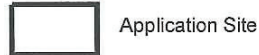


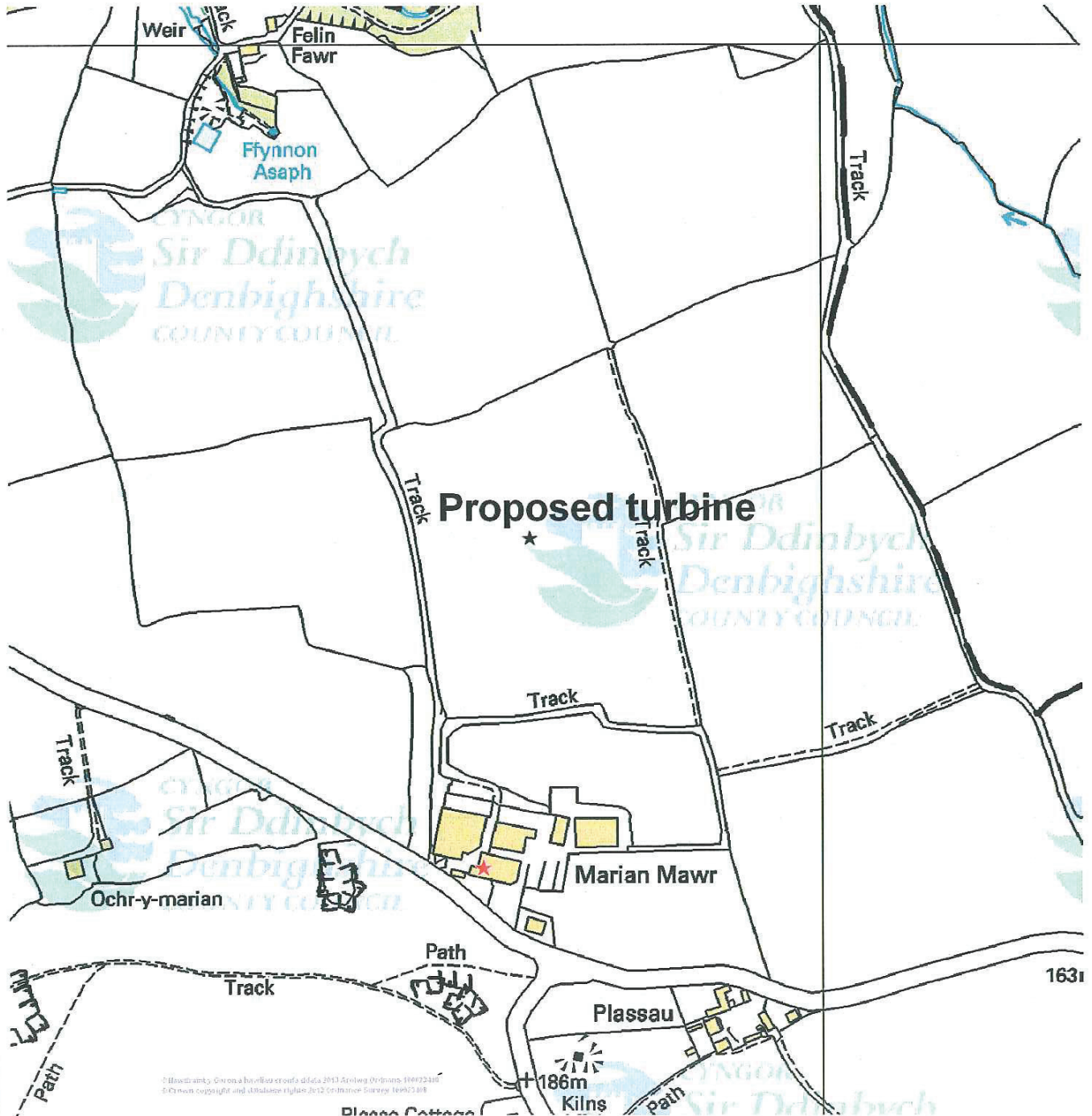
Graham Boase  
Head of Planning & Public Protection  
Denbighshire County Council  
Caledfryn  
Smithfield Road  
Denbigh  
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709



Date 30/4/2013 Scale 1/5000  
Centre = 307756 E 378548 N

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







SIR DDINBYCH  
DENBIGHSHIRE COUNTY COUNCIL  
RECEIVED  
20 FEB 2013  
Denbigh  
PLANNING SERVICES



www.rogerparry.net  
richard@rogerparry.net  
Tel: 01691 655 334  
Fax: 01691 657 798

Roger Parry & Partners LLP  
The Property Experts

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-  = Turbine Location
-  = Application Site

JOB:	Proposed Wind Turbine
CLIENT:	Mr Aled Morris
TITLE:	Site Plan as Proposed
LOCATION:	Marian Mawr, Dysserth, Rhyd, LL18 6HT
SCALE:	1:2500
DATE:	Feb-13
DRAWING NO:	MARIAN MAWR 01
DRAWN BY:	GEL

ALL DIMENSIONS IN METRES

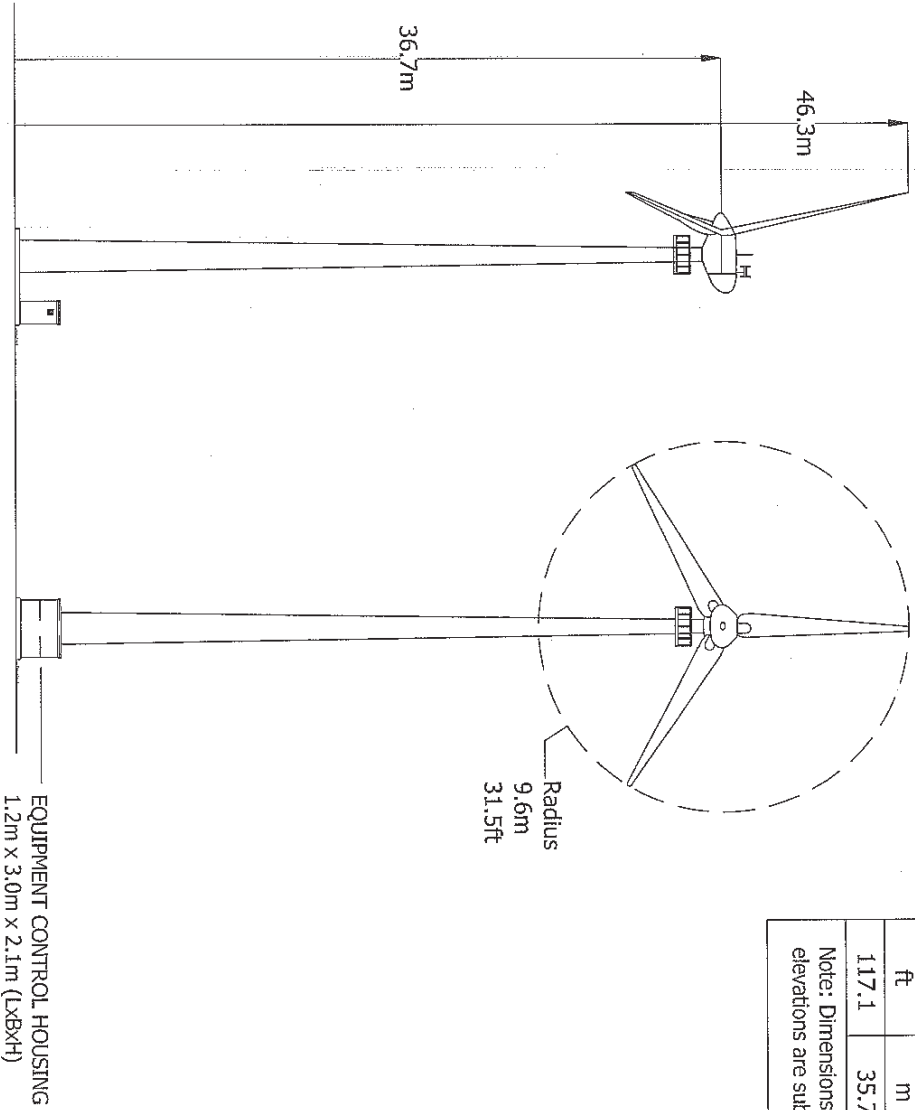
THIRD ANGLE PROJECTION

DO NOT SCALE

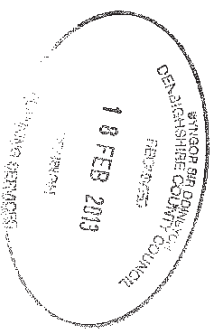
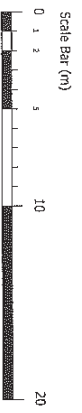
47 / 2013 / 01377 P 1

Flange Elevation	Hub Elevation	Max Blade Elevation	Notes
ft	ft	ft	
m	m	m	
117.1	120.4	151.9	EU Countries only
35.7	36.7	46.3	

Note: Dimensions approximate and provided for planning purposes only. Final construction elevations are subject to site specific conditions and factory tolerances on a per-tower basis.



Turbine and Equipment Cabin Elevations 1:250



REV	MODIFICATION	DATE	CHKD	DATE
A3	Cabin modification	14/05/12	RA	14/05/12
A2	Cabin modification	29/11/11	RA	29/11/11
A1	INITIAL ISSUE	18/05/11	RA	18/05/11



TGC Renewables Ltd.  
 TGC House, Dudenoor Rd, Industrial Estate,  
 Dunderrow Rd,  
 Bristol BS3 2BS  
 Web: www.tgcrenewables.com

<b>DRAWING TITLE</b> Turbine Elevation 36m TURBINE	<b>SITE LOCATION</b> STANDARD TURBINE DEVELOPMENT
--	---

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<b>DRAWN:</b> JR	<b>DATE:</b> 30/11/11	<b>CHECKED:</b> RA	<b>DATE:</b> 30/11/11
<b>ORIGINAL PRINT SIZE:</b> A3		<b>SCALE:</b> 1:250	
<b>SHT. 1 OF 3</b>		<b>DRAWING NO:</b> TGC/MIND/001	<b>REV:</b> A3





**Bryniau Clwyd a  
Dyffryn Dyfrdwy**  
Clwydian Range  
and Dee Valley

Ardal o Harddwch Naturiol Eithriadol  
Area of Outstanding Natural Beauty

Eich cyf/Your ref:

Ein cyf/Our ref

Dyddiad/Date **25 April 2013**

Rhif union/Direct dial

E-bost/E-mail

**To all Members of Denbighshire Planning Committee**

**Dear Councillor**

**Planning Application Code No. 47/2013/0137**

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

**Marian Mawr Farm, Cwm, Rhyl, LL18 6HT**

**The Joint Advisory Committee (JAC) is extremely disappointed to hear that Planning Committee decided against clear advice to the contrary to grant planning permission for this harmful development within the AONB which is seen as a major departure from policy.**

**This is a particularly sensitive location for a large 46.3m high wind turbine within the AONB, and strong objections had been lodged not only by the JAC but also from Natural Resources Wales (the Welsh Government's statutory adviser on landscape matters) together with your own planning officers and landscape adviser. In rejecting this advice I believe you have failed to give sufficient weight to national planning policy (Planning Policy Wales: Paras. 5.3.5–5.3.7 and 5.5.5) and your own planning policies (UDP Policy ENV 2) which seek to conserve and enhance our nationally important landscapes as part of Wales' unique natural heritage. In addition, in granting permission for this development you have in the opinion of the JAC failed in your duty to have regard to AONB purposes as set out in S.85 of the Countryside and Rights of Way Act 2000.**

**I understand that as part of the debate at Planning Committee the potentially harmful impact of the development on tourism opportunities in this quieter part of the AONB was downplayed, but I would remind you that Offa's Dyke Path, which is a very popular and nationally significant recreation and tourism asset, is within 750m of the application site and, having regard to the prominent and open nature of the local landscape, the turbine will impact on the enjoyment of users of the National Trail. There are also a number of other promoted walking routes in the vicinity of the application site and Open Access land such as Moel Hirradug from which the turbine**

will be clearly visible. In addition to those seeking quiet enjoyment of the AONB on foot, I would also point out that many visitors to the AONB experience the special qualities of the area when travelling through on roads such as the A5151. Significant open views of the AONB from this road, most notably the section between Trelawnyd and Dyserth, will be harmed if this development were to proceed.

The JAC considers this is a very important matter of principle which is of national significance, and it is with some regret that I have therefore taken the unusual and unprecedented step of approaching the Welsh Government to request that the application be called in for determination by the Minister. However, I understand that the application is being referred back to Planning Committee on 15 May which would give you an opportunity to reconsider your decision.

A copy of the JAC's grounds of objection to the application is attached for your convenience.

Yours sincerely,



**Councillor Carolyn Thomas**  
**Chair of the Clwydian Range and Dee Valley AONB Joint Advisory Committee**

**Copies:**

**Graham Boase, Head of Planning Services**  
**Mohammed Mehmet, Chief Executive Officer**  
**Gary Williams, Monitoring Officer**  
**JAC Members**

Cyd-Bwyllgor Cyngor AHNE Bryniau Clwyd a Dyffryn Dyfrdwy  
Gwasanaeth Cefn Gwlad Sir Ddinbych  
Parc Gwledig Loggerheads  
Yr Wyddgrug  
CH7 5LH  
01352 810614  
parc.gwledig.loggerheads@sirddinbych.gov.uk  
www.ahnebryniauclwyd.org.uk



Clwydian Range & Dee Valley AONB Joint Advisory Committee  
Denbighshire Countryside Service  
Loggerheads Country Park  
Mold  
CH7 5LH  
01352 810614  
Loggerheads.countrypark@denbighshire.gov.uk  
www.clwydianrangeaonb.org.uk

**JOINT ADVISORY COMMITTEE COMMENTS ON PLANNING APPLICATION CODE  
NO. 47/2013/0137**

**“The JAC notes that there is no substantive difference between this application and the previous application (Code No 47/2012/0677) which was refused planning permission in October 2012. In this context the JAC maintains its strong objection to this proposal on the grounds of its harmful impact on the natural beauty of the AONB and considers that the development, if permitted, will undermine the status of the Clwydian Range and Dee Valley as a nationally recognised and protected landscape asset. The JAC considers that the harmful impact of this development on the AONB significantly outweighs the renewable energy benefits of the scheme.**

**A 46.3m high wind turbine in this very prominent and open location within the AONB will have a significant detrimental impact on the character, appearance and tranquil nature of the Clwydian Range. The turbine will be visible from a large part of the AONB and beyond, and will introduce a discordant and alien feature which will harm extensive and important views of and across the AONB from a range of vantage points, including the A5151, Open Access Land, the Offa’s Dyke Path and the surrounding network of public roads and footpaths. In addition, the JAC is concerned that the introduction of a vertical moving structure in this location will have a detrimental impact on the setting of the nearby Grade II Listed Marian Mawr Farmhouse and other listed buildings in the locality.**

**Furthermore, if permission were granted for this development the JAC is concerned about the precedent that would be set which could open up the AONB to other harmful wind turbine applications which would be difficult to resist. The JAC notes that the application is presented as a farm diversification scheme, but the committee maintains that development on this scale should be primarily regarded as a commercial venture in a very sensitive area of open countryside.**

**Whilst the JAC has serious concerns about the current proposals, the committee commends Marian Mawr Farm in seeking to reduce their carbon footprint through the generation of renewable energy. In this context it is noted that the farm has an extensive range of existing agricultural buildings, some of which could be suitable for installation of roof mounted solar PV panels which would be significantly less visually intrusive than the currently proposed wind turbine.”**

# APPENDIX 2



**Bryniau Clwyd a  
Dyffryn Dyfrdwy**  
Clwydian Range  
and Dee Valley

Ardal o Harddwch Naturiol Eithriadol  
Area of Outstanding Natural Beauty

Eich cyf/Your ref:

Ein cyf/Our ref

Dyddiad/Date **25 April 2013**

Rhif union/Direct dial

E-bost/E-mail

**Carl Sargeant**  
**Minister for Housing and Regeneration**  
**Welsh Government**  
5th Floor  
Tŷ Hywel  
Cardiff Bay  
CF99 1NA

**Dear Carl**

**Denbighshire County Council Planning Application Code No. 47/2013/0137:  
Installation of a 50kw micro-generation wind turbine with control box and access  
track.  
Marian Mawr Farm, Cwm, Rhyl, LL18 6HT**

**You may be aware that at their meeting on 17 April Denbighshire Planning Committee  
decided to grant planning permission for this harmful development within the AONB  
against the clear advice of officers and others and is a major departure from policy.**

**This is the first application for a wind turbine of this size in the AONB, and the Joint  
Advisory Committee (JAC) is extremely disappointed that the Planning Committee  
resolved to grant permission. This is a particularly sensitive location for a large 46.3m  
high wind turbine within the AONB, and strong objections had been lodged not only by  
the JAC but also from Natural Resources Wales and Denbighshire's independent  
landscape adviser. In rejecting the clear advice of their officers to refuse permission I  
believe that Planning Committee failed to give sufficient weight to national planning  
policy (Planning Policy Wales: Paras. 5.3.5–5.3.7 and 5.5.5) and their own planning  
policies (UDP Policy ENV 2) which seek to conserve and enhance our nationally  
important landscapes as part of Wales' unique natural heritage. In addition, in  
granting permission for this development it could be argued that the Planning  
Committee failed in its duty to have regard to AONB purposes as set out in S.85 of the  
Countryside and Rights of Way Act 2000.**

**The JAC considers this is a very important matter of principle which is of national  
significance, and I am therefore taking the unusual and unprecedented step of  
approaching you to request that the application be called in for determination. I**

1

Cyd-Bwyllgor Cyngor AHNE Bryniau Clwyd a Dyffryn Dyfrdwy  
Gwasanaeth Cefn Gwlad Sir Ddinbych  
Parc Gwledig Loggerheads  
Yr Wyddgrug  
CH7 5LH  
01352 810614  
parc.gwledig.loggerheads@sirddinbych.gov.uk  
www.ahnebryniauclwyd.org.uk



The National Association for AONBs  
Cymdeithas Genedlaethol AohNE



EUROPEAN CHARTER  
FOR SUSTAINABLE TOURISM IN  
PROTECTED AREAS

Clwydian Range & Dee Valley AONB Joint Advisory Committee  
Denbighshire Countryside Service  
Loggerheads Country Park  
Mold  
CH7 5LH  
01352 810614  
loggerheads.countrypark@denbighshire.gov.uk  
www.clwydianrangeaonb.org.uk

should advise you that the decision certificate has not yet been issued by the planning authority as the application is being referred back to Planning Committee on 15 May to agree the conditions to be attached.

I have copied this letter to John Griffiths given his responsibilities for AONB's and Ann Jones as the local AM. I also attach a copy of the JAC's grounds of objection to the application which was submitted to the planning authority.

Yours sincerely,



**Councillor Carolyn Thomas**  
**Chair of the Clwydian Range and Dee Valley AONB Joint Advisory Committee**

**Copies:**

**John Griffiths, Minister for Culture and Sport**

**Ann Jones**

**Graham Boase, Head of Planning Services, Denbighshire County Council**

**Mohammed Mehmet, Chief Executive Officer, Denbighshire County Council**

**Gary Williams, Monitoring Officer, Denbighshire County Council**



**JOINT ADVISORY COMMITTEE COMMENTS ON PLANNING APPLICATION CODE  
NO. 47/2013/0137**

**“The JAC notes that there is no substantive difference between this application and the previous application (Code No 47/2012/0677) which was refused planning permission in October 2012. In this context the JAC maintains its strong objection to this proposal on the grounds of its harmful impact on the natural beauty of the AONB and considers that the development, if permitted, will undermine the status of the Clwydian Range and Dee Valley as a nationally recognised and protected landscape asset. The JAC considers that the harmful impact of this development on the AONB significantly outweighs the renewable energy benefits of the scheme.**

**A 46.3m high wind turbine in this very prominent and open location within the AONB will have a significant detrimental impact on the character, appearance and tranquil nature of the Clwydian Range. The turbine will be visible from a large part of the AONB and beyond, and will introduce a discordant and alien feature which will harm extensive and important views of and across the AONB from a range of vantage points, including the A5151, Open Access Land, the Offa’s Dyke Path and the surrounding network of public roads and footpaths. In addition, the JAC is concerned that the introduction of a vertical moving structure in this location will have a detrimental impact on the setting of the nearby Grade II Listed Marian Mawr Farmhouse and other listed buildings in the locality.**

**Furthermore, if permission were granted for this development the JAC is concerned about the precedent that would be set which could open up the AONB to other harmful wind turbine applications which would be difficult to resist. The JAC notes that the application is presented as a farm diversification scheme, but the committee maintains that development on this scale should be primarily regarded as a commercial venture in a very sensitive area of open countryside.**

**Whilst the JAC has serious concerns about the current proposals, the committee commends Marian Mawr Farm in seeking to reduce their carbon footprint through the generation of renewable energy. In this context it is noted that the farm has an extensive range of existing agricultural buildings, some of which could be suitable for installation of roof mounted solar PV panels which would be significantly less visually intrusive than the currently proposed wind turbine.”**

APPENDIX 3  
OFFICER REPORT  
APRIL 2013  
COMMITTEE

NXW

**ITEM NO:** 16  
**WARD NO:** Tremeirchion  
**APPLICATION NO:** 47/2013/0137/ PFT  
**PROPOSAL:** Installation of a 50kw micro generation wind turbine with control box and access track  
**LOCATION:** Marian Mawr Cwm Rhyl  
**APPLICANT:** E O Morris & Son  
**CONSTRAINTS:** AONB  
**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
Press Notice - Yes  
Neighbour letters - Yes

**REASON(S) Application reported to Committee**  
**Scheme of delegation part 2**

- Request from the Local Member

**CONSULTATION RESPONSES:**

TREMEIRCHION, CWM AND WAEN COMMUNITY COUNCIL  
"No Objection"

DYSERTH COMMUNITY COUNCIL  
"Dyserth Community Councillors have not raised any objections to the proposed development"

ST ASAPH CITY COUNCIL  
"Object to such application on the grounds that it will intrude into an area of outstanding natural beauty (i.e. blot on the landscape) and could set an unacceptable precedent for similar applications in the area".

COUNTRYSIDE COUNCIL FOR WALES  
CCW objects to the proposed development. Marian Mawr is within the northern part of the Clwydian Range AONB. The application site is in a prominent position on the wide, open landscapes of the Trelawnyd Plateau. A number of public rights of way provide access in surrounding countryside, including the Offas Dyke National Trail, 700m to the west of the application site.

Turbine of this size in this location will be an unacceptable intrusion into the landscape character and views within this part of the AONB. Will be significant adverse visual impacts from roads and public rights of way surrounding site.

Open nature of the local landscape will not accommodate a tall, vertical structure of this scale, even when viewed against a backdrop of farm buildings and surrounding higher ground. When viewed with turbine at Gop Farm (Flintshire) would make this location sensitive to adverse cumulative impacts. Turbines would

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be apparent and visually detrimental to the character and quality of this part of the AONB.

CCW supports principle of renewable electricity generation, however the turbine proposed would create unacceptable adverse visual effects within AONB and it is unlikely conditions or restrictions could remove the risk of adverse effects.

Request to be notified in advance should the Council be minded to recommend approval so they can consider their position on call in prior to the Council making a decision.

#### AONB Joint Advisory Committee

The JAC notes that there is no substantive difference between this application and the previous application (Code No 47/2012/0677) which was refused planning permission in October 2012. In this context the JAC maintains its strong objection to this proposal on the grounds of its harmful impact on the natural beauty of the AONB and considers that the development, if permitted, will undermine the status of the Clwydian Range and Dee Valley as a nationally recognised and protected landscape asset. The JAC considers that the harmful impact of this development on the AONB significantly outweighs the renewable energy benefits of the scheme.

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Furthermore, if permission were granted for this development the JAC is concerned about the precedent that would be set which could open up the AONB to other harmful wind turbine applications which would be difficult to resist. The JAC notes that the application is presented as a farm diversification scheme, but the committee maintains that development on this scale should be primarily regarded as a commercial venture in a very sensitive area of open countryside.

Whilst the JAC has serious concerns about the current proposals, the committee commends Marian Mawr Farm in seeking to reduce their carbon footprint through the generation of renewable energy. In this context it is noted that the farm has an extensive range of existing agricultural buildings, some of which could be suitable for installation of roof mounted solar PV panels which would be significantly less visually intrusive than the currently proposed wind turbine.

#### AIRBUS

No safeguarding objection to the proposal.

#### Ministry of Defence

No objection to the proposal.

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

---

NERL is responsible for civilian en route air traffic control over the UK and is regulated by the CAA  
No safeguarding objection to the proposal.

Environment Agency  
No formal representation - Standard response giving advice to the applicant

### **DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

#### **BIODIVERSITY OFFICER**

No objection to the proposal. Cofnod database shows no records of bats in the area, and turbine is sufficient distance from habitat features. Field itself has low ecological value.

However, request that no hedgerows should be damaged during construction phases, particularly as there are a number of red and amber listed farmland birds recorded in the locality.

#### **TRANSPORT AND INFRASTRUCTURE**

No Public rights of Way are likely to be affected; therefore no further observations other than to make a recommendation that any planning permission should include a condition to safeguard any footpath that may be affected.

#### **LANDSCAPE CONSULTANT**

Strongly objects as follows:

#### **Summary**

AONBs are a statutory landscape designation. They are landscapes of national significance requiring the conservation and enhancement of natural beauty, wildlife and cultural heritage. They are afforded the highest status of landscape protection from inappropriate development. It is also appropriate to have regard to the economic and social-wellbeing of the area.

My assessment indicates that the proposed turbine would significantly harm a number of valued, high quality, scenic and cultural landscapes within the AONB and that the proposal in its siting, scale and characteristics would not conserve or enhance the natural beauty of the AONB.

#### **Recommendation**

I consider the proposal would significantly harm the valued, high quality, scenic and cultural landscapes of the AONB contrary to ENV2. I therefore strongly recommend refusal.

#### Sensitive views:

Significant accessible recreational and cultural landscape within 3km of the site, including:

- Gop Hill 1.8km to the north east
- Graig Fawr 2.5km to the north west
- Moel Hiraddug 1.5km to the west
- Offas Dyke National Trail which passes to the west of the site.

Within all these viewing locations, proposed turbine would introduce a large scale built feature of considerably different character and visual presence compared to existing traditional rural development.

Some residential properties with views towards turbine – resultant impact would be high and moderate adverse.



Comments on supporting information:

Potential impact on character of AONB have not be characterised and assessed. Viewpoints used fail to include the most sensitive and popular accessible locations within the AONB.

Number of photomontages are incorrect. Wireframe overlay and resultant photomontage for viewpoint 6 & 8 do not match photo of this view. Therefore considers the supporting information significantly underplays the sensitivity of the landscape context.

Conclusion:

The proposal would significantly harm the valued, high quality, scenic and cultural landscapes of the AONB, and would not conserve or enhance the natural beauty of the AONB.

**RESPONSE TO PUBLICITY:**

In objection:

Michael Skuse, Ramblers Cymru Clwyd Branch.

Principle / precedent: may set precedent for future applications for single turbines in AONB.

Landscape impact: Would have a serious detrimental impact on surrounding countryside and compromise the status of the AONB. Not appropriate scale of development (at 47m in height) within nationally designated countryside.

**EXPIRY DATE OF APPLICATION: 02/08/2012**

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

- Timing of receipt of representations
- Delay in receipt of key consultation response(s)

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of Proposal

- 1.1.1 The proposal is to erect a 46 metre high Endurance E-3120 50kW wind turbine on agricultural land located at Marian Mawr, Cwm, Dyserth. Marian Mawr is an upland livestock farm, running both dairy and arable enterprises and the turbine would be sited approximately 200m from the boundary of the farm complex, in an adjoining field.
- 1.1.2 The turbine would be mounted on a 36.7m free standing monopole steel tower on a 7m x 7m concrete foundation pad, with the foundations extending approximately 1.7 metres below ground. The proposed three blade rotor has a diameter of 19.2m and the tip blade height is approx. 46.3m. The proposed colour of the turbine blades and nacelle are signal white (RAL 9003) and the tower is traffic white (RAL 9016).
- 1.1.3 An equipment cabin is proposed at the base of the turbine which has the following dimensions: 2.95 metres (L) x 1.15 metres (W) x 2 metres (H).

- 1.1.4 No new access arrangements are proposed. All construction traffic will access the locale of the site from the A5151, taking a left turn in Dyserth towards Marian Mawr. The construction phase is predicated to last 13 working days. Construction vehicles include articulated crane, articulated lorry, rigid flatbed truck, 16 tonne and 2 tonne medium wheel base vehicles, excavations vehicles, cement deliveries by mixer lorry and contractor private vehicles. Once operational, maintenance vehicles will be standard 4X4 SUV vehicles.
- 1.1.5 The turbine would be connected to the electricity grid via the nearby 11kV 3-phase line. The predicated annual energy output of the proposed turbine in this location is estimated at approximately 189,220kWh per year. No data has been provided in relation to the electricity consumption of the farm enterprise.
- 1.1.6 The proposal is put forward as a farm diversification scheme. The DAS interprets diversification to mean the entrepreneurial use of farm resources for a non - agricultural purpose for commercial gain. The DAS states the proposed wind turbine would benefit the applicant in two ways; reduce reliance on imported electricity and create an alternative income stream.

## 1.2 Description of site and surroundings

- 1.2.1 The site is within the Clwydian Range AONB and approximately 700m from the Offas Dyke National Trail. There are also a number of other Public Rights of Way in close proximity to the site, including 2 bridleways approx. 90m to the west and 300m to the east respectively, and a footpath approx. 420m to the south-east.
- 1.2.2 There are a number of residential properties close to the site, including Ochr Y Marian 480m to the south-west, Plassau Farm 440m to the south and Tergyn Cottage and Terfyn Farm 570m to the south-east.

## 1.3 Relevant planning considerations

- 1.3.1 None

## 1.4 Relevant Planning History

- 1.4.1 Members are advised that an identical application was submitted in June 2012 under Ref No 47/2012/0677. After full consideration the proposal was refused planning permission under the scheme of delegation. The reason for refusal was the impact on the AONB Landscape.
- 1.4.2 There have been a number of agricultural and householder applications and an application to erect a bungalow adjacent to farmhouse. None are of direct relevant to this application.

## 1.5 Developments since the original submission

- 1.5.1 None

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

- 2.1 Installation of a 50 kw micro generator wind turbine with control box and access track.

Refused under delegated powers on 03/10/2012.

The reason for refusal was

It is the opinion of the Local Planning Authority that the erection of a 46 metre high 50kW turbine in this location would significantly harm the valued, high quality, scenic and cultural landscapes of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB), and would have a significant adverse visual impact when experienced from sensitive viewpoints including roads, public rights of way and open

access land. The farm diversification merits of the proposal and the potential benefits of increased renewable energy generation are not considered to outweigh national and local policy objectives which seek to conserve and enhance the natural beauty of the AONB and therefore the proposal is contrary to Denbighshire Unitary Development Plan policies STRAT 7, GEN 6, ENV1, ENV 2, MEW 8 and MEW 10, and the principles set out in TAN 8, and PPW Edition 4.

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

#### **3.1 Denbighshire Unitary Development Plan**

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

#### **3.2 SUPPLEMENTARY PLANNING GUIDANCE**

SPG 18 Nature Conservation and Species Protection

#### **3.3 GOVERNMENT POLICY GUIDANCE**

Planning Policy Wales Edition 5, 2012  
TAN 8 Planning for Renewable Energy (2005)  
TAN 5 Nature Conservation and Planning (2009)  
TAN 6 Planning for Sustainable Rural Communities (2010)  
TAN 11 Noise (1997)

#### **WELSH GOVERNMENT PRACTICE GUIDANCE**

Planning Implications of Renewable and Low Carbon Energy (Practice Guidance 2011)

#### **3.4 OTHER MATERIAL CONSIDERATIONS**

Denbighshire Landscape Strategy (2003) / CCW LANDMAP

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

#### **4.1 The main issues are considered to be:-**

- 4.1.1 Principle
- 4.1.2. Context for the development / farm diversification
- 4.1.3. Visual and landscape impact
- 4.1.4. Biodiversity and nature conservation
- 4.1.5. Noise and amenity
- 4.1.6. Aviation

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

##### **4.2.1 Principle**

Planning Policy Wales, TAN8 and UDP Policies STRAT 2, MEW8 and MEW 10 establish support in principle for renewable energy development subject to the assessment of localised impacts which are addressed in the remainder of this report.

The application falls within the PPW 'sub local authority' scale of development. PPW states that this scale of development is applicable in all part of Wales subject to the assessment of site specific impacts. However, PPW also states that the development of large wind farms or other large scale renewable and low

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carbon energy schemes will not generally be appropriate in internationally or nationally designated areas and sites.

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

The application has been put forward as a farm diversification scheme. TAN6 supports national planning policy on sustainable rural communities and section 3.7 focuses on farm diversification, therefore the principle of installing a wind turbine may be a valid farm diversification activity, subject to consideration of the nature and scale of the activity.

To assess whether or not this is an appropriate farm diversification scheme, Officers feel the following points are of relevance:

- Marion Mawr is a dairy farm. Whilst no data has been provided regarding the energy consumption on site, dairy farming is an energy intensive enterprise.
- The turbine would be sited in the field adjacent to the farm complex, and therefore it would not appear as an isolated structure.
- No details of the farm's annual energy consumption have been provided. However based on the data provided in the DAS and Ofgem household electricity consumption data, the turbine proposed would generate approximately 157 times more electricity each year than an average residential property would consume per annum. However, it is important to note that a dairy farm would consume considerably more electricity than a domestic property.
- The turbine would be directly connected to the electricity grid via the 11kV supply and therefore 100% of the electricity generated by the turbine would be exported to the grid rather than being used by the farm with only excess electricity exported. The scheme as proposed would not therefore reduce the farm's reliance on imported energy, however it could be considered to offset the farm's electricity consumption.

On balance, taking in account the energy intensive nature of the dairy unit and the physical relationship the turbine would have with the farm complex, it is reasonable to conclude that some weight can be apportioned to the farm diversification merits of the scheme.

#### 4.1.3 Visual and landscape impact

PPW confirms the primary objective for designating AONBs is the conservation and enhancement of their natural beauty, and AONBs should be afforded the highest status of protection from inappropriate development. UDP Policy ENV 2 requires development affecting the AONB to be assessed against the primary objective, and accordingly development in the AONB should be designed to a high standard and contribute to the conservation and enhancement of the natural beauty of the area. Policy MEW 10 iii) states that wind energy development will be permitted providing that " *the proposal will not unacceptably harm the character and appearance of the landscape, especially the AONB...*"

The application site is in a prominent and open position within the northern part of the Clwydian Range AONB, approximately 700m from the Offas Dyke National Trail and close to several public rights of way which traverse the locality.

Chapter 4 of the DAS examines the impacts on the landscape and visual amenity. The Landscape Impact Assessment presented in chapter 4.2. has been informed by Zone of Theoretical Visibility (ZTV) maps (5km radius and 15km radius respectively) and a series of photomontages and wireframes taken from 9



no. viewpoints. It concludes that the resultant predicated impact of the proposal on the selected receptors to be:

- Medium (Footpath above Gop Farm, Trewnyd village, Main road below Gop Farm, Footpath below Marian Mawr, Highway by Glan Fyddian)
- High to Medium (Bench by Marian Mawr)
- Medium to Low (Offas Dyke, lay-by by Marian Mawr)
- Low to Negligible (Junction off the A515)

The DAS also contains a very short section which considers the impact of the proposal on the AONB. It concludes that due to the temporary nature of the proposal (approx. 20 years) and the fact that the turbine would be located on the outlying land in the AONB, that it will not have a significant impact on either the heather clad hills or limestone cliffs. It concludes that the turbine would be seen against a backdrop of modern agricultural buildings as per local and national planning guidance and will not significantly alter the character of the AONB.

However, CCW, the AONB JAC and the Council's Landscape Consultant have all raised strong objections to the proposal.

In Officer's opinion, it is considered that a turbine of the scale proposed in this location would have an unacceptable effect on the landscape character and views within this part of the AONB, and it would have a significant adverse visual impact when viewed from the surrounding roads and public rights of way, and other sensitive viewpoints identified by the Landscape Consultant (Gop Hill, Graig Fawr, Moel Hiraddug and Offas Dyke).

CCW consider the open nature of the local landscape will not accommodate a tall vertical structure of this scale, even when viewed against the backdrop of farm buildings and the surrounding higher ground. The Council's Landscape Consultant considers the supporting information submitted with the application has significantly underplayed the sensitivity of the landscape context within which the site lies.

The application is therefore considered in conflict with UDP policy ENV2 and MEW iii).

#### 4.1.4 Biodiversity and nature conservation

Policy ENV1 and MEW 10 x) seek to ensure protect nature conservation interests.

As confirmed by the Council's Biodiversity Officer, the field is of low ecological value, there are no records of bat species in the area and the turbine would be set well away from any habitat features such as hedges and trees. Subject to a planning condition to ensure hedgerows would not be damaged or removed during construction, it is reasonable to conclude that there would be no adverse impact to biodiversity and nature conservation interests, therefore the proposal would accord within ENV1 and MEW 10 x).

#### 4.1.5 Noise and Residential amenity

Policy GEN 6 v) and MEW 10 v) seek to ensure development does not impact on residential amenity. With regards to wind energy development, particular consideration is to be given to noise and shadow flicker.

In accordance with industry guidance, noise from wind turbines should be limited to 35dB<sub>LA90,10min</sub> (A) up to wind speed of 10m/s at 10m height.

Chapter 2.8 of the DAS addresses noise impacts, which has been informed by a desk based assessment of predicated noise levels at nearby residential receptors. The assessment has been conducted using software which predicts

the noise effects of the turbine based on the sound power level provided by the turbine manufacture (94.8dBA). A Noise Constraints Plan is also submitted as an appendix to the DAS which shows the noise impact of the turbine proposed.

The DAS concludes noise attributable to the turbine will not exceed 35dB at any of the properties assessed. The Council's Technical Officer (Pollution) has raised no objection to the proposal and Officers are satisfied that noise can be controlled through the use of planning conditions.

The incidence of shadow flicker depends on the position of the sun in the sky relative to the turbine and it tends to only affect nearby buildings within 10 rotor diameters of the turbine. The DAS contains a short section on shadow flicker and is accompanied by a shadow flicker constraints plan which shows the area around the turbine which may be susceptible to the occurrence of flicker. The DAS concludes that no dwellings are within 10 rotor diameter of the turbine, and therefore shadow flicker is unlikely to occur. As a precautionary measure, a planning condition can be applied to ensure any incidence of shadow flicker experienced by neighbouring properties can be controlled.

The proposal is therefore not considered to be in conflict with GEN 6 v) and MEW v).

#### 4.1.6 Aviation

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

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

### 5. SUMMARY AND CONCLUSIONS:

- 5.1 Whilst due consideration should be given to the benefits of increased renewable energy generation, and the farm diversification merits of the scheme, in Officers' view this does not outweigh the significant adverse impact a turbine of the scale proposed would have on the valued, high quality, scenic and cultural landscapes within the AONB, and it is considered that a turbine of the scale proposed in this location would be contrary to the primary objective of the designation, which is to conserve and enhance the natural beauty of the AONB.

### RECOMMENDATION : REFUSE - for the following reason:-

1. It is the opinion of the Local Planning Authority that the erection of a 46 metre high 50kW turbine in this location would significantly harm the valued, high quality, scenic and cultural landscapes of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB), and would have a significant adverse visual impact when experienced from sensitive viewpoints including roads, public rights of way and open access land. The farm diversification merits of the proposal and the potential benefits of increased renewable energy generation are not considered to outweigh national and local policy objectives which seek to conserve and enhance the natural beauty of the AONB and therefore the proposal is contrary to Denbighshire Unitary Development Plan policies STRAT 7, GEN 6, ENV1, ENV 2, MEW 8 and MEW 10, and the principles set out in TAN 8, and PPW 2012..

### NOTES TO APPLICANT:

None

**LATE REPRESENTATION SHEET - APRIL 2013 COMMITTEE**

<p>Contrary to HSG 8(vi), no exceptional circumstances have been applicant to justify an alternative siting of the proposed dwelling, and, in the absence of such exceptional circumstances, the requirements of policy ENV 2 would be better met by siting the proposed dwelling on the footprint of the existing."</p> <p>Members are referred to the plan on the GREEN sheet which shows the location of the public footpath to the north of the application site.</p>		
<p><b>ITEM 14</b> <u>45/2013/0024/PF</u></p>	<p><u>MARINE LAKE, RHYL</u></p>	189
<p>Public Speaker: <i>For</i>: Carol Evans</p>		
<p><b>ITEM 16</b> <u>47/2013/0137/PF</u></p>	<p><u>MARIAN MAWR, CWM</u></p>	211
<p>Public Speaker: <i>For</i>: Richard Corbett</p> <p><b>Late representations</b></p> <p><u>AIRBUS</u> Confirm the application does not conflict with aerodrome safeguarding criteria, and therefore have no objections.</p> <p><u>E-mail from applicant's agent</u> The e-mail provides information on the predicted output of the turbine (189,220 kWhr) with an annual usage at the farm of 130,000 kWhr, most of which is to be used by the Dairy unit. He has also included an electricity bill from the dairy unit which confirms this order of usage.</p> <p><u>Officer Note</u> It is agreed that the proposal would comply with the TAN6 requirements as being a farm diversification project. However this is only one material consideration and does not outweigh the negative impact the proposal would have on the AONB.</p>		



THEN RETURN TO ITEM 1

<p><b>ITEM 1</b> <u>03/2013/0122/PF</u></p>	<p><u>SPRING BANK, BIRCH HILL, LLANGOLLEN</u></p>	35
<p>In the absence of any local objection to the application, and following consultation with the Local Member, it has been agreed that referral of the application to Committee is not necessary and a planning permission has therefore been issued.</p> <p>The application does not therefore need to be considered by the Committee.</p>		
<p><b>ITEM 7</b> <u>24/2013/0006/PF</u></p>	<p><u>THE CARTSHED, RHYD Y GILGWYN FARM, LADY BAGOTS DRIVE, RHEWL, RUTHIN</u></p>	107
<p>No late representations received.</p>		