
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/01/14

**gan Siân Worden BA DipTP MCD
MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 7 Chwefror 2014**

Appeal Decision

Site visit made on 16/01/14

by Siân Worden BA DipTP MCD MRTPI

**an Inspector appointed by the Welsh Ministers
Date: 7 February 2014**

Appeal Ref: APP/H6955/A/13/2207190

Site address: Land at Llechyrdau Farm, Craignant, Wrexham, SY10 7PA

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Wrexham Wind Energy Ltd against the decision of Wrexham County Borough Council.
 - The application Ref GLY P/2013/0304, dated 26 April 2013, was refused by notice dated 2 September 2013.
 - The development proposed is the erection of an anemometer mast (up to 60m in height) for a temporary period of three years from the date of erection.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an anemometer mast (up to 60m in height) on land at Llechyrdau Farm, Craignant, Wrexham, SY10 7PA in accordance with the terms of the application, Ref GLY P/2013/0304, dated 26 April 2013, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
 - 2) The anemometer mast hereby permitted shall be dismantled and removed from the site within a period not exceeding 3 years from the date on which its erection commences. At the end of this period the site shall be reinstated in accordance with a scheme of work which has previously been submitted to and approved in writing by the local planning authority.
 - 3) No development shall commence until the local planning authority has been notified in writing of the date on which the erection of the mast is to take place.

- 4) No development shall commence until a scheme which details a programme of pre-construction site inspection by a suitably qualified ecological consultant to check for ground nesting birds has been submitted to and approved in writing by the local planning authority. The scheme shall include for notification of a site walkover to the local planning authority. It shall also include procedures for the postponement of the commencement of development and / or micro-siting the mast within the site should these measures be necessary to avoid harming a noted presence. The development shall be carried out strictly in accordance with the approved scheme.

Main Issue

2. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the surrounding area with particular regard to the Special Landscape Area (SLA).

Reasons

Character and appearance

1. The appeal site, which is within an extensive countryside area designated as an SLA, is on open hillside above the farmstead. The proposed mast would be up to 60m in height and, in diameter, would taper from about 270mm at the base to approximately 150mm at its top. It would be anchored by cables fanning out from its shaft to points on the ground, 30m from its base. Various items of wind-recording apparatus, which are comparatively small in size, would be located along the mast.
2. This is a rural location reached by narrow lanes and with few, scattered dwellings and farms. The land is mainly in agricultural use, particularly grazing, with some areas of woodland. It drops steeply into the valleys but, in-between, rises and falls more gently. It is possible to see for some distance from the appeal site but the vistas are not panoramic. It is thus likely that the appeal site itself is not widely apparent from important viewpoints or a large number of them. In addition, although of considerable height the proposed mast would have little mass; its insubstantial, slim form would not be a distinct or obtrusive feature in the landscape and it would not have an urbanising effect.
3. The proposed mast, including the cables and wind-recording equipment, would be clearly visible only at close quarters, such as from the public path which runs within a few metres of the appeal site. Those riding or walking along the path would perceive it as an unusual and obviously man-made feature in contrast with the comparatively natural surroundings. To my mind, however, its form and scale would not be such for it to be unduly dominant or overbearing in this open setting and it would not have an impact for a significant distance along the path. Furthermore, it would be in place for a temporary period of no longer than three years. I do not consider, therefore, that the proposed mast would spoil users' enjoyment of the path or the surrounding countryside.
4. All in all, it is my view that the proposed mast would conserve the landscape of the SLA and have a minimal visual impact, both from nearby and distant viewpoints. As such, it would comply with Policy EC5 of the Wrexham Unitary Development Plan 1996-2011, adopted 2005.

5. The boundary of the Clwydian Range and Dee Valley Area of Natural Beauty (AONB) is about 4.5km away from the site. Even if visible at that distance the proposed mast would not be conspicuous or obtrusive and would not have a harmful effect upon it. I have noted that the appeal site is within an area which is being considered for inclusion within a Berwyn AONB. As far as I am aware such a designation has yet to be made but I have had regard to the fine quality of the landscape in reaching my decision. I have also seen the comments of the Council's landscape officer.

Other matters

6. The purpose of the proposed anemometer mast would be to measure and monitor wind conditions to assess the site's suitability for a wind farm. There are several objections to the proposal on the grounds that it would be a precursor to such development. I have made my decision, however, only on the scheme before me. Should a proposal for wind turbines on the site come forward, and I am aware that one nearby was dismissed last year¹, it will be judged on its merits against the development plan policies in effect at that time. That this development has been permitted will not set a precedent.
7. The mast components, split into about ten loads, would be delivered to the site by a four wheel drive vehicle and trailer via the existing track. Erection of the mast, using a mechanical digger, would be unlikely to take more than two days. The construction process would not, therefore, result in significant amounts of disturbance, additional traffic or other hazard. It is unlikely that the proposed mast would have an adverse impact on tourism in the area.
8. There are healthy populations of skylarks and meadow pipits in the immediate area but information submitted by the appellant indicates that these would not be adversely affected by the proposed mast. It would be unlikely to attract additional raptors by providing a perch and would affect only a small part of the nesting site. The condition requiring pre-construction site inspection will also protect any birds and nests found within the appeal site itself.
9. I saw the existing mast, which is much smaller than that proposed, during my visit. It is not part of the proposal before me and I cannot comment on the legitimacy or otherwise of it.

Conditions

10. In the light of Circular 35/95 *The Use of Conditions in Planning Permissions* I have attached conditions suggested by the Council which will allow the mast to remain in place for a temporary period only and which will preserve the appearance of the surrounding area. The condition requiring ornithological monitoring of the site will protect any ground-nesting birds in the area.

Conclusion

11. I have found that the proposed mast would not harm the character and appearance of the surrounding countryside which is a designated SLA. I have taken all the matters raised into consideration but not found any which are compelling reasons to dismiss the appeal.

¹ APP/H6955/A/12/2182171

12. For the reasons given above I conclude that the appeal should be allowed.

Siân Worden

Inspector