
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/11/15

**gan Siân Worden BA DipLH MCD
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23 Rhagfyr 2015

Appeal Decision

Site visit made on 17/11/15

by Siân Worden BA DipLH MCD MRTPI

an Inspector appointed by the Welsh Ministers

Date: 23 December 2015

Appeal Ref: APP/L6805/A/15/3124791

Site address: Marchynys, Penmynydd, Llanfairpwllgwyngyll, LL61 6PG

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 JM and EW Foulkes against the decision of Isle of Anglesey County Council.
- The application Ref 41C66G/RE, dated 18 November 2014, was refused by notice dated 6 March 2015.
- The development proposed is the erection of one 24.8m to hub (34.5m to tip) wind turbine with control box and all associated works.

Decision

1. The appeal is dismissed.

Procedural Matter

1. A screening direction has been issued by the Welsh Ministers which concludes that the development which is the subject of this appeal is not EIA development within the meaning of the 1999 Regulations¹. In accordance with this direction I have proceeded on that basis.

Main Issue

2. I consider that the main issue in this case is the effect of the proposed development on the character and appearance of the surrounding landscape.

¹ Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended.

Reasons

3. The appeal site is within a field used as grazing land. The surrounding area is fairly low-lying and the field slopes gently towards marshy ground around the Afon Braint. It is enclosed by a stone wall and hedge typical of the rural, agricultural features of the land. Whilst there are mature trees in the landscape, it is generally open allowing views to higher ground beyond, particularly the mountains of Snowdonia. The proposed turbine would be approximately 24.8m high to its hub, about 34.5m to the top of the rotor, and would have three blades. There are several tall, upright features visible in the area, including a lattice tower and pylons, but no wind turbines of the type proposed here are clearly apparent. With its distinctive form and moving blades the proposed turbine would be noticeable and easily distinguishable from these other structures.
4. The appellants have submitted documents including a Landscape and Visual Impact Assessment (LVIA), zones of theoretical visibility (ZTV) to both hub and blade tip heights, and wireframes and photomontages from six viewpoints (VP). The Council does not question the methodology of the LVIA but it is noted that the photomontages and ZTVs have been provided separately and that the location of the VPs was not agreed with the Council.
5. The site is within Landscape Character Area (LCA) 12 – East Central Anglesey² and forms the inland buffer zone to the Menai Strait, reflecting much of the typical, undulating landscape of Anglesey. The LANDMAP assessment is that it is a pleasant but rather featureless, unremarkable landscape with no distinct landmarks. The sensitivity and capacity assessment³ describes the landscape as medium scale and agricultural with a gently rolling and undulating landform which is moderately sensitive to wind energy development. In addition, it indicates that the overall capacity for such is limited to well-sited development of micro or small scale which could typically comprise single turbines up to 20m to blade tip height. Each proposal should be determined on its merits and this indicative height does not amount to an absolute ban on taller turbines in the LCA. Nonetheless, based as it is on a robust assessment of landscape character, the document provides useful guidance.
6. I visited all of the VPs for which photomontages were produced and my findings are as follows. VP1 and VP2 are on the A5025, the first being about 2.5km from the proposed turbine and the second approximately 2.8km. The photomontages indicate that the proposed turbine would be visible in an open landscape with a run of pylons some distance behind; from VP2 the proposed turbine would be seen against a backdrop of mountains. The outlook from these VPs is of a wide tranche of pleasant countryside in which there are currently no wind turbines of the size proposed here.

² *Anglesey Landscape Strategy Update 2011*

³ *Isle of Anglesey, Gwynedd and Snowdonia National Park Landscape Sensitivity and Capacity Assessment, March 2014*

7. VP3 is on a minor road about 1.3km to the north west of the proposed turbine. With dramatic mountains lying behind pleasant pastoral land, the whole vista framed by the mature trees in the foreground, this is a particularly attractive view. The proposed turbine would appear as a solitary, alien element in it, its scale emphasised by the trees closest to it. Continuing southwards along this lane there are one or two points where, its full height being seen at close quarters, the proposed turbine would be a particularly dominant feature.
8. VP4 is on the B5420 approximately 0.7km from the appeal site. The roadside vegetation would partially screen views but, when seen, it would stand prominently against the sky and appear large in comparison with the farmhouse and other buildings nearby. From VP5 the proposed turbine would be insignificant in comparison with the pylons in the foreground of the view. VP6 is on a public footpath approximately 1.4km to the north east of the site. Seen in the middle distance the proposed turbine would again be apparent as an uncharacteristic element in the landscape despite the row of pylons behind.
9. Much of the A road between VP1 and VP2 is bounded by a wall and there is no footway on the outer side, at least not in the vicinity of the VPs. In practice, therefore, there would be few opportunities for clear views of the proposed turbine from the A road. In addition, the lane south of VP3 is a narrow, minor road and probably not well-travelled. Even so the outlook from these locations, albeit limited, would reinforce the impression gained from VPs 3, 4 and 6 from where the proposed turbine would be more clearly visible.
10. The nearest part of the Area of Outstanding Natural Beauty (AONB) is approximately 2.2km away. The proposed turbine would not be of such a scale as to be prominent in views from or into it and it would not, therefore, have a significant effect upon the AONB. Nor would there be a harmful impact on main transport corridors or the gateway quality of the area.
11. In some views the proposed turbine would stand out against the mountains of Snowdonia; it would not, therefore, be well-sited. It would also be substantially taller than the 20m height indicated as appropriate for the LCA in the sensitivity and capacity assessment. Overall the proposed turbine would be perceived as a lone, alien and detrimentally eye-catching structure in a landscape whose definitive characteristics are that it is featureless and unremarkable. It would thus cause a significant and harmful change to the character of that landscape. Keeping the LCA free from unduly prominent wind turbine development enables it to act as a buffer, protecting the AONB and its setting. The proposed turbine would undermine that function and would also reduce the LCA's sensitivity to such development.
12. The proposed development would not comply with Policy C7 of the Gwynedd Structure Plan (SP) which has a presumption in favour of renewable energy projects as long as their impact upon the locality is acceptable. Neither would it have regard to the special character of the locality or be satisfactorily integrated into the landscape, contrary to SP Policy D3. Similarly it would be inconsistent with Policy 31 of the Ynys Môn Local Plan (LP) which requires proposed development to fit into its surroundings without unacceptable harm to the general landscape character. As it is not clearly demonstrated that there would not be any unacceptable impact on landscape character the proposed turbine would also conflict with LP Policy 45.

13. In addition the proposed turbine would not comply with TAN8 *Planning for Renewable Energy*. This recognises that there is a balance to be struck between the desirability of renewable energy and landscape protection. That balance should not result in severe restriction on the development of wind power capacity although there is a case for avoiding a situation where wind turbines are spread across the whole of a county. I am aware that there is significant wind turbine development in other parts of the island.

Other matters

14. I note that the area taken up by the proposed turbine would be negligible and that grazing of the land would be unaffected. I am also aware that the turbine proposed was preferred for its reliability and efficiency compared with smaller models. It does not seem to me that benefit to the local community is a substantial part of the appellants' case; in the absence of evidence on that score I have given the consideration little weight.
15. The Council refers to three proposals in the LCA which were dismissed on appeal. The turbines at Penmynydd⁴ and Brynsiencyn⁵ were considerably taller than that in this case. Although the proposal at Llanddona was of a similar height to the turbine proposed here, it would have been sited much closer to the AONB boundary. Despite these differences a significant factor in all the decisions was the introduction of a wind turbine into a landscape where none were currently easily visible. The appellant has drawn my attention to the Bodneithior appeal decision where two turbines of nearly 40m in height were permitted within 2km of the AONB and in the Special Landscape Area (SLA). In that case the mitigating consideration seems to have been that existing turbines were clearly apparent and a characteristic of the surrounding area. I consider, therefore, that my decision here is consistent with the approaches taken in these other cases.
16. Both the Council and the appellant have referred to the review of SLAs which would remove that designation from the appeal site. As far as I am aware the revised SLAs have not yet been adopted and thus carry limited weight. In any event, this case hinges on a detrimental degree of change to the character of the landscape regardless of whether it is defined as 'special'. As described above, landscape and renewable energy policies in both the SP and LP are consistent in defending undesignated landscapes against harm and provide a sufficient basis for the dismissal of this scheme.

Conclusion

17. As set out in Planning Policy Wales (PPW)⁶ the Welsh Government (WG) is committed to using the planning system to optimise renewable energy generation as part of its approach to tackling climate change. The need for wind energy is a key part of meeting WG's vision for future renewable electricity production and should be taken into account by decision makers when determining such applications⁷.

⁴ APP/L6805/A/12/2189266

⁵ APP/L6805/A/12/2190208

⁶ PPW edition 7 paragraph 12.8.8

⁷ PPW edition 7 paragraph 12.8.12

18. PPW also states⁸ that local planning authorities should adopt a positive approach to development associated with farm diversification. In providing another income stream the proposed development would reduce costs on the farm, secure present and future employment, and have diversification benefits. TAN 6 *Planning for Sustainable Rural Communities* advises that many economic activities can be sustainably located on farms and that the production of renewable energy is likely to be an appropriate use⁹.
19. I have found, however, that the proposed turbine would result in significant, detrimental change to the character of the surrounding landscape. In this case the harm outweighs the renewable energy and other benefits of the proposed scheme such that it would be contrary to national and development plan policy. I have taken all the matters raised into consideration but not found any compelling reasons to allow the proposal.
20. For the reasons given above I conclude that the appeal should be dismissed.

Siân Worden

Inspector

⁸ PPW edition 7 paragraph 7.3.3

⁹ TAN6 paragraph 3.7.2