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23/2015/0889

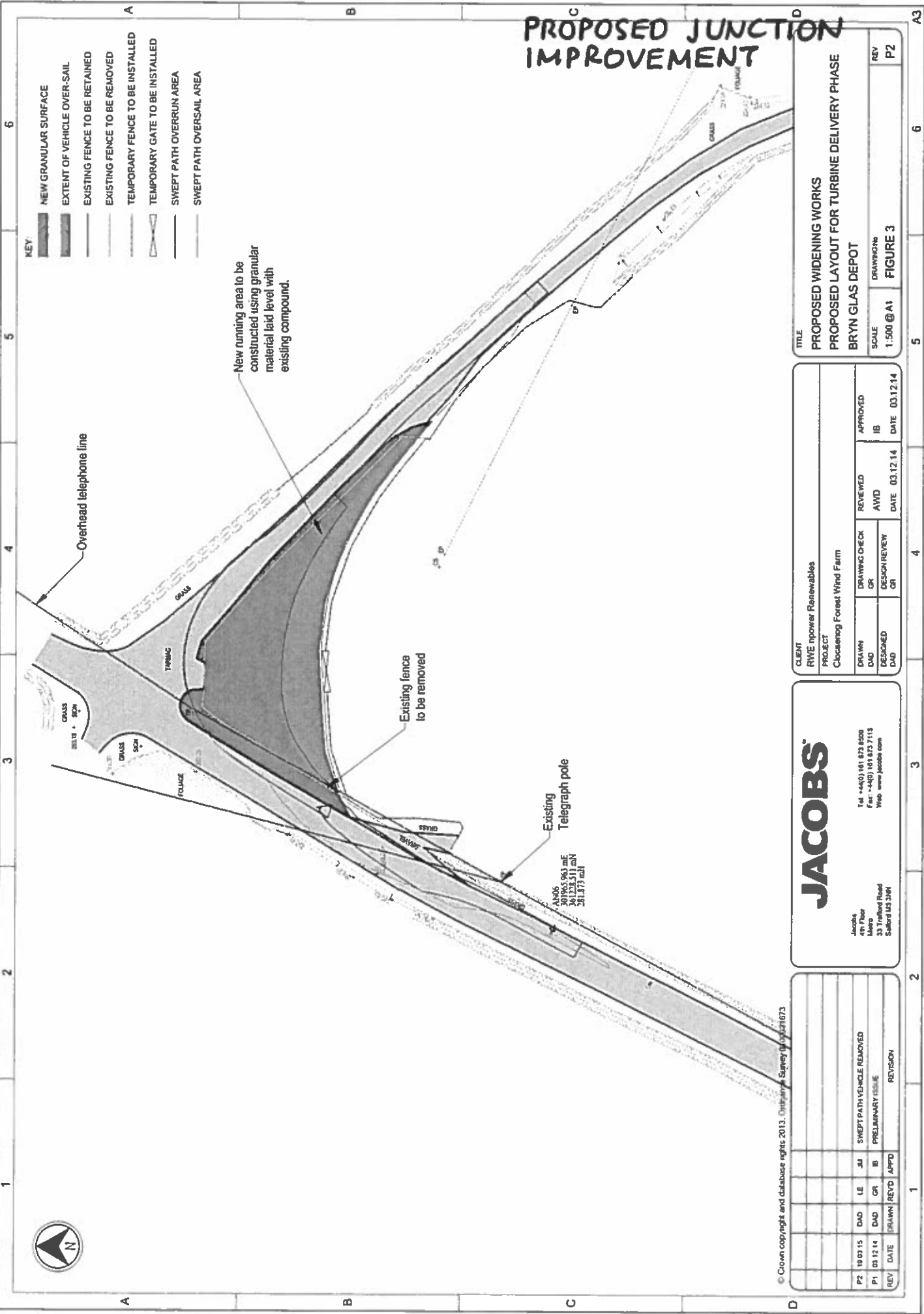
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Denbighshire Boundary




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PROPOSED JUNCTION IMPROVEMENT

TITLE
PROPOSED WIDENING WORKS
PROPOSED LAYOUT FOR TURBINE DELIVERY PHASE
BRYN GLAS DEPOT

SCALE 1:500 @ A1
 DRAWINGS FIGURE 3
 REV P2

CLIENT RWE npower Renewables		APPROVED IB		DATE 03.12.14
PROJECT Clocenog Forest Wind Farm		DRAWING CHECK CR	REVIEWED AWD	DATE 03.12.14
DRAWN DAD	DESIGNED DAD	DESIGN REVIEW CR	DATE 03.12.14	DATE 03.12.14

JACOBS

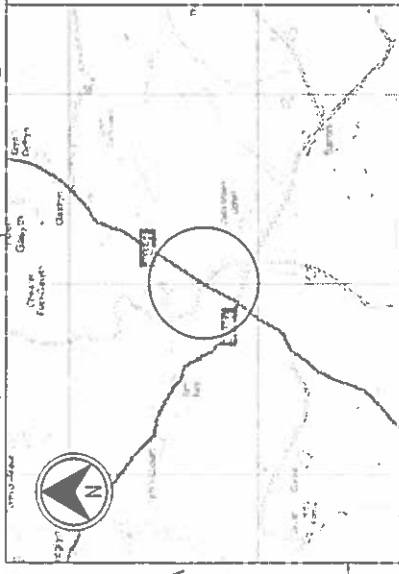
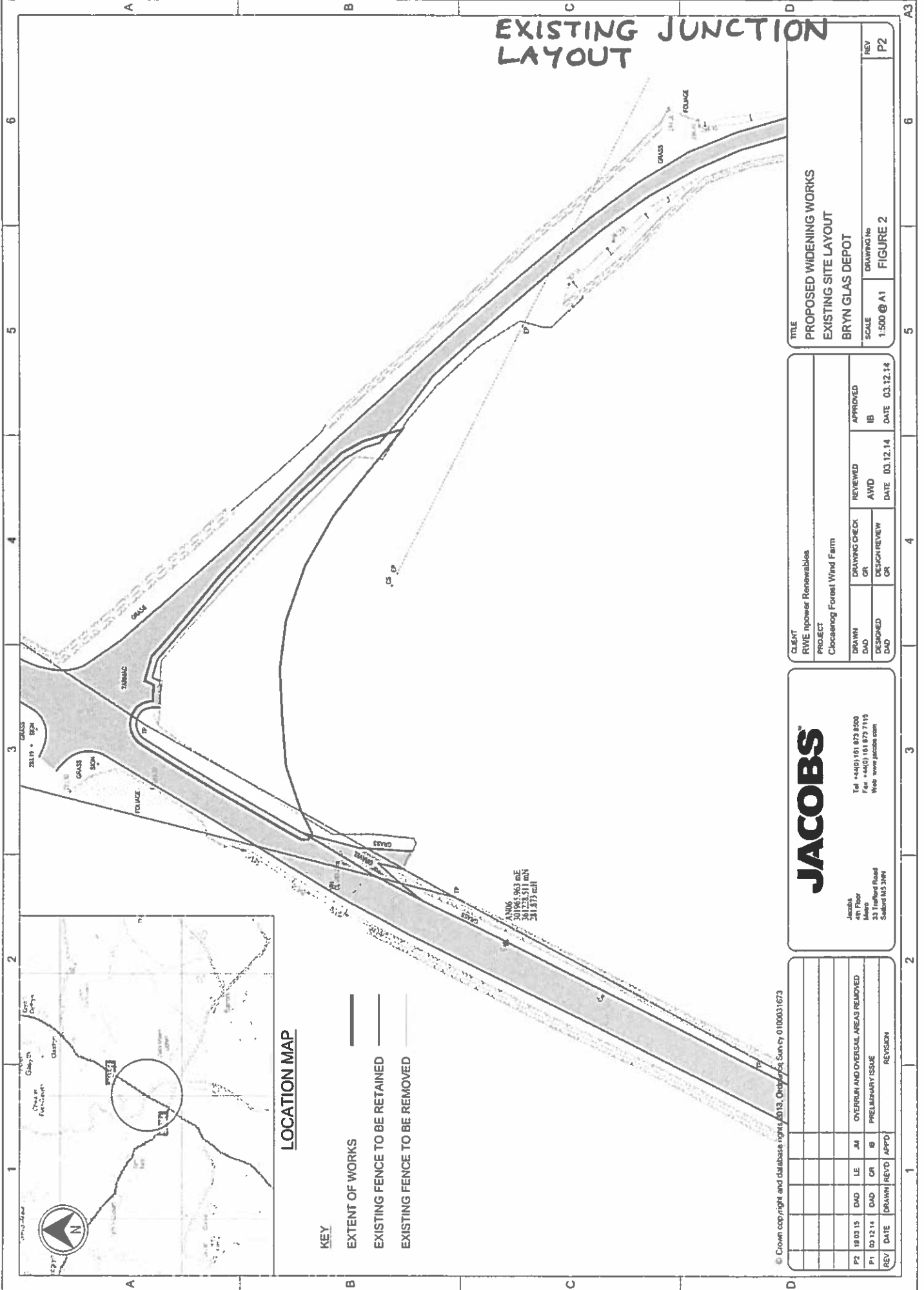
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REV	DATE	DRAWN	REVD	APPD	REVISION
P2	19.07.15	DAD	LE	JM	SWEEP PATH VEHICLE REMOVED
P1	03.12.14	DAD	CR	IB	PRELIMINARY ISSUE

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EXISTING JUNCTION LAYOUT



LOCATION MAP

- KEY**
- EXTENT OF WORKS
 - EXISTING FENCE TO BE RETAINED
 - EXISTING FENCE TO BE REMOVED

AN06
301961.963 mE
381231.511 mN
381879.001

TITLE	
PROPOSED WIDENING WORKS EXISTING SITE LAYOUT BRYN GLAS DEPOT	
SCALE	DRAWING No
1:500 @ A1	FIGURE 2
REV	P2

CLIENT		APPROVED	
RWE Inpower Renewables		IB	
PROJECT		DATE	
Clooseog Forest Wind Farm		03.12.14	
DRAWN	DRAWING CHECK	REVIEWED	APPROVED
DAD	CR	AWD	IB
DESIGNED	DESIGN REVIEW	DATE	DATE
DAD	CR	03.12.14	03.12.14

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REV	DATE	DRAWN	REV'D	APP'D	REVISION
P2	18.03.15	DAD	LE	JL	OVERLAIN AND OVERSAIL AREAS REMOVED
P1	03.12.14	DAD	CR	IB	PRELIMINARY ISSUE

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WARD: Llanrhaeadr Yng Nghinmeirch

WARD MEMBER: Councillor Joseph Welch

APPLICATION NO: 23/2015/0889/PF

PROPOSAL: Highway improvement works on B4501

LOCATION: Land at Bryn Glas Depot Saron Denbigh

APPLICANT: Mr Martin Cole

CONSTRAINTS: None

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

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

- Recommendation to grant – Community Council objection

CONSULTATION RESPONSES:

LLANRHAEADR YNG NGHINMEIRCH COMMUNITY COUNCIL –
Object for the following reasons.

“Scottish Power intend to carry enormous vehicles on unclassified roads which are already identified as being unsuitable for heavy goods vehicles. Although unclassified roads, the route chosen by Scottish Power is extremely busy. The route chosen is also a route for the school bus and school taxi service as well as being a busy route for tourists on their way to Saron and Llyn Brenig. Commuters also use this road travelling to Denbigh or towards Cerrigydrudion as do local residents.

Saron village has two caravan and camping sites and these roads are often used by walkers who are drawn to the area because of its beauty and tranquillity. Local residents walking club also pass this way. The cumulative impact of heavy traffic would significantly affect these other road users.

Residential houses such as Bryn Glas, Bryn Golau and Bryn Golau Farm are extremely close to the roadside. There are serious concerns about the damage to these properties as the heavy goods vehicles are enormous and will undoubtedly be disruptive to local residents. We have serious concerns about resident's well-being and the damage these vehicles could cause to the buildings. The above named houses are also long established businesses where it is essential that access to them is not disrupted. Bryn Glas Caravan Park is a registered Caravan Club site and we have grave concerns over the negative impact upon this business.

The vast amount of heavy goods vehicles which could travel so near the village of Saron is unacceptable. During the construction of Tir Mostyn and Foel Goch wind farms, a more direct route was used and there was no inconvenience or concerns to local residents and businesses. This should not be a concern during the construction of the North Wales Wind Farms connection either.

As local residents and businesses already have the pylon route for the NWWF Connection project, as well as the cumulative effects of the existing Tir Mostyn and Foel Goch wind farms and the three wind farms associated with Clocaenog, we feel that having the transport route through the ward of Llanrhaeadr yng Nghinmeirch is far too much. An alternative route should be chosen.”

NATURAL RESOURCES WALES –
No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
HIGHWAY OFFICER –
No objection subject to conditions requiring approval of details of construction method statement, and works to the depot access.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

- i) Mervyn Wynne, Bryn Glas, Saron

Summary of planning based representations in objection:

- i) Impact on water supply under the highway;
- ii) Proximity of passing vehicles to the property.

EXPIRY DATE OF APPLICATION: 08/12/2015

REASONS FOR DELAY IN DECISION

- Awaiting consideration by Planning Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks permission to undertake minor highway improvements at an existing crossroads junction to the north west of Saron, as part of the works necessary to allow passage of specific vehicles involved in the transport of turbine parts required in connection with the construction of the consented Clocaenog Forest Wind Farm.
- 1.1.2 The plans show a junction improvement at the Council's Bryn Glas depot, involving the realignment of the radius splay on the south side of what is an existing junction of a minor road running south east off the B5401, using land forming part of the entrance to the depot. The works include a widening of the tarmac surface and provision of an additional 10 metres of surfaced area for vehicle 'over-sail' as the loads make their turn.
- 1.1.3 The existing fence along the edge of the depot will be removed and replaced with a new post and wire fence along the curved radii of the realigned junction along with a new gate for access to the remaining area of the depot.
- 1.1.4 The development is proposed for a temporary period during the construction of the wind farm only, with the land proposed to be reinstated to its current form once this has been completed.
- 1.1.5 A separate application ref 25/2015/0890/PF involving changes to the width of the highway near Ty'n y ffynnon, around 500 metres to the south west of the subject site, has been approved under delegated powers, with no objections having been received in response to consultation.
- 1.1.6 It is relevant to the consideration of the application in the context of the Community Council's comments, that the application does not seek consent for the routing of construction traffic in association with the development of the Clocaenog Forest Windfarm, which has already been considered and approved by the Planning Inspectorate in the granting of the Development Consent Order for that scheme. The applicants have provided a detailed outline of what is involved, and what has already

been approved as part of the Development Consent Order, and this is attached in section 1.6 of the report to help address points raised by the Community Council.

1.2 Description of site and surroundings

1.2.1 The site is at a crossroads / junction of the B4501 and a minor road running south east towards Bryn Glas, a dwelling around 200 metres to the south east.

1.2.2 The primarily hardsurfaced depot is immediately to the south with fields/woodlands to the other three sides of the junction.

1.3 Relevant planning constraints/considerations

1.3.1 The site stands outside of any development boundary in an area without any specific designation in the Local Development Plan.

1.4 Relevant planning history

1.4.1 Permission for the Clocaenog Forest wind farm itself was granted by the Secretary of State in September 2014. The relevant contents of the Development Consent Order are referred to in section 1.6 below.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The application is accompanied by a Design and Access Statement, a Planning Report and a Scoping Opinion, with the latter concluding that the proposed works do not trigger the requirement to undertake an EIA on the basis that the development has the potential impacts typical of any minor highway works and as such the development has no significant effects.

1.6.2 With respect to the comments of the Community Council and the private individual, the applicants have provided detailed background information to clarify their proposals in relation to construction traffic arrangements, which should give some assurance over impacts on the local road network and private property:

“From the consultation responses, it is important to emphasise that the Bryn Glas Depot application is not seeking to gain consent for the delivery of construction materials to the wind farm, but to enable the movement of Abnormal Indivisible Loads (AILs) for turbine components. The access route has been assessed and approved as part of the Clocaenog Forest Wind Farm (CFWF) Development Consent Order (DCO) process, with consideration of all formal consultation responses at that time, including those of Denbighshire County Council, local community councils and local residents (see CFWF DCO Consultation Report, Annex U, AppDoc09).

It should be noted that the road improvements at Bryn Glas Depot will not, as has been suggested in recent consultation responses, be used by vehicles transporting cement, gravel and other construction materials. The road improvements subject to this planning application are necessary for AILs only. The proposed route for other construction vehicles, such as HGVs, will be via the unclassified road from the cross road junction of the B4501 and B5435.

CFWF received a DCO from the Secretary of State, under the Planning Act 2008, in September 2014. In Wales, associated developments, such as highway works and grid connection while assessed, cannot be included in the DCO itself, so are subject to separate planning applications- RWE has already obtained consent for the other required road improvements along the access route, and now requires the same at Bryn Glas Depot for Abnormal Indivisible Loads (AILs).

During pre-application studies for the CFWF DCO, RWE identified four possible routes for AILs to access the CFWF, and conducted an access route options

appraisal of these, which was included in the CFWF DCO application (ES Annex 2.2 Access Route Options Appraisal – see link below). The route options included a route along Llyn Brenig's eastern shore, a route across the consented Brenig wind farm, a route across the operating Tir Mostyn wind farm and a route following the existing public road network. The appraisal concluded that the preferred AIL delivery route was by the existing public road network along the B4501, and then the unclassified roads leading in to Clocaenog Forest.

The environmental effects of general construction HGVs and AIL deliveries were assessed along the preferred route within the environmental impact assessment accompanying the CFWF DCO application, and found to be within accepted limits set by 'Guidelines for the Environmental Assessment of Road Traffic' (EART), published by the Institute of Environmental Assessment (IEA) (ES 12.8.1.12). For the purposes of the traffic assessment, a worst-case was assumed that all stone will be imported from local quarries, however it is likely that a significant proportion of stone aggregate will be sourced from borrow pits located within the site boundary, which will result in a significant reduction in anticipated HGV traffic on the local highway network, to that assessed.

As part of the CFWF environmental assessment of possible impacts resulting from construction traffic, several mitigation measures were proposed to reduce the residual effect of the development on all road users, affected residents and local businesses. Primarily these measures are to be included within a Construction Traffic Management Plan (CTMP) which will include measures to ensure the highway is maintained and remains safe during the construction period, to maintain dialogue with the local community to minimise delays to other road users, to ensure local businesses are updated with the construction activities to enable them to plan around any potential disruptions and to ensure that construction vehicles conform to the agreed routing strategy and avoid key sensitive receptors such as schools during arrival / departure times and busy towns during hours of peak background traffic activity.

The effects of vibration from construction vehicles were assessed along the preferred route in the environmental impact assessment accompanying the CFWF DCO application (ES 11.3.3.1), which concluded that construction traffic would not cause structural or cosmetic damage to buildings, as this occurs at much higher levels; they would not be sufficient to constitute a risk of significant impacts based on guidance set out in BS 5228 part 2.

The Examining Authority (ExA) recommended consent for the Clocaenog Forest Wind Farm, including the preferred access route past Bryn Glas Depot, noting this in the ExA's Recommendation Report to the Secretary of State (Para 2.22) and that, where necessary, offsite highways works would be subject to separate planning application (Para 2.23 22) The ExA concluded that she was satisfied that there are no outstanding issues relating to traffic and highways (8.36), public access, recreation or tourism (8.37)

As requested by the resident at Bryn Glas property during pre-application consultation for the CFWF DCO, RWE has already proposed to route HGVs separately from AILs past Bryn Glas property (ES 12.7.7.2.). Subsequent to CFWF receiving consent, RWE has met with the resident at Bryn Glas property to discuss his remaining concerns. In addition to the before and after highway condition surveys along the access route, agreed with DCC & CCBC to be included in the CTMP (ES 12.7.10.12.), RWE has exceptionally agreed to a pre-delivery structural survey of Bryn Glas property."

Extracts from the Examining Authority's Recommendation Report to the Secretary of State are referenced below to confirm the conclusions on the construction traffic issue:

“2.22 The preferred access route to the site would be from just beyond the crossroads with the B5435 at the Bryn Glas Depot on the B4501, entering the northern boundary of the application site on an unclassified road which lies to the east of Llyn Brenig.

2.23 Some off site works would be required to provide a route for the delivery of the turbines as Abnormal Indivisible Loads (AIL). The North Wales Trunk Road Agency (NWTRA) and CCBC have requested that works to the strategic highway should be permanent so that future wind farm development can make use of the same access route. Where necessary, off site highway works would be subject to separate planning applications.

8.28 There would be change to the quality of the experience of the forest for visitors but little physical effect on access for walkers and cyclists. Horse riders may be constrained if riding horses which are likely to be sensitive to the sight or sound of wind turbines, but there would be alternative routes and other parts of the forest which would be further from the turbines and available for horse riders to use. The impact on public access and recreation would not be so significant as to weigh against the project [paras 4.165 to 4.173].

8.36 Having regard to the requirements listed in the draft DCO which I deal with in Section 7, I am satisfied that there are no outstanding issues relating to traffic and highways which should weigh against the project [para 4.278–4.286].

8.37 There is no evidence to indicate that the project would have a harmful impact on tourism. Measures would be put in place to encourage the use of local suppliers and to recruit employees for the construction phase locally; and there would be no significant impact on linguistic balance or human health [paras 4.287 to 4.303].”

2. DETAILS OF PLANNING HISTORY:

2.1 23/2015/0360 – Request for screening opinion: Issued 15 June 2015.

2.2 25/2015/0890/PF – Highways improvement works land north east of Tyn Y Ffynnon:

GRANTED under delegated powers December 2015.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)

Policy VOE9 – On-shore wind energy

Policy VOE10 – Renewable energy technologies

Policy ASA1 – New transport infrastructure

3.1 Supplementary Planning Guidance

None

3.2 Government Policy / Guidance

Planning Policy Wales Edition 8 January 2016

Technical Advice Notes

Circulars

4 MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, January 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in

the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

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

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

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Highways

4.2 In relation to the main planning considerations:

4.2.1 Principle

Local Development Plan Policy VOE 9 is aimed primarily at new on-shore energy projects, but includes the need for impacts, including cumulative impact on the surrounding area and community e.g. landscape/visual, noise, biodiversity, transport, health impacts, to be taken into account.

Policy VOE 10 of the LDP provides a general presumption in favour of renewable energy technologies subject to no unacceptable impacts upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity.

Given that the junction works and running area is focused mainly on the existing depot land rather than encroaching onto open fields, it is considered that the scheme is acceptable in principle subject to consideration of visual/amenity impacts and highways issues.

4.2.2 Visual amenity

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

The widening of the highway as proposed in this location is not considered likely to cause any significant harm to the visual amenity of the area as it relates to works primarily within an existing highways depot and the proposal is to reinstate the land once the wind farm development has been completed.

4.2.3 Residential amenity

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

The nearest property to the development is the dwelling at Bryn Glas which lies around 200 metres away. Whilst the comments made by the occupier of this

property are duly noted, the potential for damage to water pipes by vehicles using a public highway is not a matter of relevance to determination of a planning application. The developers would need to liaise with the owners of the property to record road conditions and agree a mechanism for reinstatement if there were to be damage to private supply pipes. Disturbance by construction vehicles is a relevant matter but as will be evident from the information in section 1.6, the routing of vehicles has already been considered as part of the Development Consent Order process and this can not now be revisited or used as a ground for refusal of the minor works actually proposed in the current application. The proposal to improve a junction layout is not considered likely to give rise to harm to residential amenity.

4.2.4 Highways

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

Policy ASA 1 of the LDP allows for improvements to existing infrastructure facilities and states these will be supported providing that the following criteria are met:

- i) there is a need and justification for the proposal on economic and/ or social grounds; and
- ii) there are no unacceptable effects on the natural and built environment; and
- iii) provision is made for safe access by all.

With respect to the Community Council's comments on the application, the routing of construction traffic for the Clocaenog Forest windfarm has already been agreed as part of the Development Consent Order for the Clocaenog Forest Windfarm, and should not be a consideration on the merits of this application. The proposals to be determined are solely to improve an existing road junction, and involve minor works which will be in place for the length of time construction works on the wind farm continue. The Highway Officer has considered the proposals in this context and raises no objections on technical grounds to the works proposed, subject to appropriate conditions.

The application is considered to be acceptable on technical highway grounds and is in compliance with Policy ASA 1.

5 SUMMARY AND CONCLUSIONS:

5.1 The application proposes minor highway improvements at a road junction for a temporary period, in connection with the construction phase of the consented Clocaenog Forest wind farm.

5.2 Construction traffic routes in relation to the Clocaenog Forest wind farm have already been considered and agreed as part of the Development Consent Order granted in 2014, and are not for consideration in connection with this application. The junction improvements are intended solely to allow access by vehicles involved in the transportation of turbine components.

5.3 The application should be determined on its own merits in terms of the land use planning considerations covered in the report. Officers suggest there are no reasonable planning grounds to oppose the grant of permission. For the reasons outlined previously, it is not considered appropriate to frustrate the construction of a major development project through refusing a simple road junction improvement, which is technically acceptable and is therefore recommended to be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
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 site layout (Figure 2 rev P2) received 17 August 2015
 - (ii) Proposed layout for turbine delivery phase (Figure 3 rev P2) received 17 August 2015
 - (iii) Proposed layout following reinstatement (Figure 4 rev P2) received 17 August 2015
 - (iv) Location plan (Figure 1 rev P1) received 17 August 2015
3. No development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained in relation to the site compound location, traffic management scheme, hours and days of operation, the management and operation of construction vehicles and the construction vehicles routes, and the works shall be carried out strictly in accordance with the approved details.
4. Full details of the alterations and proposed reinstatement works required to the Bryn Glas Depot access and the adjacent highway shall be submitted to and approved in writing by the Local Planning Authority before any works start on site. The details shall include detailed design, drainage and construction and the works shall be completed in accordance with the approved details before the development commences.
5. Within two months of the development of Clocaenog Forest wind farm being completed, the land which is the subject of the highway improvements shall be reinstated in accordance with the details on the submitted plans, or such additional details as may be approved in connection with other conditions of this permission.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
4. To ensure the formation of a safe and satisfactory access in the interest of traffic safety.
5. In the interests of visual amenity.

NOTES TO APPLICANT:

None