

# 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

File ref: App/R6830/X/01/514033

## The Case for CCW

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### The Case for CPRW

55. The submissions made on behalf of CCW are in document 21. The main points made related to CCW's policy, the Development Plan, landscape quality, landscape impact, visual impact, historic landscape, public access and wildlife.

### CCW's policy

56. CCW appeared as a result of its statutory responsibilities in relation to nature conservation, the protection of the landscape and the public enjoyment of the countryside. Their policy on wind turbines was formulated in 1992 and reviewed in 1999 and will be further considered as part of the current review of TAN8. CCW's position is supportive of the Government's objective of meeting renewable energy targets. Policy 5 (Doc 31, app PAM4) deals specifically with wind turbines in Special Landscape Areas (SLAs). The policy makes it clear that CCW will only object where proposals are detrimental to feature and qualities of SLAB and allows for exceptions. The SLA designation is an indicator of the potential for increased sensitivity of an area.

### Development Plan

57. The Development Plan for the purposes of Section 54A is the Clwyd Structure Plan and the Glyndwr Local Plan. For this reason account must be taken of the relevant policies including those relating to SLAs. It is acknowledged that the UDP has reached a stage where significant weight must be given to it but the current Development Plan cannot be completely disregarded. CCW therefore accept that UDP policies of general application, such as GEN7 and of specific relevance such as CON 13 and MEW 10, will be of considerable significance in reaching the decision.

### **Landscape quality**

58. There is no dispute that the Clwyd Landscape Assessment (CLA Doc 26, app 5) provides an objective baseline study. However, it makes no evaluation of landscape quality. The subsequent Denbighshire Landscape Study (DLS Doc 29) and Conwy Study (CS Doc 28) are extremely relevant in the consideration of the quality and sensitivity of this landscape.
59. Despite the complications caused by the new local authority boundaries and the differing methodologies, the DLS and CS studies are helpful. These studies together with the original assessment of the Denbigh Moors as a potential "conservation area" in the Hobhouse Report helped to inform Mr Campion's professional view of the high quality of the Denbigh Moors landscape.
60. Mrs Guthrie chose to disregard these except for the CLS and this must reduce the weight to be given to her conclusions. The reasoning in her POE for assessing the Moorland Plateau landscape area as of medium quality based on its simple, open landform and lack of distinctive feature seems particularly unconvincing given that these are the essential qualities of an unspoilt moorland landscape.
61. A key feature for the future of the forest areas, which again did not feature in the applicant's evidence, is the new approach to forest management exemplified by the Forest Development plans produced at the inquiry (Doc 17). These will result in more varied forest cover, more open areas, cleared riparian zones and the likelihood of greater visibility through the afforested landscape areas, particularly around the margins of Llyn Brenig.

### **Landscape impact**

62. The windfarm would not be integrated into the Moorland Plateau and Hill Forest landscape. These large vertical structures would inevitably be visible over long distances and would detract from the open and strongly horizontal quality of this landscape. The strong horizontal lines of the landscape are further emphasised by the carefully designed landscape setting of Llyn Brenig, which was acknowledged by Mrs Guthrie in cross examination. The deliberate integration of the reservoir into the landscape was a key feature of the 1972 consent (Doc 30, app 42) which was successfully achieved. Mrs Guthrie also acknowledged that the Moorland Plateau is highly sensitive to changes which might take place within it. It is hard to see how 75m high turbines would not appear as alien and discordant features in a landscape of this nature and quality. This view of Mr Campion was also held by the Planning Officer when he recommended refusal (Doc 3).

### **Visual impact**

63. The ZVIs and Mrs Guthrie's evidence make clear that significant effects on visual amenity will occur at locations within 5km of the site. One major component missing from that evidence is the huge numbers of people who would suffer that impact as a result of the popularity of the Llyn Brenig area as a recreational resource. The evidence of Mr Campion and Mr Millar makes clear the variety of outdoor activities in this particular landscape setting which draws visitors both as tourists and day trippers to this area. Mr Marfleet's estimate of over 200,000 visitors per annum to all the facilities at Llyn Brenig does not seem unreasonable in the light of the recorded figure of over 130,000 visitors to the visitor centre alone (Doc 32, app JWC7).
64. Also missing from the applicant's evidence was any assessment of the impacts upon the north western shores of Llyn Brenig and public viewpoints within the Clocaenog Forest. Particular note should be given to Mr Campion's additional viewpoints (Doc 32, app JWC1).
65. Apart from the short distance impacts it is also noteworthy that the long distance views will be affected along a 19km length of the Offa's Dyke National Trail. As an example the view from the Jubilee Tower viewpoint 11 (Doc 27, fig 18), while some 15km from the site, demonstrates that any sighting of the windfarm would appear as an alien intrusion in a view of a completely unspoilt countryside sweeping across the Vale of Clwyd to Snowdonia.

### **Historic landscape**

66. The starting point on this aspect is the detailed information provided by Part 2.2 of the Register of Landscapes of Historic Interest in Wales entitled Landscapes of Special Historic Interest. The Preface and Introduction to Part 2 of the Register explain the use of the Register (Doc 34, app RSK1 & 6). The following points were emphasised: (1) the register has been compiled to describe historic landscapes of national importance; (2) all relevant organisations were involved in the initiative, including CCW, CADW, the 4 Welsh Archaeological Trusts, the Welsh Local Authorities and the National Trust; (3) the register was compiled using clear methodology and criteria developed in consultation with over 100 experts and specialists; and (4) the status and use of the Register is confirmed as national planning guidance in the form of para 5.6.10 of PGW.
67. It is therefore wrong to attempt, as Mr Stewart's evidence did, to dismiss the Register as some lowly form of non-statutory document which simply reflects the views of its authors and is to be given no particular weight in the planning process.
68. As to the entry in relation to the Denbigh Moors (Doc 34 app RSK2), it is clear that it extends beyond the eastern shores of Llyn Brenig and that it does for good reason. The presence and modernity of Llyn Brenig itself is acknowledged in the Register, as is the fact that its immediately surrounding area contains a number of Bronze Age and post-medieval sites. Further the Register entry recognises that water resource management is an important theme in the Hiraethog area. By no means does the existence of Llyn Brenig neutralise or reduce the historic value of this part of the registered landscape.
69. The analysis by the applicants' witnesses of the value of this nationally important historic landscape shows minimal understanding of the Register's content and function. It is notable that Mr Stewart was not even aware of the basis upon which it had been included in the register. It is there primarily as an example of "Historic Diversity/Multiperiod" where past evidence from more than one historic period has been cumulatively assimilated with the land form and land cover.
70. Mr Stewart's argument that the Llyn Brenig area does not allow for a visitor to view Bronze Age sites in a Bronze Age landscape therefore entirely misses the point. Further assertions based solely on the visibility of turbines from the short archaeological trail are an equally simplistic way of considering the proposal's impact. In contrast, CCW's expert witnesses and the detailed Historic Landscape Character Study and Impact Assessment (Doc 34, app RSK6) provided by the report from the Glamorgan Gwent Archaeological Trust provide the only reliable and convincing material which was before the inquiry. This should be given considerable weight in the light of PGW and UDP policy CON13.

## Public access

71. The applicants paid very little regard to the impact on those enjoying the countryside and public rights of way. There are a significant number of recreational opportunities in the locality from both public rights of way and permitted paths (Doc 35, app PM1, 2 & 3). Llyn Brenig visitor centre actively promotes walking and cycling, particularly with the circular routes around the lake and the archaeological trails. The circular walk around the lake was not even dealt with in the applicants' evidence, although in cross examination with Mrs Guthrie it was established that turbines would be visible from the path through most of its length.
72. In the wider area, the Clwydian Way and Mynydd Hiraethog and Denbigh Moors Footpath Network provide both long distance and shorter walks. Offa's Dyke Path is a National Trail which passes through the Clwydian Range AONB from where the proposal would have a significant impact.
73. Mr Mitchell's evidence provided details of these recreational resources and gave evidence of the anticipated impact. In contrast the applicants focused only on a limited number of the paths in the immediate vicinity. These may be presently little used because of obstructions or being physically impassable but this does not make them in law any less important. Mr Mitchell also gave evidence of the current level of use and the Highway Authority's intentions to create an extended local network. In addition account must be taken of users of the access areas presently existing within the Clocaenog Forest and those proposed under the Countryside and Rights of Way Act.

## **Wildlife**

74. There are serious issues relating to the possible impact on black grouse. However the agreed amendments to the siting of turbines and monitoring masts together with the habitat enhancement plan and other provisions in the Section 106 Agreement are sufficient to enable any objection to be withdrawn, subject to final approval and completion of the Agreement.

## **Conclusions**

75. It is recognised that every windfarm decision is a difficult balancing exercise between implementing national and local policy on renewable energy with environmental and other impacts. CCW is supportive of the objectives of renewable energy policy. However in this instance it believes that the impact of the proposal on a sensitive landscape, with national historic importance and a wide variety of recreational users, tips the balance against this proposal.