2021 with little interest for a commercial use. It was subsequently put up for auction and purchased by the Applicant with the intention to convert into a family home.

1.3 Description of site and surroundings

- 1.3.1 The site is located on the southern side of Bedford Street close to Rhyl town centre.
- 1.3.2 No. 30 is an existing three story detached property formally housing offices for various Community organisations.
- 1.3.3 The property fronts the street with access to the site via a lane/driveway to a garage to the rear. Within the rear curtilage there is a small yard, store and wc.

1.4 Relevant planning constraints/considerations

1.4.1 The site is located within the development boundary of Rhyl. It is within the West Rhyl Regeneration Area Supplementary Planning Guidance Note area. It is also within the Rhyl Central Conservation Area.

1.4.2 It is also within a C1 floodzone as defined by the DAM maps of TAN 15 Development and Flood Risk.

1.1 Relevant planning history

1.1.1 Planning permission was granted in 1993 for change of use from residential to offices.

1.2 Developments/changes since the original submission

1.2.1 Additional information was requested after the original consultation to address Flood Risk issues raised by NRW. An addendum to the FCA by submitted by Brian Killingworth to support the application.

1.7 Other relevant background information

1.7.1 The application is being considered by Planning Committee on the request of Cllrs Barry Mellor and Joan Butterfield.

2. DETAILS OF PLANNING HISTORY:

2.1 2/RYL/0432/92/P Change of use to Young People's Advice Centre. Granted 07/01/1993

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC1 – Growth Strategy for Denbighshire

Policy VOE1 - Key areas of importance

Policy PSE3 – Protection of employment land and buildings

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: West Rhyl Regeneration Area

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 15 Development and Flood Risk (2004)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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.

The DMM further states that material considerations 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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 Drainage (including flooding)
- 4.1.5 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main Local Development Plan Policy relevant to the principle of the development is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages. It encourages provision of a range of house sizes, types and tenure to reflect local need and demand and the Local Housing market assessment.

The site is located within the development boundary of Rhyl which is defined as a lower growth town in the LDP.

The site is located within the West Rhyl SPG Regeneration Area, the majority of Bedford Street is allocated for minimal interventions in the SPG but it is noted that there is a general presumption in the SPG for the provision of family homes (i.e. larger dwellings) which this proposal intends to do.

Whilst the existing use of the site as offices is noted, and the implications of PSE 3 which aims to protect existing employment sites is relevant. It is noted that this site has been vacant for a substantial period of time and has been marketed without success for commercial uses.

Given the above considerations regarding the West Rhyl Regeneration Area SPG and the marketing exercise carried out, the principle of change of use to residential is considered acceptable in this location. Officers suggest the acceptability of the proposal therefore has to rest on assessment of the local impacts and constraints which are reviewed within the following sections of the report.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales (PPW 11) Chapter 6 'Distinctive and Natural Places' states there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting.

The application proposes no external alterations to the building or wider site layout. It would remain as existing in appearance. Arguably the change of use would result in a positive impact on the Conservation area by enabling the reuse of a vacant property.

The proposal is therefore considered acceptable in relation to the visual amenity policies and guidance listed above.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc..

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

The proposed dwelling would be a six-bed property. It would meet current floor space standards in terms of internal arrangements. Whilst external space is lacking it is located close to the town centre and open space at the end of Crescent Road, and within a 5 minute walk of the Seafront. The rear curtilage is private and bounded by an access road/lane to the east and Seagull foods to the west. The history of the residential use is also noted.

Whilst it would be preferable to have more amenity space for a dwelling of this size (i.e. 6 bedrooms) the fact it would be a change of use back to residential is noted, and on balance the proposal is therefore considered acceptable in relation to the residential amenity policies and guidance listed above.

4.2.4 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

Planning Policy Wales confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed.

TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

The general approach adopted in TAN 15 is to advise caution in respect of new development in areas of high risk of flooding, and it sets out a 'precautionary' framework to guide planning decisions, seeking to direct new development away from areas at risk. It details specific tests for local planning authorities to apply to development proposals, requiring an authority to be satisfied a proposal is first *justified* (criteria set out in Section 6) and then that the *consequences of flooding* (set out in Section 7) are acceptable. It advises that where the risks and consequences of flooding cannot be managed to an acceptable level for the nature and type of development, development should be avoided irrespective of the justification. TAN 15 stresses the need for suitable Flood Consequences Assessments to be submitted with applications, to establish the source / mechanism of flooding, the consequences of flooding, and as appropriate, details of mitigation measures to show if risk can be managed to an acceptable level for the type of development.

The site is located within Zone C1 of the Development Advice Map (DAM) as referred to by the Technical Advice Note (TAN) 15: Development and Flood Risk. The site is also shown to lie within the Flood Zone 3 (Sea).

The development proposal is for the change of use from offices to a residential dwelling, the existing lawful planning use would be classed as 'less vulnerable', given the sites most recent use. As such the proposal would increase the land use

vulnerability of the site, from less vulnerable to highly vulnerable land use.

NRW's detailed comments on the application are as follows:

"We have reviewed the Flood Consequences Assessment (FCA) undertaken by Brian Killingworth, dated February 2023, reference 262/23. This was submitted to address the concerns raised in our letter dated 12/12/2022 (our ref: CAS-204997-S7F5). Our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

The FCA has commented on the flood risk posed to the site from a range of sources, including the sea and the tidal Clwyd. The FCA makes reference to a number of completed and proposed flood defence improvement schemes along the coastal frontage. As noted in the FCA, the primary source of flood risk posed to the site is from the tidal Clwyd. Based on the outputs from the Point of Ayr to Pensarn Tidal Flood Risk Analysis (2018), the site is not shown to flood in the 0.5% Annual Exceedance Probability (AEP) event with an allowance for climate change when considering flood risk from the sea only.

The assessment of risk for the tidal Clwyd is also based on the Point of Ayr to Pensarn study. The FCA quotes a flood level of 6.37 m AOD for the 0.5% AEP overtopping event with an allowance for climate change, which when taking into account the existing finished floor level of the building of 5.68 m AOD, would result in significant flooding (0.69 m depth) of the site. An assessment of a breach in the tidal Clwyd defences is not considered within the FCA.

The development proposal would result in an increased land use vulnerability at the site, from less vulnerable development to highly vulnerable development. Therefore, in order to comply with section A1.14 of TAN15, the FCA needs to demonstrate that the entire site can be designed to be flood free in the design event, which in this case is the 0.5% AEP breach event with an allowance for climate change (for the tidal Clwyd). This event is not assessed in the FCA. The overtopping outputs demonstrate that significant flooding of the site would be expected in the corresponding return period event, and this flood risk would only be expected to increase in the event of a breach.

The FCA does not propose to raise finished floor levels above the 0.5% AEP overtopping event with an allowance for climate change flood level, so significant flooding of the proposed site would be expected in this event. Seeing as a breach would be expected to increase flood levels, it is clear that flooding of the proposed site would be expected in the design event, and the FCA acknowledges that 'neither the site nor access to the site will be flood free at all times...'. We therefore advise that the proposal fails to comply with the requirements of TAN15 and raise concerns with the application."

Amendments were made to the FCA and NRW re-consulted, they responded:

"We have reviewed a letter from Brian Killingworth, dated 15/03/2023, with queries in regard to NRW's response of 7/03/2023 (CAS-209640-T3Y1). Our advice to you remains that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

The letter states that the outputs from the Point of Ayr to Pensarn study are inaccurate as they do not take account of completed and ongoing defence improvements along the coastal frontage.

The Rhyl West defence scheme was completed in 2015 and is included within the model.

The Central Rhyl scheme is expected to commence in the near future, but as works have not been completed, the model represents current conditions at this location. The Rhyl East works are not included in the model but are fairly remote from the application site and are unlikely to influence the flood risk posed to the site.

As advised in our previous response, the flood risk posed to this site is associated by overtopping of the Clwyd embankments, so we maintain that completed and future planned works to the coastal frontage will have little influence on the flood risk posed to the site. The fact the Point of Ayr to Pensarn outputs for the coastal frontage (no influence from the Clwyd) show that no flooding of the site is expected in the 0.5% AEP event with an allowance for climate change reinforces this point and shows that improvement works along the frontage are unlikely to have any influence on flood risk at the site. We therefore disagree that the flood levels included within the Point of Ayr to Pensarn study (for the coupled run) are 'inaccurate'. As we have explained, it should be noted that the depths of 0.69 m expected in the overtopping event would only be expected to increase in the event of a breach, so it is clear the site is at significant risk of flooding.

With regard to the point around proportionality, our response outlines that in order for the site to be considered compliant with the requirements of TAN15, the FCA should demonstrate that the site can be designed to be flood free in the 0.5% AEP breach event with an allowance for climate change. Whilst we appreciate that undertaking breach modelling is an expensive exercise, there is a requirement for the FCA to appropriately mitigate this event. As there are no readily available breach outputs for the Clwyd embankments, the applicant would need to commission this work, or request the outputs from the Denbighshire Strategic Flood Consequences Assessment (SFCA) from the consultants who undertook this work.

It should be noted that our Point of Ayr to Pensarn study is in the process of being updated to include breach scenario outputs, which should be available by late Spring. Notwithstanding this, our response acknowledges that the risk posed in the overtopping event is significant (and would increase in the event of a breach) and given the limited scope for mitigation measures, it is unlikely that the proposal could demonstrate compliance with TAN15. Any further modelling work may therefore be abortive, as it is unlikely to change the outcome.

We note the comments in respect to the occupancy of the current building and the safe haven that would be provided at first floor, but residential properties are inherently more vulnerable to the impacts of flooding, and in accordance with Figure 2 of TAN15, the proposal would result in an increased land use vulnerability at the site.

It is clear from the above that the flooding issues require careful assessment in relation to the general advice in PPW and the detailed contents of TAN15, all in the context of the information provided by the applicants and response from NRW.

Firstly in relation to applying the TAN 15 tests "Justification test"

Section 6.2 states that development will only be justified if it can be demonstrated that:

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
 - ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
- and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
 - iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

Having regard to the justification criteria in paragraph 6.2 of TAN15, Officers' view is that:-

i) The proposal would comply with test i) in that the provision of a dwelling would assist the Growth Strategy for the County in Local Development Plan Policy BSC1, which is to provide housing to meet the needs of local communities and population changes, and it would contribute to expanding the range of accommodation in the town. The site is an existing building located within the development boundary of the adopted Local Development Plan. Housing development in existing settlements concurs with the aims of Planning Policy Wales.

The West Rhyl Regeneration Area SPG acknowledges the C1 Flood risk designation. And reiterates that development in these areas will only be permitted where it can be demonstrated to provide an employment or regeneration objective (see TAN15). It goes on to say that development which accords with this SPG will be considered to meet the necessary regeneration / employment objectives.

iii) As an existing building it is a brownfield site which meets the definition of 'previously developed land' in PPW, hence the proposals comply with test iii).

iv) In respect of criterion iv) it is not considered that the potential consequences of a flooding event for the particular type of development have been found to be acceptable.

NRW have reviewed the FCA and as the expert consultee have advised that they do not consider the FCA to demonstrate that the risk and mitigation in relation to flood risks can be managed. On this basis they recommend refusal of the application.

On the advice of NRW which clearly states that the proposal fails to meet policy tests Officers have no option but to accept this advice recommend refusal of the application.

4.2.5 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require consideration of the impact of development on the local highway network.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

The existing property has a permitted commercial use with no on site parking. There is on street parking in the wider area. The proposed dwelling would have 6 bedrooms. Whilst parking standards advise that 3 spaces would be required for an equivalent size dwelling the exiting use/situation, proximity to the town centre and alternative means of transport (rail, bus and cycle network) are noted.

Having regard to the nature of the proposed development and existing arrangements, it is considered that the proposals would not have an unacceptable impact on highway safety. It would therefore be in general compliance with the tests of the policies referred to.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

- 5.1 Whilst the principle and other planning considerations on this proposal may be acceptable, NRW have made a clear objection to the application on the basis of flood risk. Officers note the history of the site, however in flood risk terms a less vulnerable use has been operating at the site for over 30 years, and the planning assessment must take the last use into account. On the advice of NRW which clearly states that the proposal fails to meet policy tests Officers have no option but to recommend refusal of the application on the grounds of flood risk.

RECOMMENDATION: REFUSE - for the following reason:

The reason for refusal is:

1. It is the opinion of the Local Planning Authority that the proposal is not acceptable in relation to flood risk. The FCA acknowledges that the site would be subject to flooding (of depths of 0.69 metres expected in the overtopping event expected to increase in the event of a breach) and mitigation measures would not be adequate to mitigate the risks from the flood levels anticipated onsite. As such the application fails to demonstrate compliance with A1.14 of TAN15 and would be contrary to Local Development Plan Policy RD 1 test (xi) which requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding, and advice contained in Planning Policy Wales Section 6.6.22 to 6.29.

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ADDITIONAL ITEM

REPORT BY THE HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

MONA OFFSHORE WINDFARM – NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT

RESPONSE TO STATUTORY PRE-APPLICATION CONSULTATION

1. PURPOSE OF THIS REPORT:

- 1.1 Denbighshire County Council have been invited to respond to the statutory pre-application consultation on the proposed Mona offshore windfarm.
- 1.2 The consultation commenced on 19th April 2023 and ran until 4th June 2023. Officer have agreed to supply the Council's formal response later given Committee schedules.
- 1.3 This report seeks Members approval to submit a formal consultation response to the pre-application consultation on behalf of the Council.

2. BACKGROUND:

- 2.1 The Mona windfarm is a Nationally Significant Infrastructure Project.
- 2.2 Under the Planning Act 2008, consent for Nationally Significant Infrastructure Projects (NSIP) is issued through the enactment of a Development Consent Order (a statutory instrument) rather than planning permission.
- 2.3 Applications for Development Consent Orders (DCO) are submitted to, and assessed by, the Planning Inspectorate and are determined by the relevant UK Secretary of State.
- 2.4 Prior to submitting an application to the Planning Inspectorate, the developer is required to carry out a formal pre-application consultation with statutory bodies and the local community.
- 2.5 Local authorities are statutory consultees.
- 2.6 Once a DCO application has been submitted to the Planning Inspectorate, affected local authorities and other consultees will be formally consulted on the application.

3. THE MONA OFFSHORE WINDFARM PROPOSAL:

- 3.1 Mona Offshore Wind Limited (the Applicant) are seeking to develop the Mona Offshore Wind Project in the easterly part of the Irish Sea. (See Figure 1.1 – Location of Mona Offshore Windfarm Project)
- 3.2 As the Mona Offshore Wind Project is an offshore generating station with a capacity over 350MW it is a NSIP as defined by the Planning Act 2008.
- 3.3 The associated onshore works, including an underground high voltage cable and a new substation will form part of the Development Consent Order application.
- 3.4 **Members are advised that onshore works involve landfall within Conwy, underground cabling through Conwy and into Denbighshire with a new substation in Denbighshire.**
- 3.5 The 'landfall' location is the point where the electricity cable is brought ashore. The landfall location is proposed in Pensarn, Conwy.

- 3.6 A new substation is proposed on land to the south of Glascoed Road with 2 options provided. Option (2) is on agricultural land to the south of St. Asaph Business Park and Option (7) is shown on agricultural land further east towards St. Asaph. (see figure 2 – Substation options)
- 3.7 A high voltage underground cable is proposed from the landfall through to one of the substation locations.
- 3.8 A further underground cable and other associated works are also proposed to connect the new substation to the existing Bodelwyddan National Grid substation, which is located on land to the south of Glascoed Road.
- 3.9 The development proposal includes ancillary development such as construction compounds, laydown areas, new tracks and vehicular accesses at the landfall location, along the cable corridor and at the substation site.
- 3.10 In addition to the DCO application, the offshore works would also require a marine licence and a separate marine licence application would be submitted to Natural Resources Wales.

4. STATUTORY PRE-APPLICATION CONSULTATION:

- 4.1 The consultation is seeking views on the draft Development Consent Order (DCO) and the Preliminary Environmental Information Report (PEIR).
The draft Development Consent Order (DCO)
- 4.2 The DCO is the statutory instrument which provides the necessary powers to carry out the development proposed. The draft DCO defines the extent of the development and itemises the works which are required to construct and operate the offshore windfarm.
- 4.3 In addition to consent for the construction and operation of an offshore windfarm, the developer is also seeking secondary powers to be included in the DCO for ‘associated development’.
- 4.4 This means that the DCO would provide the developer the necessary powers to construct and operate a windfarm, and they would not need to obtain secondary consents from other regulators such as the Local Planning Authority, the Local Highway Authority, the Lead Local Flood Authority, NRW or Dwr Cymu / Welsh Water.
- 4.5 The secondary powers sought relate to street works, supplemental powers, compulsory acquisition and other miscellaneous powers.
- 4.6 The street works powers sought would allow the developer to work in or under streets to allow them to install onshore cables. Powers are also sought to allow the development to create junctions onto streets to allow access to construction areas, and to construct a new permanent access to the proposed substation.
- 4.7 Other street works powers sought would include temporary stopping up or restriction on the use of streets, including the temporary stopping up or diversion of public rights of way.
- 4.8 The supplemental powers sought include allowing the developer to connect into drains, sewers or watercourses for the discharge of water.
- 4.9 The compulsory acquisition powers would allow the developer to take possession of land which is required for the offshore windfarm development. Temporary possession powers would also allow the developer to use land which is needed during the construction but which is not permanently required for the operation of the windfarm. The DCO includes a mechanism to allow compensation to be paid for the exercise of compulsory acquisition and temporary possession powers.
- 4.10 Miscellaneous powers proposed include provision to allow the felling and lopping of trees and removal of hedgerow without the need for additional consent, which includes works to trees subject to a Tree Preservation Order.
- 4.11 The DCO will also contain a raft of ‘Planning Requirements’, which will function in the same way as planning conditions. The local planning authority would be responsible for the post consent approval of detail subject of planning requirements, and enforcement.

The Preliminary Environmental Information Report (PEIR):

- 4.12 The PEIR report is presented in the form of a draft Environmental Statement, and details the findings of all assessments and surveys that have been carried out to date, and sets out the likely effects of the offshore and onshore works on a range of material considerations.
- 4.13 The offshore works, involving the siting of the turbines out to sea, are not considered to have any significant impacts on Denbighshire. For this reason the draft response to the s.42 consultation focusses on the Onshore works proposed.
- 4.14 The main volumes of relevance within the PEIR have been examined as part of the consultation. Comments on these relevant volumes are contained within the draft response in APPENDIX 1.
- 4.15 It should be noted that the Council can reserve its right to provide further input into all areas of the proposed DCO and PEIR when the formal application is submitted to the Secretary of State.

5. RESOLUTION:

- 5.1 Approval is sought from Members to submit the comments set out in APPENDIX 1 as the Council's formal consultation response to the developer's statutory pre-application consultation on the proposed Awel y Mor offshore windfarm. A copy of the minutes from the meeting detailing any comments Members wish to make on the development will also be included.

EMLYN JONES

HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTYSIDE SERVICE

Attachments:

APPENDIX 1 – Draft s.42 response by DCC

Figure 1.1 – Location of Mona Offshore Windfarm Project

Figure 2 – Substation Options



**PLANNING, PUBLIC
PROTECTION & COUNTRYSIDE SERVICES**

**MONA OFFSHORE WINDFARM NATIONALLY SIGNIFICANT
INFRASTRUCTURE PROJECT**

DENBIGHSHIRE COUNTY COUNCIL

**RESPONSE TO THE PRE-APPLICATION CONSULTATION UNDER SECTION 42
OF THE PLANNING ACT 2008**

Author:	Paul Mead
Date:	
Agreed by:	Denbighshire County Council Planning Committee on

A. PREFACE

Reference is made to your email which gave notice of the formal pre-application consultation period and invited comments on draft Development Consent Order and Preliminary Environmental Information Report (PEIR) in accordance with the provisions of Section 42 of the Planning Act 2008.

Comments on behalf of Denbighshire County Council ('the Council') take the form of an observations report which follows this preface. The response incorporates comments from the Council's planning and technical officers and elected Members of the Council.

Please note; reference is made only to sections of the consultation documents which the Council wish to offer comment on.

We advise that comments are provided on a without prejudice basis, based on the information available.

The draft Consultation Response was presented to Denbighshire County Council Planning Committee on. The draft response has been amended in light of issues raised at Planning Committee, and the final response has been agreed with the elected Members.

Any queries should be directed to Paul Mead, Development Manager:

Tel: 01824 706725

Email: paul.mead@denbighshire.gov.uk

B. GENERAL COMMENTS ON THE PROPOSED DEVELOPMENT

The Council does not object to the principle of the development. The Council does, however, have significant concerns with regards to the cumulative impacts of onshore cabling, sub-station and other construction works in areas where similar, significant works have taken place or are likely to take place.

With respect to the proposed onshore substation, whilst the Council recognises the need to connect to the National Grid sub-station, it feels that a further large sub-station in this semi-rural part of the County will fundamentally alter the character of the area to the further detriment of its economic, social and environmental well-being. The cumulative impacts of both the extensive construction works within the County alongside another very large building on a green field site, close to other similar structures, would have an unacceptable impact on nearby communities.

Whilst the offshore array has limited significant effects on Denbighshire interests, from a regional perspective, the Council has concerns about the number of significant effects identified in the SLVIA, and the effect an offshore windfarm of the scale proposed would have on regional seascape and landscape character, visual amenity and the regional visitor economy.

C. COMMENTS ON DRAFT DCO

In addition to consent for the construction and operation of an offshore windfarm, the draft DCO includes provision for secondary powers for 'associated development', including streetworks and compulsory acquisition powers.

Owing to the large geographic area affected by the onshore works, the Council has concerns about the wide remit of secondary powers, and in particular the proposed powers for temporary stopping up or restriction on the use of streets, and the temporary stopping up or diversion of public rights of way, as it would remove strategic control from the local highway authority to manage the highway and public rights of way network effectively for the benefit of users.

Any closures or diversions must be agreed within the local highway authority, and should be diverted / closed for the minimum possible time necessary.

SCHEDULE 2

REQUIREMENTS

Requirement 5 – Sub-Station Works. The Council does not agree with this Requirement. Full details of substation siting, design, scale and layout, and appearance of buildings should be included in the application in order that assessment of effects is robust and understood.

At a last resort, should any details of the substation be subject of the Requirement, then it is essential that the upper limits for the substation are clearly defined and embedded in the requirement. E.g. site area shall not exceed XX,XXX m² / external equipment shall not exceed height of 18m / number of buildings shall not exceed 8 / buildings shall not exceed height of 15m etc.). Details of vehicular access, internal roads, parking and turning areas, boundary treatments and lighting should also be itemised.

Requirement 9 - Construction. The Code of Construction Practice should also include provision of a communication plan outlining how the local community will be informed about construction activities, set out a commitment to provide a single point of contact and complaints management and resolution procedure.

Requirement 14 – Construction Hours. The Council have concerns with the proposed hours of working, and do not agree to 7am – 7pm working hours in locations close to residential receptors. Where working areas are close to residential receptors, hours of operation should be restricted to 8am – 6pm Monday to Saturday only, with no working on Sundays or Bank Holidays.

The Council has no objection to inclusion of a provision which allows for works to be carried out outside of agreed working hours in exception circumstances. However the clause should make it clear that requests need to be made in writing to the Council at least 48 hours in advance, and should include an explanation why works cannot be carried out during agreed working hours and an outline of works proposed to be undertaken. The communications plan (referred to under Requirement 9 above) should also include a provision for a mechanism to notify affected communities of out of hours work in advance of them being undertaken.

Requirement 15 - Restoration. Should include a clause which requires land condition to be recorded prior to commencement of development, and land to be restored to same or better standard than original.

Requirement 17. This requirement is not precise. The maximum noise levels from the substation site at the nearest noise sensitive receptors must be clearly defined and embedded in the Requirement.

D. COMMENTS ON PEIR

Given its limited resources and the volume of PEIR documents, the Council can, at this stage, only focus on issues of principle and relevant onshore elements of the scheme.

VOLUME 1: CHAPTER 2 – POLICY AND LEGISLATION

The Council support the principle of new renewable energy generation and recognise the contribution the proposed windfarm would make towards meeting Welsh Government renewable energy targets and tackling climate change.

However, new wind energy development should not be brought forward at any cost. It is noted that a large number of significant effects have been identified in the PEIR across a range of topic areas. The design process is iterative and full consideration should be given to scaling back the geographic spread of the windfarm and the size of the turbines, which may help mitigate the range and extent of significant effects identified, whilst still contributing to renewable energy and climate change goals.

VOLUME 1: CHAPTER 3 – PROJECT DESCRIPTION

Section 3.7 – Onshore Infrastructure

Hedgerow crossings - As open cut trenches are proposed to lay cables, it is also noted that extensive sections of hedgerow and trees are proposed to be removed. The Council has concerns with the extent of hedgerow that would be removed, and further assessment is needed to demonstrate why trenchless ducts cannot be utilised to lay cables under existing hedgerow and trees in order to minimise the loss of important and biodiverse trees and hedgerow.

Temporary construction compounds/haul roads – These should be designed with sustainable drainage and accommodate flight corridors of bats/birds by providing mitigation measures. In addition any lighting should be low level where possible to protect bats/birds.

Substation – The Council raises strong concerns about both of the substation location options (2 and 7). These sites are current green field outside any development boundary and could accommodate a main building with maximum parameters of 20m height and 140m length. Such buildings will be
October 2021

extremely difficult to screen and concerns are raised about the potential negative visual and neighbour impacts. As already mentioned in the general comments section, when examined in the context of other substantial substation development in the locality (National Grid, Burbo Bank, Gwynt Y Mor, Awel Y Mor (pending), Scottish Power and overhead pylons/electricity lines) the cumulative impacts on the villages of Bodelwyddan, Cefn Meiriadog and the City of St. Asaph have been underplayed in the PEIR. The potential impacts of the construction phases of the cabling and substation would be significant with the potential for major disruption to the aforementioned villages and City.

Whilst landscape and ecological impacts have been highlighted and noted in various chapters, (with mitigation measures suggested) the Council maintains that the localised impacts of the substation will have longer term negative impacts on wider landscape views and biodiversity.

VOLUME 1: CHAPTER 5 – EIA METHODOLOGY

Section 5.4 – Cumulative Effects Assessment

The following recent planning applications should be added to the cumulative impacts list in the PEIR.

<u>2018/19 = 1 application</u>	40/2017/1232 PF Erection of 7 no. industrial units with associated parking, landscaping, access road and external storage areas
<u>2019/20 = 0 applications</u>	
<u>2020-/21 = 0 applications</u>	
<u>2021/22 = 3 applications</u>	<p>46/2019/0806 PO - Bod Haulog The Roe St Asaph LL17 0LY Development of 0.75 ha of land for residential purposes (outline application including access)</p> <p>46/2021/0159 PF - Vista Site Glascoed Road St Asaph LL17 0LL Hybrid planning application (full details and outline) for the redevelopment of 6.9ha of land incorporating the following elements: Full Details: - Erection of a commercial vehicles sales unit (sui generis) - Formation of associated parking area, landscaping and associated works</p>

	<p>Outline:</p> <p>Outline Planning application for the erection of 5 No. business buildings (Use Class B1 and B2) with all other matters reserved for further approval.</p> <p>40/2021/0309 PF - Plot C7 St Asaph St Asaph Business Park LL17 0JB Erection of a 198 bed Registered Care Home (Use Class C2), landscaping, parking facilities and associated works (Resubmission)</p>
<p><u>2022/23 = 2 applications</u></p>	<p>46/2021/1161 PF - Land off Upper Denbigh Road St. Asaph LL17 0LW Erection of 113 dwellings, construction of a new vehicular access, landscaping and associated works</p> <p>40/2021/0825 PF - Land opposite Glan Clwyd Hospital Rhuddlan Road Rhyl Bodelwyddan Erection of 108 dwellings, construction of a new vehicular access and associated works</p>

VOLUME 3: ONSHORE CHAPTERS

Section 18 – Onshore Ecology

The Council are general satisfied that the appropriate surveys and assessments have been undertaken, however it is essential that developer continues to engage with the Council' Ecology Officer and NRW on the development of necessary mitigation and compensation measures to ensure they are sufficient to offset identified significant and adverse effects.

The Council also wish to stress that, Planning Policy Wales (PPW 11) makes clear that “*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*” (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

In addition to mitigation and compensation measures, the proposal is also required to demonstrate a net biodiversity gain, and therefore enhancement measures should also be embedded into the development.

As open cut trenches are proposed to lay cables, it is noted that extensive sections of hedgerow and trees are proposed to be removed. The Council has concerns with the extent of hedgerow that would be removed, and further assessment is needed to demonstrate why trenchless ducts cannot be utilised to lay cables under existing hedgerow and trees in order to minimise the loss of important and biodiverse trees and hedgerow.

It is noted that the substation site would result in the direct loss of Great Crested Newt habitat. Any loss of habitat must be fully compensated for and the Council would defer to NRW with respect to impact on protected species.

Section 21 – Traffic and Transport

It is not clear from the plans if any paths are to be stopped up permanently. The Council would object to any proposal to permanently stop up any right of way.

The area of Denbighshire affected by the proposal suffers from the lowest density by area and population of public paths in the whole County despite having the highest population density, and therefore the few paths there are in the north of the County are very important. Even temporary closures will have a significant effect of the local network, although it is accepted the indicative onshore cable corridor proposed seems to have done its best to avoid public paths, the construction phase will still impact on some key rights of way. This is of particular significance with the bridleways which are in extreme short supply in this area and stopping up even temporarily should be avoided or kept to the shortest possible period.

As such, the Council has concerns with the proposed streetworks powers proposed to be embedded in the DCO, as it would remove control from the Council to carefully manage right of way closures at a strategic level.

One of the biggest issues that have arisen in the County in the past with such works is when grass land is reinstated within field parcels, fences are then erected to protect re-seed growth, which has resulted in the temporary closure being applied much longer than the Council consider necessary. The Council would want to see the paths reinstated as soon as possible after any excavation and kissing or hand gates to be erected with no stiles on any temporary boundaries crossed by the cable corridor and that authorisation for any such new fences receives consent from the highway authority under S147 of the Highways Act 1980 or will be treated as unlawful and removed once any temporary traffic restriction order closing the path expires.

The Council has concerns that, streetworks powers proposed in the draft DCO would not require rights of way to be brought back into use as soon as practical to do so, and paths may remain closed until all construction works have been completed, which will have a significant impact on the users during the construction phase.

Were powers to remain with the local highway authority, the Council do not consider any disruption or delay would be arise by the need for the Council to make the orders under the provisions in the Highway Act, and it would enable the Council to retain strategic oversight over the wider public rights of way which would have clear benefits to rights of way users.

Section 22 – Noise and Vibration

Due to the proximity of construction compounds and working areas to residential areas and individual properties, the Council has concerns the construction phase has the potential to generate adverse noise and vibration.

Noise and vibration needs to be fully assessed and abatement plans must be included in the Code of Construction Practice subject of proposed Requirement 9, which should be devised in consultation with the Council's Public Protection department.

The Council do not agree to the working hours of 7am -7pm in locations close to residential properties, and working hours should instead be restricted to 8am – 6pm where working areas are close to residential receptors, with no working on Sundays or Bank Holidays.

Where exceptional circumstances require construction works to be carried out outside of approved hours of operational, this should be agreed in writing by the local planning authority at least 48 hours in advance and such provision should be embedded in the Requirements (please see comments above on draft DCO Requirements).

The Council also consider community engagement should be a priority throughout the construction phase. A communications plan should be required to be submitted as part of the Code of Construction Practice, which should set out a protocol for communicating with affected local communities throughout the construction phase, including proposals to notify affected residents in advance of noise / vibration generating works commencing, and a complaints management and resolution procedure should be established. A single point of contact should be provided for the local community to contact throughout the construction phase.

In terms of operational noise from the substation, the noise levels at the closest noise sensitive receptors need to be clearly assessed, and maximum noise levels needs to be clearly defined and embedded in requirements.

VOLUME 4: ONSHORE AND OFFSHORE CHAPTERS

Section 26 – Seascape, Landscape and Visual Resources

26.17 – 26.18 Substation options 2 and 7

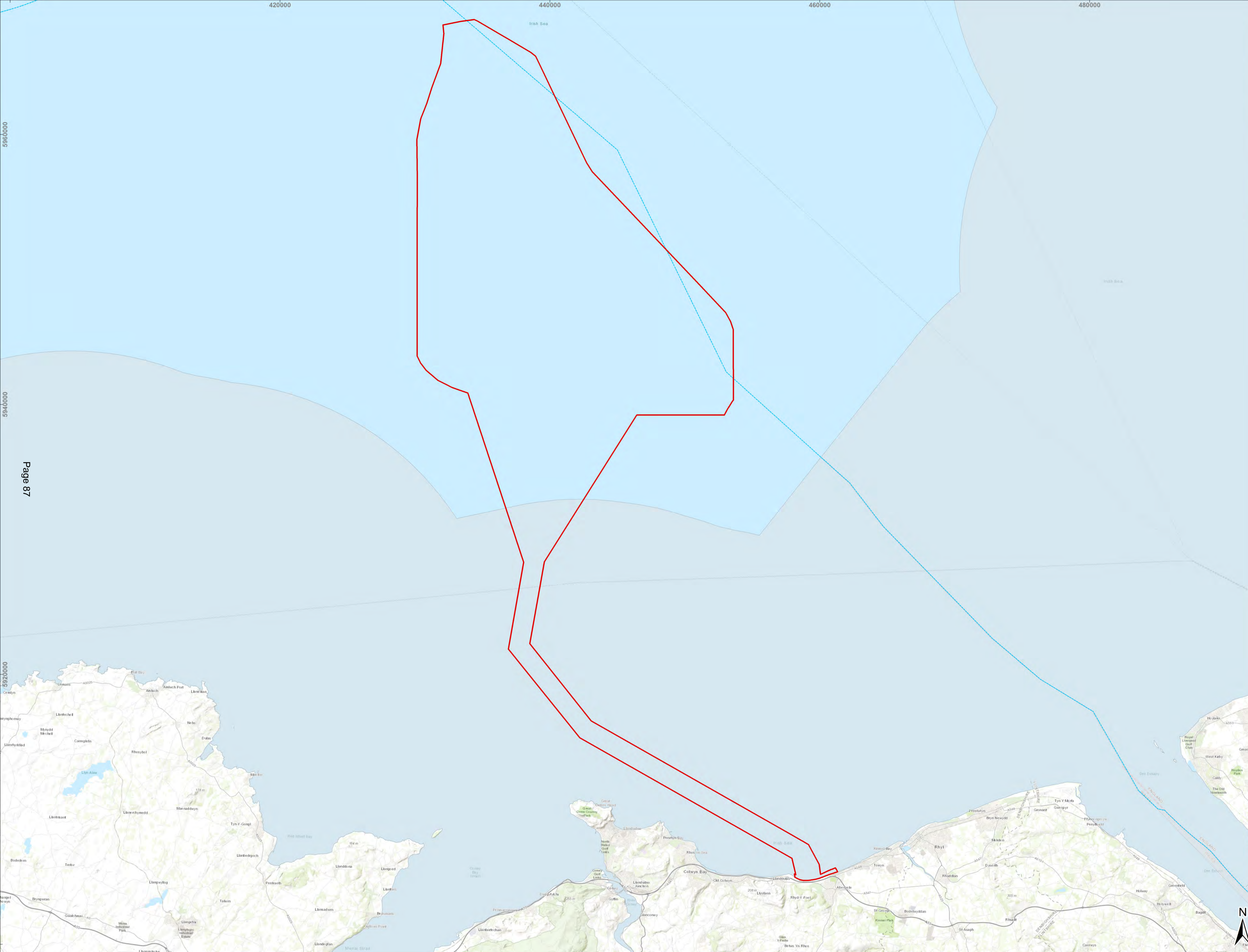
The Council has concerns about the long term landscape impact of the substation options. In particular the impact on views from the Clwydian Range AONB and Offas Dyke Path have been described as **negligible** given the 6km distance. Further justification for this should be provided and mitigation and compensation considered for impacts on the AONB, recreation and tourism.

In addition it is noted that for certain local landscape receptors the impacts from the substations are deemed to be high. This must be compounded by the previous intrusions into the landscape of other large substations. Cumulative impacts in this area cannot be underestimated.

Consideration should be given to the proximity of the Denbighshire Memorial Park and Crematorium. Disruption to the peaceful and tranquil setting will be felt both during construction work and when any building is constructed. Cumulative impacts should also be examined further given the potential for this business to be flanked by substations.

E. COMMENTS RAISED AT PLANNING COMMITTEE

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Legend

- Mona Offshore Wind Project Offshore Order Limits
BP-GBR-MONA-DAT-0071
- Jurisdictional Boundary
- Inshore Waters

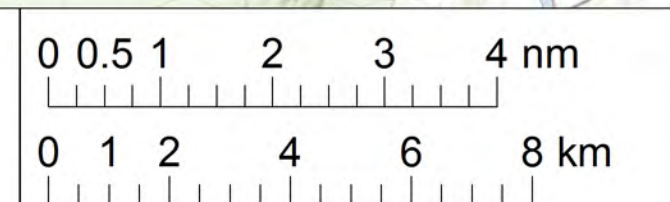
Page 87



Drawing Number:
RPSE-MN-WKPL-014-02

Project Name:
MONA OFFSHORE WIND PROJECT

Drawing Title:
PROJECT LOCATION PLAN OFFSHORE ORDER LIMITS

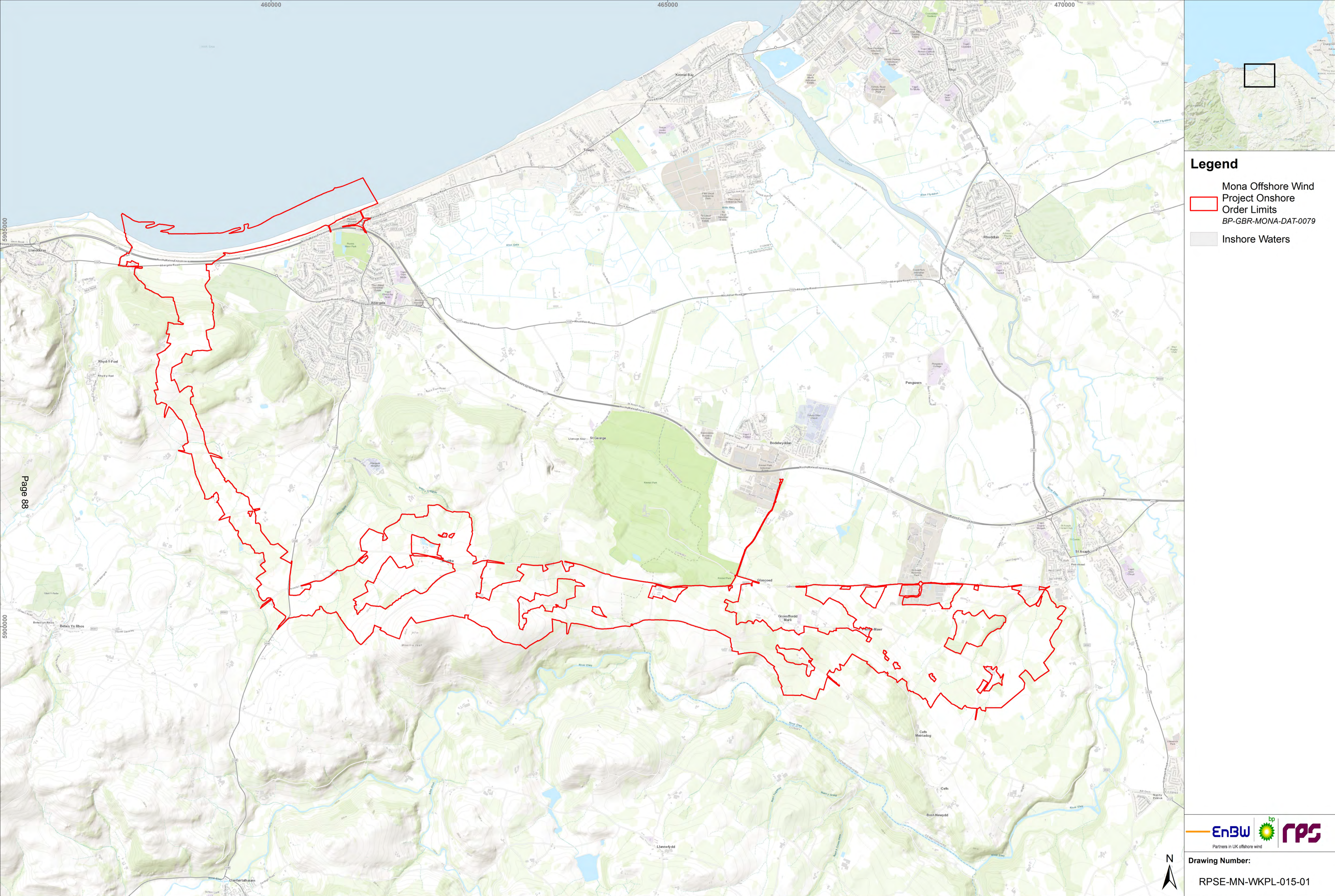


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VER	DATE	DETAILS	BY	CHECK
00	04/01/23	Initial Issue	NG	FDW
02	02/02/23	Revision	NA	ST



Legend

- Mona Offshore Wind Project Onshore Order Limits
BP-GBR-MONA-DAT-0079
- Inshore Waters



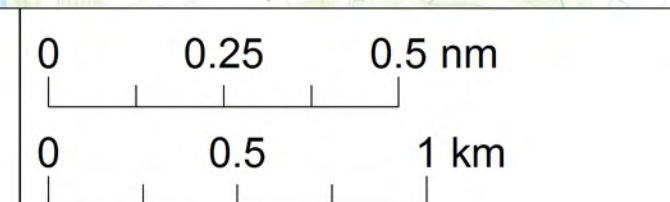
Partners in UK offshore wind

Drawing Number:
RPSE-MN-WKPL-015-01



Project Name:
MONA OFFSHORE WIND PROJECT

Drawing Title:
PROJECT LOCATION PLAN ONSHORE ORDER LIMITS

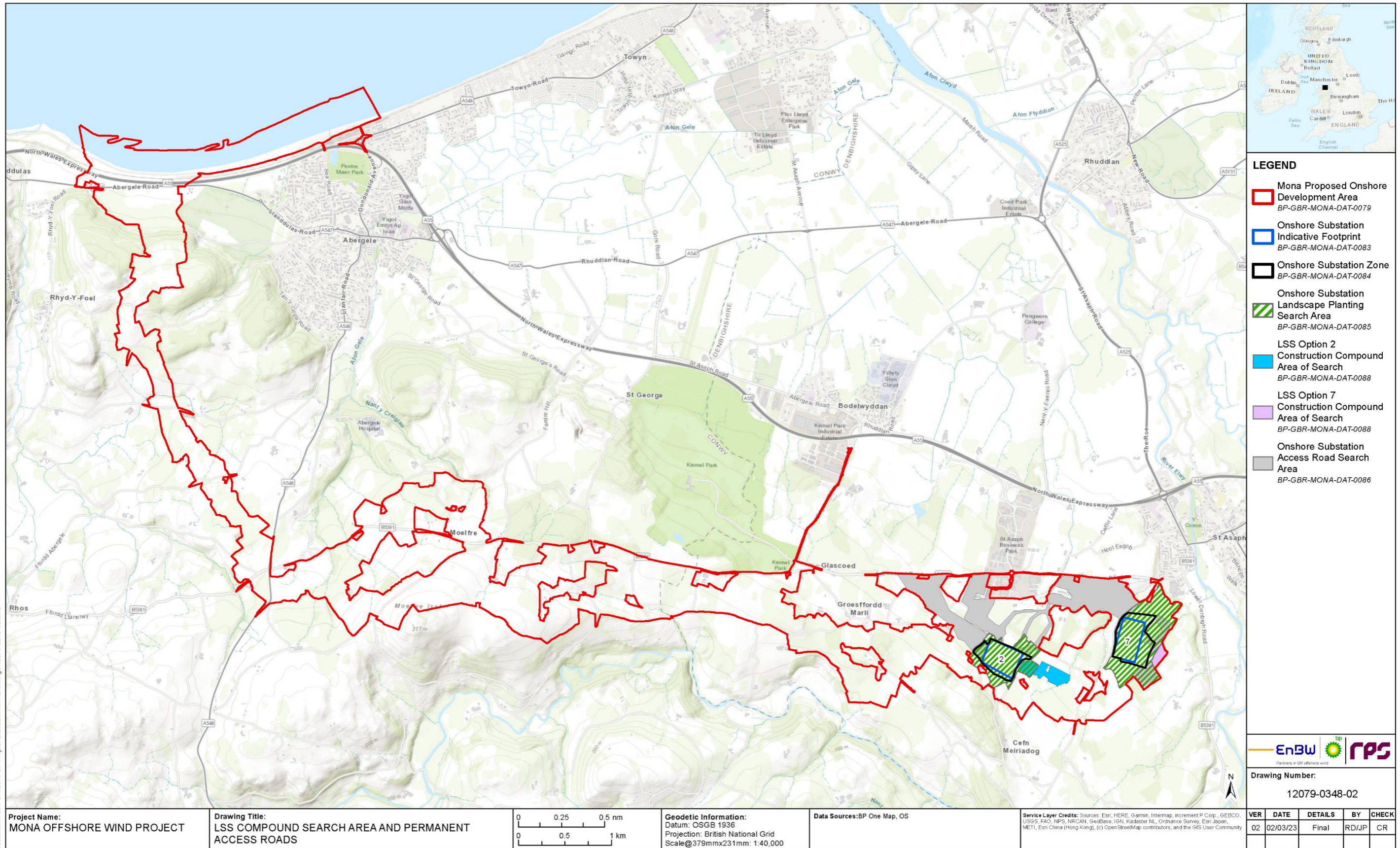


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VER	DATE	DETAILS	BY	CHECK
00	09/01/23	Initial Issue	NG	FDW
01	02/02/23	Revision	NA	ST



LEGEND

- Mona Proposed Onshore Development Area
BP-GBR-MONA-DAT-0079
- Onshore Substation Indicative Footprint
BP-GBR-MONA-DAT-0083
- Onshore Substation Zone
BP-GBR-MONA-DAT-0084
- Onshore Substation Landscape Planting Search Area
BP-GBR-MONA-DAT-0085
- LSS Option 2 Construction Compound Area of Search
BP-GBR-MONA-DAT-0088
- LSS Option 7 Construction Compound Area of Search
BP-GBR-MONA-DAT-0088
- Onshore Substation Access Road Search Area
BP-GBR-MONA-DAT-0086

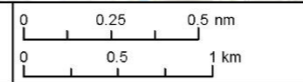
EnBW bp rps
Partners in UK offshore wind

Drawing Number:
12079-0348-02

VER	DATE	DETAILS	BY	CHECK
02	02/03/23	Final	RD/JP	CR

Project Name:
MONA OFFSHORE WIND PROJECT

Drawing Title:
LSS COMPOUND SEARCH AREA AND PERMANENT ACCESS ROADS



Geodetic Information:
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Projection: British National Grid
Scale@379mmx231mm: 1:40,000

Data Sources:BP One Map, OS

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Figure 3.20: Mona Onshore Substation option locations.

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