

Rhif y Cais: **24C192D** Application Number

Ymgeisydd Applicant

**Mr & Mrs J & T Shaw
c/o Aspire Planning Ltd
Second Floor Offices
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Weston super Mare
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Codi twrbin wynt gyda uchder hwb hyd at uchafswm o 15m, diamedr rotor hyd at uchafswm o 7.5m a uchder blaen unionsyth fertigol hyd at uchafswm o 19m ar dir yn

Erection of a wind turbine with a maximum hub height of up to 15m, rotor diameter of up to 7.5m and maximum upright vertical tip height of up to 19m on land at

Rhiwlas, Nebo, Penysarn



Planning Committee: 04/07/2012

Report of Head of Planning Service (MTD)

Recommendation:

Permit

Reason for Reporting to Committee:

On request of Local Member who has concerns regarding effect on environment and design of turbine.

Members will recall visiting the site on the 20th June

1. Proposal and Site

It is proposed to erect a wind turbine with a hub height of 15m and a rotator diameter of 7.5m giving an overall maximum height of 19m.

The site is an agricultural field to the east of Rhiwlas, Nebo.

2. Key Issue(s)

Principle of Development

Will there be harm to amenity

Will there be harm to the environment

MOD Radar issues

Nature Conservation

3. Main Policies

Gwynedd Structure Plan

Policy C7 Renewable Energy

Policy D3 Landscape Conservation Area

Ynys Môn Local Plan

Policy 31 Landscape

Policy 41 Conservation of buildings

Policy 45 Renewable Energy

Ynys Môn Unitary Development Plan (Stopped)

Policy 8b Energy Developments

Policy EP 18 Renewable Energy

Policy EN1 Landscape Character

Planning Policy Wales

TAN 8 Renewables

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

Supplementary Planning Guidance Wind Energy Developments (Jan 1994)

Wind Turbine Checklist

4. Response to Consultation and Publicity

Local Member has referred the application to committee for the reasons given above.

Community Council - Support if relocated so doesn't harm dwellings

Highways - No objection

Landscape Officer - Has considered the application and its impact on the landscape and does not consider that a refusal could be justified in this instance.

Conservation Officer - There is a grade 2 listed building approx 300m to the north west and the impact on this should be taken into account.

Environmental Health - Conditional approval

Drainage - Comments

CCW - No objection

Ministry of Defence - No objection

Thirty letters have been received which include 2 from the same writer. The first objected to the siting of the turbine but this objection was withdrawn in the second letter following the turbines repositioning.

Points raised in other letters received include;

250m from AONB

Near Grade 11 listed building

Will harm residential amenity

Close to public footpath

Visible from A5025 and close to Mynydd Elian

Could harm health by noise and flicker

Over the accepted height of 15m

Will provide no jobs

Visual impact will last for generations

Anglesey will become dominated by turbines at the expense of residents and tourism

Close to footpath

Within 500m of dwelling which is the industry's recommendation

The cumulative effect will harm

Will set a precedent

Will tower over Penysarn
Visible to everyone
Would cause highway problems by distracting drivers
Will ruin character of location
It impinges on historic landscape
Studies have been shown that health can be harmed
No justification for large turbines unless they have community support
The applicants agent has not complied with the Community Engagement requirement of the checklist and this is totally unacceptable. The application should not be progressed until this matter is resolved.

5. Relevant Planning History

24c192 Conversion of outbuildings into 3 holiday units approved 10/10/01
24c192a Prior notification for agricultural barn no planning permission required
24c192b 2 holiday units approved 23/3/09
24c192c/scr screening opinion for wind turbine no EIA required 8/7/11

6. Main Planning Considerations

Principle of Development.

The principle of development has been established with on going policies and central government advice which aim to encourage renewable sources of energy.

Will there be harm to amenity?

The site has been visited and given its proximity to and relation with nearby dwellings it is not considered that there will be undue harm to residential amenity. Furthermore, with the size of the turbine in mind along with the position of nearby properties it is not considered that those residential occupiers will be harmed by shadow flicker.

A noise impact assessment has been submitted and the Council's Environmental Health Officer has confirmed that he has no objection to the proposal subject to conditions.

Will there be harm to the environment?

In respect of this the Department Landscape Officer does not object to the scheme stating;

"The proposed turbine would be visible from a range of public sites adjacent to the AONB and from some views in the context of the AONB and edge of the AONB. Its significance in the landscape would be tempered by both local topography; natural and built screening. It does not appear that the proposed development is in a sufficiently prominent location to be harmful to the AONB, Coastal or Historic landscapes and its visual impact would primarily be to areas outside of the AONB, and be local and moderate"

Ecological issues

Neither the Countryside Commission for Wales or the Council's Ecological Advise object to the scheme.

MOD Radar issues.

MOD do not object.

The "checklist" has been applied retrospectively to this application and it is considered that the only outstanding issue is that of the "Community Engagement Statement"

The applicants agent has stated in respect of this;

"The community have not been consulted by the applicant directly. However, site notices has been installed by the Council to advise of the proposal. No views have been taken into account and a "Community Engagement Statement" would only be justified and reasonable if the application were for a much larger commercial scale turbine.....This is not a commercial project and is a very small 10kw machine"

It is considered in this instance that the absence of this statement in itself is not justification to refuse the application. It is the requirement of the checklist which is not adopted and this must be weighted accordingly.

It should be noted that the turbine was in fact moved as a consequence of representations made and also the concerns of the case officer.

7. Conclusion

It is considered that the principle of a wind turbine is accepted. Furthermore the visual impact along with effect on residential amenity has been assessed and considered acceptable.

8. Recommendation

Permit

(01) Rhaid cychwyn ar y datblygiad yr ymwna'r caniatâd hwn a fo o fewn pum mlynedd i ddyddiad y caniatâd hwn.

Rheswm: Ufuddhau i anghenion Deddf Cynllunio Gwlad a Thref 1990.

(02) The wind turbine should be installed by a suitably qualified person in accordance with the manufacturer's instructions and site survey.

Reason: In the interests of amenity

(03) The cumulative noise from the wind turbine, measured 3.5m from the façade of any occupied neighboring property not in the ownership of the applicant, shall not exceed 35db LA90, 10 minutes up to wind speeds of 10m/s at 10m height. Where the most noise sensitive part of any adjacent premises is above ground level, the monitoring location shall be 1m from the façade and a façade correction of -3db(a) applied.

Reason: In the interests of amenity

(04) The wind turbine shall not be tonal in character.

Reason: In the interests of amenity

(05) Should the Local Authority receive a justifiable complaint of noise nuisance regarding the wind turbine, the applicant shall undertake a noise test at his own expense to demonstrate compliance with condition 3 and 4 above. The methodology used to determine compliance shall be agreed with the Environmental Health Section of the Local Authority.

Reason: In the interests of amenity

7.2

Gweddill y Ceisiadau

Remainder Applications

Rhif y Cais: 40C204G Application Number

Ymgeisydd Applicant

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Codi uned gwyliau newydd yn

Erection of a new holiday unit at

Bryn Awelon, Llanalgo



Planning Committee: 04/07/2012

Report of Head of Planning Service (JBR)

Recommendation:

Refuse.

1. Members Reason for Approving

The proposal complies with Policy 8 of the Ynys Mon Local Plan and Policy CH2 of the Gwynedd Structure Plan.

2. Officers Response to Reason for Approving.

Policy 8 of the Ynys Mon Local Plan states that applications for high quality holiday accommodation will be permitted where they do not conflict with other policies of the plan. In particular, the Council will favourably consider proposals which form an integral part of an overall scheme which adds to tourism and recreation facilities in the area.

Policy CH2 of the Gwynedd Structure Plan states that the upgrading of existing holiday accommodation will be permitted where they do not conflict with other policies.

Whilst the above mentioned policies may allow for new high quality holiday accommodation, it is explicit within the policy that such proposal must not conflict with other policies of the development plans.

The site lies in open countryside outside any settlement as recognised in the settlement hierarchy of both the adopted Ynys Mon Local Plan and the Stopped Unitary Development Plan.

The site is also within the designated Area of Outstanding Natural Beauty.

Guidance in Planning Policy Wales affords protection to the open countryside with paragraph 4.6.8 clearly stating that new buildings in the open countryside away from existing settlements or areas allocated for development must be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

Policy 8 of the Ynys Mon Local Plan also requires that proposals form part of an integral part of an overall scheme, an approach which is also supported in policy TO2 of the Stopped Unitary Development Plan which also states that applications for high quality holiday accommodation will be permitted where they do not cause unacceptable harm to the environment. The policy is designed to encourage the development of high quality visitor accommodation in the right place.

In considering proposals for holiday accommodation, the impact on the local economy, landscape, environment and the character of the area will be important considerations. The council will not support proposals for badly sited development.

Paragraph 5.7 of the Council's Supplementary Planning Guidance on Holiday Accommodation sets out criteria for assessing the location of holiday accommodation. It states that the impact of the proposal on the landscape character of the area should be considered. It also states that schemes at such locations would expect to have on-site provision of tourist facilities other than simply the accommodation itself.

The site comprises of the main dwelling which is used as bed and breakfast accommodation, an existing

detached holiday cottage a static caravan. There is also a small outdoor swimming pool near the main house. There is no evidence/justification submitted in support of the application clarifying how the proposal would form part of an integral scheme.

It is not considered that the provision of a small outdoor swimming pool constitutes an integral scheme required by the policy. In addition, little evidence has been provided by the applicant of the range of facilities in the immediate area, over and above the normal community facilities. The existence of these facilities is not sufficient justification to outweigh the overriding policy considerations.

The application site is located in a designated Area of Outstanding Natural Beauty where priority is given to the protection and enhancement of the designated area. It is considered that the proposal would have a detrimental impact on the designated landscape due to its size and permanence.

The proposed erection of a new holiday unit therefore conflicts with development plan policies as it does not form part of an overall scheme. It is considered that the proposed new holiday unit would be detrimental to the character and visual amenities of the designated Area of Outstanding Natural Beauty.

3. Recommendation

Refuse

(01) The application site is located within an area that is designated as an Area of Outstanding Natural Beauty. The proposal would constitute the erection of a new holiday unit in the countryside which does not form part of an overall scheme which would add to tourism and recreation facilities in the area and would detrimentally affect the character and visual amenities of the area which is designated as being of Outstanding Natural Beauty contrary to policies 8 and 30 of the Ynys Mon Local Plan, policies D1 and CH2 of the Gwynedd Structure Plan, policies EN2 and TO2 of the Stopped Unitary Development Plan and advice contained within Planning Policy Wales (Edition 3) and Supplementary Planning Guidance: Holiday Accommodation.

Rhif y Cais: 41C103M Application Number

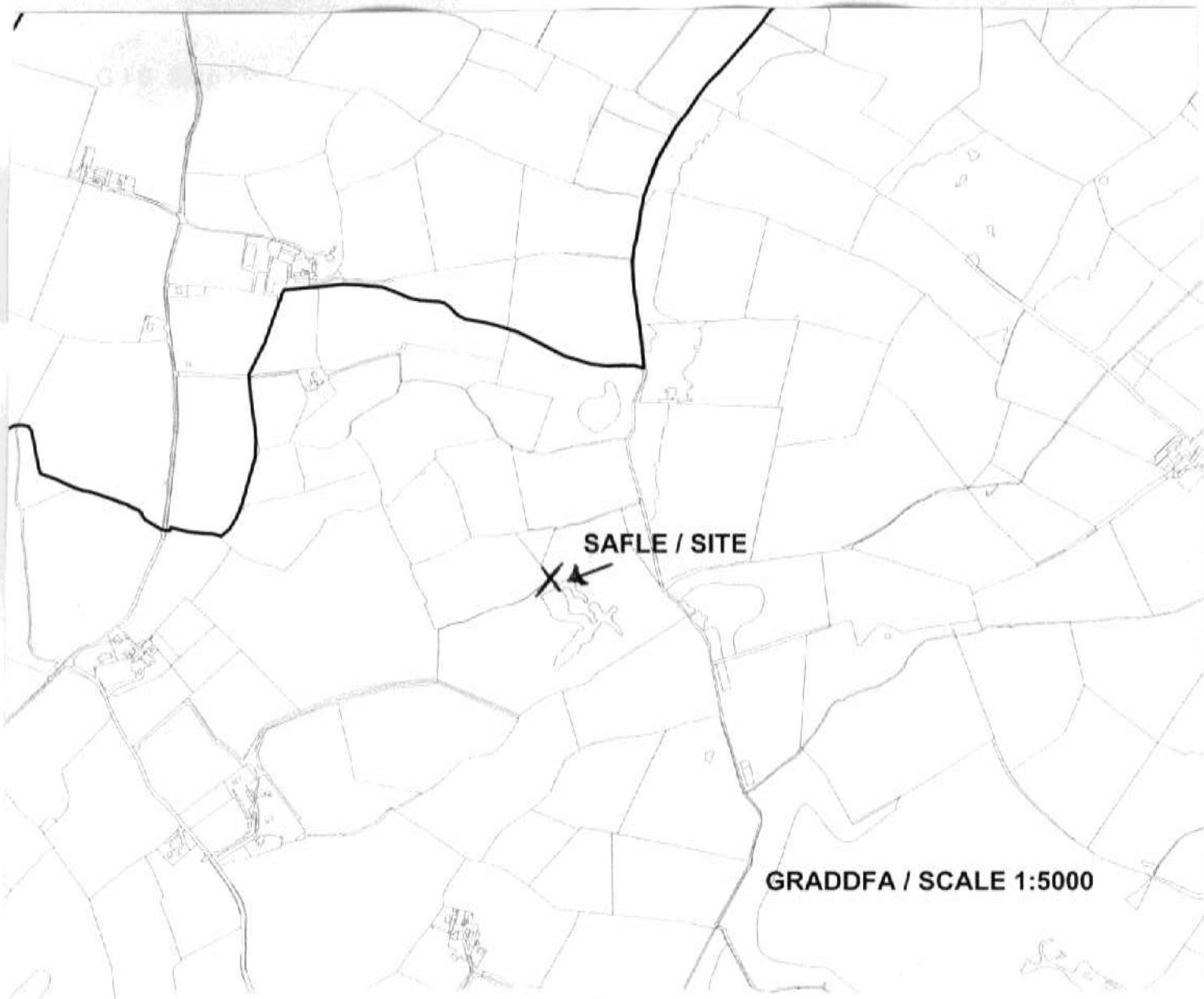
Ymgeisydd Applicant

**Mr. O. Owen
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Wimborne
Dorset
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Cais llawn ar gyfer codi mast anemometer 40.5m
o uchder dros dro ar dir

Full application for the erection of a temporary
40.5m high anemometer on land at

Ty Gwyn, Penmynydd



Planning Committee: 04/07/2012

Report of Head of Planning Service (NJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The application has been called-in by the Local Member for the Committee's determination. The applicant is related to a member of staff in the Planning Department. At its meeting held on 2nd May 2012 the Members resolved to refuse the application contrary to officer recommendation on the basis that the proposal's visual impact will be significantly adverse.

A report was prepared for the June meeting of the Planning and Orders Committee to respond to that reason for refusal. However, the minutes for the May meeting, confirmed at the meeting held on 6th June, indicated that the Committee also refused the application due to its effect on tourism. Consideration of the application was therefore deferred in order to allow this matter to be addressed.

1. Response to Committee's Decision

Significantly adverse visual impact is generally taken to be a significant alteration in view to the detriment of large numbers of sensitive receptors which is not capable of mitigation.

The proposed structure is a 15cm galvanised tube with 5mm guy wires. There are some residential properties within approximately 600m of the site but in general terms views of the mast will be at a distance. The proposal is not considered to have an overbearing impact on closest residential properties. It is accepted that the mast will have a visual impact but not at close quarters to a significant number of sensitive receptors and only for the duration of the planning permission which is a period of 18 months. This impact cannot be mitigated but is fully reversible. The scheme is likely to have a cumulative impact with a proposal for a temporary 60m high anemometer mast on land at Bryn Eryr Uchaf (application 41C125A, located some 600m north east of this site). The proposal is located within a landscape which has other tall structures visible from wide areas such as the Penmynydd telecommunications mast and national grid pylons.

Policies to protect the qualities and appearance of the Ynys Mon landscape must be balanced with policies supporting renewable energy projects. Paragraph 2.13 of TAN 8 states that "there is a balance to be struck between the desirability of renewable energy and landscape protection. Whilst that balance should not result in severe restriction on the development of wind power capacity, there is a case for avoiding a situation where wind turbines are spread across the whole of a county". The application is not an application for a wind turbine but for the erection of equipment to measure wind to assess its potential capacity for future wind energy development. Given the short term reversible impact of the proposal, the recommendation remains one of approval in relation to this issue.

Concerns have been expressed by objectors that the scheme will have a negative impact on the tourism industry on which Ynys Mon largely depends and in particular on the nearby Neuadd Lwyd 5 star country house. The members resolved to refuse planning permission on the basis of the effects the proposal would have on tourism.

The anemometer mast will be located some 600m to the east of Neuadd Lwyd. The main bay windows of Neuadd Lwyd are orientated south east and take advantage of the views of Snowdonia. The mast will be visible from the access drive and gardens (although obscured by trees in some views) but given its

lightweight construction and distance, will not be overbearing or dominant in the views.

The Welsh Tourist Board commissioned a report in 2003 to assess the potential 'Impact of Wind Farms on Tourism in Wales'. The report found that:

78% of respondents had a neutral or positive view of wind farm development

21% had a negative view of wind farm development

68% would be interested in attending a visitor centre at a wind farm development

68% said it would make no difference to their likelihood to take holidays in the Welsh countryside if the number of wind farms increased.

The same report found that facilities and developments thought by tourists to detract from the enjoyment of their visit were ranked as follows:

Electricity pylons and wires 48%

Mobile telephone masts 37%

Telephone poles and wires 25%

Wind farms and turbines 23%

More recent research in Scotland found similar results:

80% of UK respondents stated that their decision to holiday in the UK would not be affected by the presence of a wind farm

40% of UK respondents would be interested in visiting a wind farm development if it included a visitor centre

In broad terms, the Scottish research found that visitors appear to prefer a lesser number of larger developments than a greater number of smaller developments, particularly when they occur in the same general area. Tourists appear to be willing to pay 20-35% more for a room with an unspoilt view than for a room with a view of a wind farm.

In this particular case, the application is for a temporary anemometer mast rather than a wind turbine or wind farm. It will be located some 600m east of the principal elevation of the nearest guest house and will not affect its principal view across the island to the Snowdonia mountain range.

In terms of other visitors to the local area, the Welsh Tourist Board research considered that the effects of such development in practice may be extremely small and limited in nature of exposure (e.g. visible for 10 minutes in a 5 hour journey).

Given the nature of the proposal, the recommendation remains one of approval in relation to this issue.

2. Representations

The Members are advised that some 130 letters and e-mails have been received in relation to the application, objecting to the proposal on grounds of:

Landscape and visual impact including cumulative impacts

Amenity impacts

Impacts on listed buildings and archaeological remains

Ecological impact

Tourism impacts

In response to concerns raised regarding wind turbine proposals per se and the concern that the application

for an anemometer is a precursor to such developments and therefore cannot be considered in isolation from future anticipated wind energy development proposals, the Members will be aware that these matters can be afforded little weight in the decision making process which is for the erection of a slimline mast to support measuring equipment which must be considered on its own merits. Comments are also made in relation to new EIA Regulations issued in 2011 concerning the assessment of 'projects' and the need for EIA where proposals are clearly part of a wider scheme. For clarification, in Wales no new Regulations have been issued in 2011 and the relevant Regulations remain the 1999 Regulations (as amended). The erection of an anemometer mast is not itself a Schedule 1 or Schedule 2 project requiring screening for EIA in its own right. A screening opinion has already been adopted in relation to a wind turbine development (41C103K/SCR). Circular 11/99 Environmental Impact Assessment (EIA) advises at paragraph 45 that each request for a screening opinion should be considered for EIA on its own merits and the development should be judged on the basis of what is proposed by the developer. The Circular advises at paragraph 46 however that proposals should not be considered in isolation if they are properly to be regarded as an integral part of an inevitably more substantial development. However, in making such an assessment, consideration should be given to establishing whether proposed developments could proceed independently for example. The development of an anemometer mast is not a Schedule 1 or Schedule 2 project and is not caught by EIA Regulations. The screening opinion proposal was made in relation to the erection of a single turbine. The mast is required in order that measuring equipment can be deployed and should be considered on its individual planning merits.

Consultees have raised no concerns regarding ecological impacts. It is accepted that the proposal will have a short term visual and landscape impact.

The Members are also advised that the agents have submitted written representations in support of the application in direct response to the Committee's reason for refusal and have furthermore confirmed that they are instructed to appeal against any refusal notice issued.

3. Conclusion

The proposal is considered acceptable for a temporary period subject to conditions.

4. Recommendation

Permit.

(01) The anemometer mast hereby permitted shall be removed from the land by the 4/10/2013 and the land reinstated to its former condition by the 31/01/2014.

Reason: The local planning authority have granted permission for a temporary period only.