

Rhif y Cais: 44C290A Application Number

Ymgeisydd Applicant

**Mr Owen Rowlands
c/o Mr John McGarry
Entrust
Daresbury Innovation Centre
Keckwick Lane
Daresbury
Cheshire West and Chester
WA4 4FS**

Codi 2 twrbin wynt gyda uchder hwb hyd at uchafswm o 29.6m, diamedr rotor hyd at uchafswm o 20m a uchder blaen unionsyth fertigol hyd at uchafswm o 39.6 ar dir yn

Erection of 2 wind turbines with a maximum hub height of up to 29.6m, rotor diameter of up to 20m and a maximum upright vertical tip height of up to 39.6m on land at

Bodneithior, Llandyfyrdog



Planning Committee: 04/07/2012

Report of Head of Planning Service (DPJ)

Recommendation:

That members note the contents of the report.

Reason for Reporting to Committee:

It was resolved at the May Planning Committee to delegate power to approve the above application to officers. The minutes that it was resolved *“to delegate power to approve to the officers subject to conducting an assessment on the written statement by the applicant in respect of the route they intend to take to deliver wind turbines”*.

The report to the May Planning Committee, however, stated that the intended delivery route could be dealt with via a planning condition requiring a traffic management plan. The details that were awaited and advertised as additional information were in fact a further residential amenity assessment.

An objector to the planning application has noted this issue and the matter is being reported back to the committee for clarification and to affirm that the local planning authority consider that the delivery route can in this instance be dealt with via a planning condition.

In advertising the additional information a number of the objections were received raising issues which were referred to the council's legal section for advice, being:

- The contention that officers may have a vested interest in the application.
- The possibility of a judicial review on the following grounds:
- The make and the model of the turbines are not known.
- Noise.
- EIA Screening approach fails to comply with the EIA directive.
- The application is misleading in a number of respects and is in contravention of the Public
- Participation Directive.

The local planning authority requested an extension of time in the first instance until 04.07.12 to deal with these objections but the applicants decided to submit an appeal against non-determination. The appeal is currently being processed and the local planning authority is awaiting confirmation of the start date.

1. Recommendation

That members note the contents of the report.