

Town and Country Planning Act 1990 - Section 77 Call in Denbighshire County Council Proposed Windfarm at Tir Mostyn/Foel Goch, Nantglyn near Denbigh by Windjen Power Ltd

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The Case for CPRW

Contents

The Case for FOE

76. The submissions made on behalf of the CPRW Coalition are in document 20. The main points made are set out below. CPRW generally supported the case of CCW and I do not repeat those aspects here, but they are set out in section 3 of document 20.

CPRW policy

77. CPRW are not opposed to all on-shore wind turbine proposals. Their current policy is to oppose large scale or visually intrusive proposals in upland and coastal locations, in rural locations where residential and community amenity would be adversely affected, and in other areas that are valued locally, nationally or internationally for qualities which would be jeopardised.

National policy

78. Section 17 on energy developments in PGW notes the general thrust of policy in favour of renewable energy with which CPRW has little quarrel, but it notes that environmental damage and loss of amenity should be minimised and that renewable energy should be exploited and developed where it has the twin prospects of being economically attractive and environmentally acceptable.

79. The guidance in TAN8 requires the siting of turbines to be sympathetic to existing landscape features. It is difficult to see how in this case this advice can be followed, given the very distinguished nature of the landscape which will be overlooked at almost every point of the compass, and from much of which, within 5-6km, it will be quite safe to describe the turbines as dominant. As visibility improves with the forestry plans at and near to Llyn Brenig, and in Clocaenog Forest, one can safely suggest that the impact will become inexorably greater with the passage of time. TAN8 is helpful in that it requires the balance to be struck against excessive impact on landscape and amenity.
80. As regards political statements CPRW contends that the applicants have confused the Government's encouragement for the increased use of renewable energy with the applicants' need. In reality there is no proven need for additional electricity generation, either locally or in Wales.

Determining issues

81. The determining issues are whether the application is in accordance with the Development Plan, and whether it would be unacceptably harmful to the appearance of the area, or its nature conservation interests. If it is, whether the benefits flowing from the development outweigh that harm.

Development Plan

82. The Clwyd Structure Plan still applies and policy H8 articulates the priority for the conservation and enhancement of the SLAB. In the Glyndwr Local Plan it is clear that its application to landscape and related matters is confined to policy L12 effect on the SSSI and L16 effect on the SLA.
83. The emerging UDP contains general encouragement for development of renewable energy sources in policies STRAT2 & 7 depending on compatibility with other plan policies. Particular attention should be paid to GEN7 which regulates layout and positioning, especially on skylines, effect on views, highways, amenity of residents and the characteristics of the locality. Plainly this proposal cannot achieve these ends by virtue of its location. Mr Stewart is wrong to suggest that this policy should be ignored because there are dedicated wind energy policies, they must be read together.
84. The important policies are MEW8 & 10. The encouragement given in MEW8 has similar caveats to that in PGW. MEW 10 sets out a list of specific criteria and CPRW submit that this proposal clearly offends (iii) and (ix).

Report of the Planning Officer and decision of the Council

85. The report (Doc 3) is a model of its kind. It is rare to find such a comprehensive and intelligent report on a development proposal. By contrast the evidence of the Councillors was not able to provide any planning justification for their decision.

Benefits of the proposal

86. Any renewable energy source produces "clean" electricity. The claims made by Mr Stewart in section 7 of his POE may well be capable of realisation, but the applicants have failed to put any such savings in the national or Welsh context. To achieve a balance the decision maker must be equipped with information to enable him/her to weigh the actual benefits against the changes to the landscape, recreation facilities etc. The applicants have not seen fit to produce any such evidence.
87. Mr Sinclair referred to other renewable sources in the area (Doc 39 sections 3 & 4). In assessing the benefits it is reasonable to place it in the wider context.
88. As regards local benefits there are none to the local community. No jobs of any substance, save possibly in construction, no cheaper electricity, no community fund or other incidental benefit. At its highest there would be business rates to be paid.

Impact on the Clwydian Range AONB

89. The AONB is a national designation. The site will be visible from about 19km of the Offa's Dyke footpath. Even at a distance of about 13km there will be many conditions of light when it will be seen. The development will be the only moving object in a sweeping panoramic view across the Vale of Clwyd, leading up to Snowdonia in the far distance. The lack of foreground makes the middle ground that much more significant. There is bound to be an adverse impact.

Impact on local landscape

90. There is no question that the local landscape will be intensely affected by the proposal. The views within 6km of the largest groups of turbines yet constructed in Wales will be intensely dominant at short range. This is borne out by the evidence of Mr Sinclair and the SinclairThomas matrix, Mr Marfleet's evidence on the views from his house, Dr Mason likewise, and the evidence of Mervyn Wynne concerning his caravan site, Richard Howatson (App to Mr Marfleet's POE) and Michael Williams of Isgaerwen.
91. The impact of the turbines will be inescapable from the well used local roads and footpaths in close proximity to the site. The impact will be born by a substantial number of local people every day and must be a highly important factor in arriving at a determination.

92. The cumulative impact of the single turbine (with permission for 2 more) at Hafotty Uchaf is a small, but important consideration against the grant of permission.

Impact on residential amenity

93. Many of the properties affected are smallholdings, farms or other properties with a curtilage. This means that the visual impact is not confined to views from the sitting room window or the upper level of the house, but from a far wider area. Such is the nature of the relatively tight valleys in the area, that significant impact is unavoidable. There is a lattice of roads and tracks which interlink the hamlets and small villages, the farms and houses standing alone. From many of these the wind farm will not only be visible but dominant. This impact will lessen amenity even if one is not disturbed by the turbines themselves.

Impact on local ecology/ornithology

94. Part of the site lies east of the Moel Hiraethog SSSI designated for its wildlife conservation interest, including habitat and breeding grounds of black grouse, nightjar and hen harrier. Dr Percival had not conducted any analysis of hen harriers' presence on the site because he says that hen harriers were not on the site. This is despite his evidence in cross examination on the foraging range of the hen harrier and his treatment of nightjars outside the development site. CPRW do not suggest that hen harriers live on Foel Goch but merely that they are known to have a precarious foothold at Llyn Brenig.

Impact on recreational facilities

95. Llyn Brenig has a landscape pedigree acknowledged by Mrs Guthrie. It was designed in the 1970s by Hal Moggeridge so as to give a natural feel in the wider landscape. It is a major attraction with between 133,000 and 200,000 visitors each year. That means up to 95,000 cars driving at about 15 mph around the access road bordering on the edge of the lake. The turbines, the nearest 2km away, will be clearly visible from this route and the various footpaths and archaeological trails around the lake and through the nature reserve. It is for judgement whether this impact can possibly be described as beneficial.
96. Footpath 67 clearly has potential for public use and recreation. Mrs Robinson gave evidence that the use of this area will augment the Clwydian Way where it runs around the lake from the nature reserve to the north. Her appendices contain Professor Midmore's study on the economic value of walking in Wales.
97. The British Horse Society policy requires a minimum separation distance of 200m. The plan shows far less and the siting of turbines in such close proximity to bridleways is tantamount to closure.

98. The progressive felling of areas of forestry will over the life of the wind farm increase visibility of the site from the widely used recreational area, the minor road running through the site and footpath 67.

Public opinion

99. The weight of public opinion may clearly be a material consideration. There must be regard paid to the level of actual objection and concern, and regard must be paid to uncertainties, such as the evidence about the hen harrier's range and habitat.

Relevant foreign experience

100. Dr Mason compiled an enormously detailed dossier of the Danish and German experience with wind turbines and energy. It sounds a cautious note against future large scale development in the UK, and sets some context for the large scale deployment which seems to be in the Government's mind at present. It is suggested that the Danish experience is a helpful backcloth when arriving at a determination. It will tend to show that poorly selected sites, chosen on the basis of developer's appetite rather than national need, do not form a solid basis for approving this proposal in a highly controversial location.

Conclusions

101. The proposal cannot be said to comply with the Development Plan or the UDP. It has raised very substantial and cogent local opposition. The views of CPRW are similar to those reached by the Planning Officer, and the rejection of those views by the Councillors despite a long and fully argued exposition by their officer is clearly a cause for concern by both CPRW and the National Assembly. Accordingly the CPRW coalition invites the Assembly to reach the same conclusion, that the proposal is clearly contrary to the whole range of relevant policies designed to protect the landscapes, environment and amenities of the area, and in these circumstances is not to be outweighed by the desirability of increasing generation of renewable energy on this site.