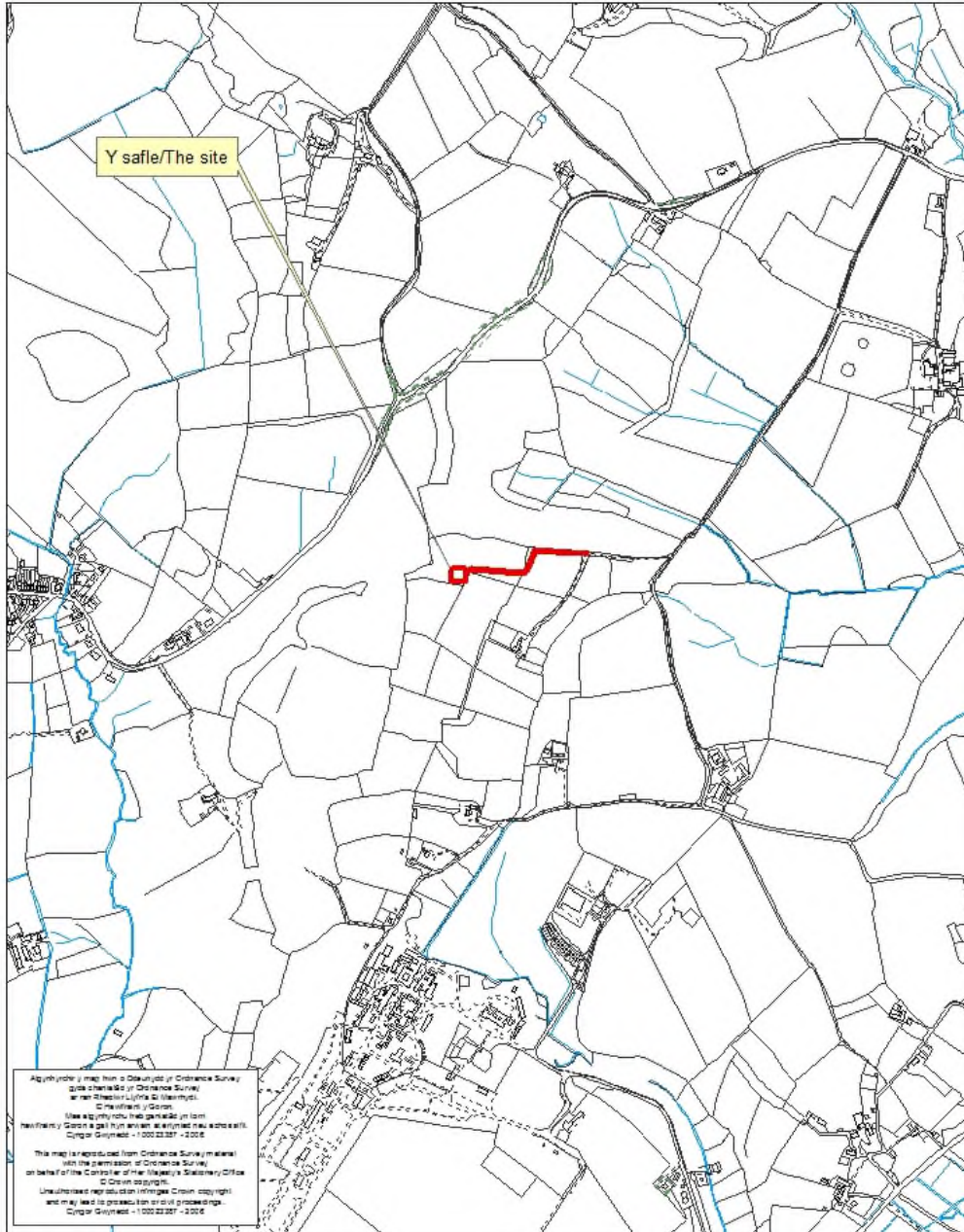


Number: 1



Rhif y Cais / Application Number : C14/0593/40/LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.



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Application Number: C14/0593/40/LL
Date Registered: 25/07/2014
Application Type: Full - Planning
Community: Llannor
Ward: Efailnewydd/Buan

Proposal: INSTALLATION OF A WIND TURBINE MEASURING 30.5M TO THE HUB (45M TO TIP THE TIP OF THE BLADES) WITH A CONTROL BOX AND ASSOCIATED WORKS
Location: TANYBRYN, RHYDYCLAFDY, PWLLHELI, LL538TW

Summary of the Recommendation: TO REFUSE

1. Description:

- 1.1 This is an application to erect a 225kw wind turbine measuring 30.5m to the hub with a total height of 45m to the tip of the blades. It is a standard three-blade, white coloured turbine. The work will involve undertaking engineering work to create foundations and ditches for underground cables. The proposal would also mean installing a turbine control box on site. The cabinet would measure 2.2 metres by 1 metre, with a height of 2 metres.
- 1.2 The turbine would be located on a plateau located to the east of the Rhydyclafdy village. The site forms part of the farm's agricultural field. It is understood from the information submitted with the application that the proposed development is a means of diversification, and it is intended for the electricity that would be generated to be for farm use and the remainder to be distributed to the national grid. The site can be accessed through the existing entrance to Tan y Bryn, which is located off a class 3 road. It is understood that it is intended to gain access to undertake the construction work off the A497, through the Efailnewydd village to the B4415 and then along the class 3 road to Tan y Bryn. The turbine would be located around 390 metres from the access to Tan y Bryn which is located to the east. A public footpath is located around 230 metres to the south of the site. The nearest residential properties (which are not associated with the proposal) are Pen y Bryn which is located around 405m to the south-east and Tan y Bryn which is located around 446m to the south.
- 1.3 The site is within the Landscape Conservation Area and the Registered Historic Landscape of Llŷn and Bardsey. The Area of Outstanding Natural Beauty is located around 2.3km to the south and 3.5km to the west of the site. The Llŷn Fens Conservation Area and the Rhyllech Uchaf Site of Special Scientific Interest are located around 170 metres to the north east. The Plas Bodegroes Historic Park and Garden is located around 1.6km to the east.
- 1.4 The proposal has been screened for an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) (Wales and England) Regulations 1999 (as amended). Having assessed the likely impact of the proposal for a 45m turbine using the relevant criteria in columns 2 and 3, together with the guidelines of the Welsh Office Circular 11/99, it is considered that the impact of the development on the environment is insufficient to justify submitting an environmental statement with the application.

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1.5 The application is submitted to the Committee in light of receiving three or more correspondences that are contrary to the recommendation.

2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Gwynedd Unitary Development Plan 2009:

STRATEGIC POLICY 2 – THE NATURAL ENVIRONMENT

STRATEGIC POLICY 3 – BUILT AND HISTORIC HERITAGE

STRATEGIC POLICY 9 – ENERGY

POLICY A1 – ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS - Ensure that sufficient information is provided with the planning application regarding any significant likely environmental or other impacts in the form of an environmental impact assessment or other impact assessments.

POLICY A3 – PRECAUTIONARY PRINCIPLE - Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless the relevant impact assessment can show beyond doubt ultimately that the impact can be avoided or alleviated.

POLICY B8 – AREAS OF OUTSTANDING NATURAL BEAUTY - Safeguard, maintain and enhance the character of the Areas of Outstanding Natural Beauty by ensuring that proposals conform to a number of criteria aimed at protecting the recognised features of the site in accordance with the statutory requirements of the Countryside and Rights of Way Act 2000.

POLICY B10 – PROTECT AND ENHANCE LANDSCAPE CONSERVATION AREAS - Protect and enhance Landscape Conservation Areas by ensuring that proposals conform to a series of criteria aimed at avoiding significant harm to recognised features.

POLICY B12 – PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS - Safeguard landscapes, parks and gardens of special historic interest in Wales from developments which would cause significant damage to their character, their appearance or their setting.

POLICY B15 – PROTECTION OF NATURE CONSERVATION SITES OF INTERNATIONAL SIGNIFICANCE - Refuse proposals which are likely to cause significant damage to nature conservation sites of international significance unless they conform to a series of criteria aimed at managing, enhancing and safeguarding the recognised features of such sites.

POLICY B16 – PROTECTING NATIONALLY IMPORTANT NATURE CONSERVATION SITES - Refuse proposals which are likely to cause significant

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harm to nature conservation sites of national significance unless they conform to a series of criteria aimed at protecting, enhancing and managing the recognised features of the sites.

POLICY B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT – Refuse proposals which are likely to cause disturbance or unacceptable damage to protected species and their habitats unless they conform to a series of criteria aimed at safeguarding the recognised features of the site.

POLICY B21 – WILDLIFE CORRIDORS HABITAT LINKAGES AND STEPPING STONES - Safeguard the integrity of landscape features which are important for wild flora and fauna and development will only be permitted if it can be shown that the reasons for the development clearly outweigh the need to retain the features and that mitigating measures can be provided.

POLICY B23 – AMENITIES - Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

POLICY B33 – DEVELOPMENTS THAT CREATE POLLUTION OR NUISANCE - Protect public amenities, health and the natural or built environment from high levels of pollution.

POLICY C26 – WIND TURBINE DEVELOPMENTS - Proposals for wind turbine developments within the Llŷn AONB will be refused, and in other locations only proposals for small-scale or community or domestic based wind turbine developments will be approved provided they can comply with a series of criteria.

POLICY CH33 – SAFETY ON ROADS AND STREETS - Development proposals will be approved provided they can conform to specific criteria relating to the vehicular access, standard of the existing roads network and traffic calming measures.

Planning Consideration – AONB Management Plan.
 Supplementary Planning Guidance - Onshore Wind Energy (June 2014)
 Final Report of the Anglesey, Gwynedd and Snowdonia National Park Landscape Sensitivity and Capacity Assessment (March 2014)

2.3 National Policies:

Planning Policy Wales (7th Edition, November 2014)
 Chapter 2 – Development Plans
 Chapter 4 - Planning for Sustainability
 Chapter 5 - Conserving and Improving Natural Heritage and the Coast
 Chapter 12 - Infrastructure and Services
 Chapter 13 – Minimising and managing environmental risks and pollution

Technical Advice Note (TAN) 8: Renewable Energy (2005)

Technical Advice Note (TAN) 11: Noise (1997)

Landmap Information Advice Note, Countryside Council for Wales, Number 3 – Using Landmap for Visual Assessment of Onshore Wind Turbines (June 2010)

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A Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, CADW 1998.

3. Relevant Planning History:

3.1 The application has no relevant planning history.

4. Consultations:

Community Council: No observation as a clear policy does not exist.

Transportation Unit: No objection in principle, however more information is needed or conditions need to be included regarding highway matters to ensure that the proposal does not deteriorate the local roads network. The application states that the turbine components and the concrete loads could be transported to the site in regular vehicles without any adaptations to the local roads network. While I accept that statement, I also note that it is intended to construct an access track through the fields towards the site, and from the measurements in the Construction Traffic Management Plan it seems that 210 cubic metres of hardcore must be transported there to construct it. There is no mention regarding where this material will come from and confirmation should be sought regarding where the applicant intends to get this material before commencing any work. Therefore, I assume that between the vehicles transporting the turbine, staff movements and transporting the hardcore, the associated traffic flow can be expected to have a detrimental impact on the local roads network. I therefore recommend the inclusion of conditions / notes regarding conducting a road condition survey jointly with the highways department prior to and after the work, in order to safeguard road condition and to ensure that the applicant is responsible for repairing any damage created.

Public Protection Unit: Wind turbines have the potential to affect the amenities of local residents by generating noise in or nearby neighbouring residential housing. We accept the conclusions that have been included in Roger Parry & Partners' Design and Access Statement, dated June 2014, regarding noise levels in noise-sensitive properties in the area of the development and that sufficient distances are in place to ensure that the minimum levels of ETSU-R-97 are not broken. To ensure that the wind turbine is lower than the ETSU-R-97 standard, I enclose conditions that restrict the turbine's noise level to 35dB LA90 during the day and 43dB LA90 during the night for residents along with no financial commitment in the development, and to 43dB LA90 day and night for the owner of the turbine. Therefore, in terms of noise impact we have no objections to this application being approved, subject to including conditions as part of any permission granted. The purpose of the conditions is to protect local residents from the impact of unreasonable noise emanating from the wind turbine in the future. Thank you once again for the opportunity to review the application.

Biodiversity: An ecological report has been submitted with the application:

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(Ecological Appraisal November 2014 Quants Environmental Limited). I am pleased with the majority of the report's content apart from the part regarding bats. The report states:

"The turbine will be located adjacent to two earth bunds containing lines of gorse (east and south). Several of the field boundaries within the site comprise fragmented lines of gorse."

After visiting the site I can confirm that the turbine is near the line of gorse on top of the hedgerow. Bats use such characteristics to fly along it. This means that there is a risk that the turbine would kill bats when in operation.

There is specific advice regarding bats and turbines in a document published by English Nature:

Natural England Technical Information Note TIN051 Bats and onshore wind turbines *Interim guidance*

This document is acknowledged in Wales and England as the most recent advice. It recommends that a turbine should not be located where the front of the blades is nearer than 50 metres to a bat feature such as woodland or a hedge. The turbine in this case is slightly nearer than 50 metres. The ecological report confirms this:

"Whilst the concentration of bat activity is expected to be low, the location of the turbine does increase the risk of direct harm to bats due to the proximity of the gorse / earth bunds."

The report also recommends mitigating the effect through cutting the gorse. Although this seems like a reasonable solution, bats can continue to use traditional flightlines even after vegetation is cut. Also, the low banks will remain and will therefore be a physical feature for bats to follow.

For these reasons, it is not possible to decide on the application until more information is received - i.e. a series of surveys that can confirm the flightlines of bats in the proximity of the proposed turbine. The survey must be undertaken in the season when bats fly - May to September.

AONB Unit:

Location:

Agricultural land that is part of Tanybryn farm, Rhydyclafdy

Relevance to Llŷn AONB:

The location of the proposed development lies outside the boundary of the Llŷn AONB. At its nearest point, the boundary of the AONB is around 2.3km to the south and 3.5km to the west.

Relevant policies:

Policy C26, Unitary Development Plan: renewable energy. It is noted in this policy that small-scale wind turbines can be acceptable outside the AONB, provided that a series of criteria are met. In terms of the AONB, the most relevant of its criteria in this case is Criterion 1, namely that "the development would not have a significantly harmful impact on the setting of the Llŷn or Anglesey AONBs..."

Policy B8, Unitary Development Plan: involving protecting views in

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and out of the AONB. It is noted in the Policy justification: “Development on land near the Llŷn or Anglesey AONB that would be visually prominent or would have a detrimental effect on views into or out of the area will not be approved unless there are special grounds to justify it.” It is also noted: “Views into the AONB, as well as views out of the area, particularly from the roads, rights of way, or other public areas are extremely important.”

Policy PP55, Llŷn AONB Management Plan notes: “Support renewable energy initiatives that are appropriate given the sensitive environment of the AONB”, whilst Policy TP4 notes: “Withstand developments that would be intrusive on the landscape, coastline or seascape of the AONB”.

Conclusions:

A Design and Access report is submitted as part of the application, which includes consideration of the impact on the landscape and the visual effects. The report submitted does not cover the AONB which has national protected status and is near the development, or to the visual effects of locations that are within the boundary of the AONB such as Mynydd Tir Cwmwd, Llanbedrog and Foel Gron and Mynytho. The photomontages have not looked from the hills within the AONB and therefore concern must be expressed that the likely effect of the development has not been fully assessed.

The turbine would be prominent from a number of locations in the AONB; the effect would be more prominent while the blades are in motion.

Local and national policies note the importance of protecting the AONB, including the views into and out of the area and in this case the turbine would impact the setting of the AONB and views into and out of the area, and as a result we object to the application.

Llŷn AONB Joint Committee Statement*:

The Joint Committee has adopted a statement on wind turbine applications in the area and has asked for this to be submitted in the case of relevant applications:

“Every application for a wind turbine within the Llŷn AONB should be refused, in accordance with the policy” – C26 (Wind Turbine Developments) – “Proposals for wind turbine developments on sites within the Llŷn AONB will be refused.”

“Every application for a wind turbine greater than 11 metres within the boundary and views of the Llŷn and Bardsey Landscape of Outstanding Historic Interest should be refused to prevent significant harm to the setting and views of the Llŷn AONB”.

* Llŷn AONB Joint Advisory Committee. The Joint-Committee has been established since 1997 with the aim of advising the Local Authority and other bodies on landscape conservation and rural and environmental management that affects the AONB. Local Members,

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Community Councils, Organisations and Establishments are members of the Joint Committee.

Natural Resources Wales:

Observations through letter, 2 March 2015

Natural Resources Wales continues with its objection to the proposal unless adaptations could be made to the location of the turbine. Relocating the turbine as noted below would satisfy the concerns about the possible effect of the proposal on bats.

Protected Species

Additional information was submitted by the applicant in the form of a general ecological evaluation, namely a Quants Environmental Ltd. report, November 2014. This report is a part 1 report and acknowledges the main type of vegetation in the area. The report acknowledges that the hedge (a linear feature) could be used by bats. To avoid affecting bats, the report suggests removing the hedge in the proximity of the turbine. Removing the hedge would permit a minimum buffer of 50 metres of linear feature (Natural England Technical Information Note 051/059). Mitigating measures regarding removing the hedge have been suggested in the form of improved management of the features of other hedges in the applicant's ownership.

Removing the hedge in order to approve this development is not something that Natural Resources Wales would approve. As previously stated, Natural Resources Wales is of the opinion that bats would likely use the hedge feature nearby the site of the proposed turbine. Removing the hedge would fragment the feature and could have a detrimental impact on bat species. It is advised that the only way this development could be put to work is if the turbine is located in a location that would allow a buffer of 50 metres from habitat or linear features. It appears that there are fields directly adjacent to the site of the turbine that would enable greater separation distances from linear features.

Observations included in a letter, 30 May 2014

Protected Landscapes

The proposal is located around 3.5km from an Area of Natural Beauty. Natural Resources Wales is of the opinion that it is unlikely that the proposal will have a significant damaging impact on this designated landscape. We have not considered the possible effect of the proposal on local visual receptors.

Rights of Way Unit:

Need to ensure that public footpath no. 15 (Llannor) is protected during and at the end of the development.

Welsh Water:

No objection.

Scottish Power, UK Fuel & Power Industry

No objection.

Defence Estates, Ministry of Defence:

No objection.

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National Air Traffic Service (NATS): No objection.

Ofcom: No objection.

Crown Castle UK Ltd: Not received.

Arqiva (Terrestrial Broadcasting): No objection.

BBC Spectrum Planning: No objection.

CADW: Not received.

Welsh Historic Gardens Trust: Awaiting a response.

Gwynedd Archaeological Planning Service: It does not appear that there are significant archaeological implications to the application. However, we would note in response to paragraphs 2.1 and 8.3 of the Design and Access Statement that the Plas Bodegroes Registered Park and Gardens is within 2km of the site and that the site is located within the Llŷn and Bardsey Area of Outstanding Historic Interest. It is recommended to consult with historic landscape officers and CADW historic parks and gardens officers on the proposal.

Public Consultation: The application was advertised through notices on site, in the press, and nearby residents were notified. The advertising period has ended and a number of correspondences were received objecting to the proposal. The relevant planning objections have been summarised below:

- Impact on the visual amenities of the area and the turbine would be an eyesore.
- The size of the turbine is too big and it would dominate the landscape.
- The turbine is located on top of a plateau.
- The turbine would be visible for a radius of several miles including the Area of Outstanding Natural Beauty, and would affect views into and out of the Area of Outstanding Natural Beauty.
- The proposal does not safeguard or enhance the landscape of the Area of Outstanding Natural Beauty.
- The site lies within a Landscape Conservation Area.
- The site is located within an Area of Outstanding Historic Interest.
- Located near land owned by the National Trust in Llanbedrog.
- The site can be viewed from the coastal path.
- The turbine is visible while traversing along several roads in the Llŷn area, such as the A499 Pwllheli to Llanbedrog, the A497 Pwllheli to Nefyn and the B4415 Pwllheli to Rhydyclafdy.

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- The selection of locations for the photomontages is questionable.
- The cumulative impact has not been assessed and this is a cause for concern given that a 74m turbine has been approved in Bodfel and there are several existing or proposed turbines within a 10-15km radius.
- Affects countryside enjoyment in terms of views and stillness.
- The turbine will be visible from several houses in the vicinity.
- Impact on wildlife including birds and bats.
- A Site of Special Scientific Interest is located within a mile of the site.
- Noise effect.
- The proposal is contrary to local and national policies.

As well as the objections based on planning, objections were received which were not relevant planning considerations:

- The proposed turbine would produce much more electricity than the applicant needs.
- The applicant should consider installing solar panels on the roofs of farm buildings or a 10-15m turbine near the farm buildings.
- No reference to any benefits for the local community.
- Impact on tourism and the visitor business.

Several correspondences were received supporting the proposal. The correspondences in support of the application have been summarised as follows:

- Supportive of a diversification enterprise on a farm.
- Helps Gwynedd to be self-supporting in terms of energy and reduces the carbon footprint.
- Not of the view that turbines take away from the area's natural beauty.
- Seeing wind turbines in the distance does not bother people at all.
- The turbine can be seen from neighbouring houses and they look forward to seeing it.

In addition to the correspondence supporting the application, support was received that was not valid planning support which included:

- The applicant will contribute to the Bodegroes Sports Club over the turbine's life and will share the benefits of the development locally.
- The Wales Energy and Planning Report by the National Assembly's Environment and Sustainability Committee has referred to planning deficiencies as well as the need to improve the system and consent to renewable energy projects up to 50MW in Wales.

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 Technical Advice Note 8: Energy, considers the contribution of wind turbines to generating 'clean' electricity as a national requirement and is one of the principal aims of the Assembly's energy policy. The Welsh Assembly Government is of the opinion that wind power offers the greatest potential, in the short term, to increase electricity generated from renewable sources.
- 5.2 TAN 8 also notes that there is a need to ensure that developments do not affect AONBs or National Parks. However, it also notes that small-scale or community or domestic based developments could be acceptable dependent on all other material planning considerations.
- 5.3 No Strategic Search Areas have been identified in Gwynedd due to the proximity of national designated areas such as the Snowdonia National Park and the AONB. Therefore, any development must be assessed on the basis of policy C26 which deals specifically with wind turbine developments, as well as the other relevant planning policies of the Unitary Development Plan. Policy C26 restricts wind turbine developments to small-scale, community or domestic based plans. The policy explanation describes community or small-scale wind turbine developments as developments with the capacity to generate less than 5MW. The turbine that is the subject of this application is a 50kw turbine and would therefore fall under the definition of a small-scale turbine as it would produce less than 5MW.
- 5.4 The main policy to consider when assessing the principle of the development is policy C26 of the Gwynedd Unitary Development Plan (GUDP). Any proposal should conform to the seven criteria, namely:
- 1) that the development would not have a significant detrimental impact on the setting of the Llŷn or Anglesey AONBs or the Snowdonia National Park;
 - 2) that any associated ancillary developments...are designed and, where possible, sited so as to alleviate their potential visual impact;
 - 3) that the development (either individually or combined with other wind turbine developments) will not have a significant detrimental impact on the landscape or nature conservation features;
 - 4) that there are no unacceptable potential environmental impacts or effects on amenity arising from the wind turbines including noise, light reflection and shadow flicker;
 - 5) that the development will not create significant electromagnetic interference to existing transmitting or receiving systems that cannot be adequately mitigated;
 - 6) that adequate provision has been included in the scheme regarding the decommissioning..., restoration and aftercare of the land...;
 - 7) that the development will not cause significant harm to areas of archaeological importance, particularly within or near designated areas.

Visual amenities

- 5.5 The structure would be located on a plateau of elevated land of around 45m. The location is open and prominent in the Landscape Conservation Area. The Llŷn Area of Outstanding Natural Beauty is located around 2.3km to the south and 3.5km to the west of the site. The AONB extends from the Garn Fadryn slopes down towards the

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south to Garn Saethon and Moel Gron, and then further towards Mynydd Tir Cwmwd. From Mynydd Tir Cwmwd it is possible to look across the Landscape Conservation Area, which contains the site of the application, towards Garn Boduan which is located within the AONB. Garn Boduan, and therefore the AONB in this case, is located some 4.6km to the north west of the site of the application. Therefore, from various distances the AONB designation encompasses a large part of the site. From sites within the AONB such as Garn Fadryn and Mynydd Tir y Cwmwd, it is also possible to look across the land that is within the Landscape Conservation Area including the site of the application towards Snowdonia. Therefore, it must be acknowledged that the site is in a sensitive location in relation to the surrounding landscape.

- 5.6 The character and nature of the landscape is defined by LANDMAP work. From a LANDMAP visual and sensory landscape aspect, the site of the application is located within the Boduan plateau – centre of Llŷn. Briefly, the LANDMAP assessment of the area states that the area is of moderate value from a visual and sensory landscape aspect, and notes that it consists of undulating farm land without any characteristic features, but is nonetheless very deserving of its local importance. The LANDMAP information also notes that it is generally a tranquil pleasing landscape which the eye moves over in a rhythmic and relaxed way. In terms of historic landscape it is assessed as one of medium quality, mainly because of the fact that it is located in a historic registered area.
- 5.7 Recent work (2014) has been undertaken by Gillespies on behalf of the Council which assesses the sensitivity and capacity of the landscape to cope with specific types of developments. According to the work that had been undertaken, the site of this application is located within the G10 Centre of Llŷn Landscape Character Area. This study states that the landscape of the character area is a comparatively tranquil one with human influences restricted to dispersed rural properties and villages linked by a network of local roads. Views into and out of important landscapes and cultural heritage features such as the Llŷn AONB, Special Landscape Areas, and Historic Landscapes, increase the sensitivity of this landscape to wind energy developments. The sensitivity is exhibited further through the value that is placed on some parts of the landscape that lie within the Llŷn AONB and the Llŷn and Bardsey Landscape of Historic Interest. This is combined with other sensitive receptors, which means that there is a high degree of sensitivity to the landscape. The Sensitivity and Landscape Capacity Study concluded that the G10 Area of Landscape Character was medium to highly sensitive to wind energy developments. Also, it is stated that within the AONB and the Special Landscape Areas (together with those areas that contribute to their setting) there is no capacity for wind energy developments. There could be limited capacity for micro-developments that would likely contain a single turbine measuring 20m to the tip of the blade outside these areas. However, any new development would need to be sensitively sited to avoid an accumulative impact with existing modern vertical developments. In this case, the proposal would involve locating an additional turbine (45m to the tip of the blade) on an open plateau without being near any existing buildings. It is therefore not considered that the proposal complies with the findings of the Landscape Sensitivity and Capacity assessment, and approving the proposal would mean adding a vertical structure measuring 45 metres in height to a landscape that has been identified as one that has medium to high sensitivity to wind energy developments.
- 5.8 Policy B10 of the GUDP notes that it must be ensured that developments within the Landscape Conservation Area are sited in locations, and are of designs, that ensure

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that they integrate to the landscape. Given the open and still nature of the site, and its location on a plateau of elevated land measuring 45m in height, it would be very difficult for such a 45m structure to integrate to the landscape. A substantial number of the objectors have expressed concern regarding the proposal's impact on the area's landscape and visual amenities, noting that the structure would seem dominant in the landscape.

- 5.9 Due to the fact that the site is visible from the AONB and vice versa, the application must therefore be considered in the context of Policy B8 which aims to safeguard, maintain and enhance the character of the area. It is arguable that the special character of the AONB does not end with the designation itself; there is natural progression in the character of the landscape and it follows that the turbine would impact on those views into the AONB, from the AONB and across the AONB.
- 5.10 Paragraph 5.3.5 of Planning Policy Wales states that the main objective while designating an AONB is to safeguard and enhance its natural beauty. Development plan policies and development control decisions affecting AONBs should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and community well-being of the areas. There is therefore an official duty to respect the intent of the AONB. Further on in paragraph 5.3.6 of Planning Policy Wales, it is stated that the National Park is of equal status to the AONB in terms of their landscape and scenic beauty, and both must be completely safeguarded from inappropriate developments. There is a large emphasis on safeguarding and enhancing natural beauty, wildlife and cultural heritage. Paragraph 5.3.7 of Planning Policy Wales states that there are duties to consider National Park and AONB purposes that also apply to activities affecting these areas, whether those activities lie within or outside the designated areas.
- 5.11 Due to the open nature of the topography and the location of the proposal on a plateau, the structure would be a prominent feature and would be visible from near and far away locations.
- 5.12 As well as this, other turbines have been erected or have obtained permission to be erected in the area. The nearest of these is the Bodfel Hall site, which has permission for a 74 metre turbine located around 2.5km to the north of the site, and Gwynfryn which is located around 2.7km to the north east of the site where a 29.9 metre turbine has been erected. Further along, the Castellmarch turbines (located 5.8km to the south west) and Bodwi (located 6.3km to the south west) can be seen. Consequently, the LPA will need to consider the likely cumulative impact that would emanate from an additional turbine. Whilst each application must be considered according to its own merits, it must also be ensured that there will not be an unacceptable cumulative impact from having a concentration of turbine developments relatively close together in one area.
- 5.13 Certainly, the proposed development would be prominent while travelling along the roads network including highways and smaller country roads in the area. For example, it would be visible while travelling on the A499 Pwllheli to Llanbedrog, the A497 Pwllheli to Nefyn, the B4413 Mynytho to Llanbedrog, the B4415 Efailnewydd to Rhydyclafdy, the class 3 road from Llannor which merges with the A497, the class 3 road from Penrhos which merges with the B4415 between Efailnewydd and Rhydyclafdy. The proposal would also be visible and prominent to path users in the area, including the public path located around 230 metres to the south of the site and the coastal path between Pwllheli and Llanbedrog. Paths can also be found on higher

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grounds within the AONB, such as Garn Fadryn and Mynydd Tir Cwmwd which have views across the Landscape Conservation Area, which includes the site of the application, towards other parts of the AONB such as Garn Boduan and then further on towards Snowdonia. It would also be prominent from several neighbouring settlements such as Rhydyclafdy, Efailnewydd, Penrhos and Pwllheli. Photomontages that were received as part of the application show that the turbine would be visible from many locations e.g. while looking across Pwllheli Sports Club in Efailnewydd, exactly in front of motorists while travelling down the road from Llannor near Penllwyn, from the Mynytho direction while looking towards the Snowdonia mountains, from the coastal path near Llanbedrog beach, from the A499 while looking to the west on the outskirts of Pwllheli and from Pwllheli marina. At present, the landscape is easy on the eye and a tall and mobile turbine located on a plateau would certainly draw attention, and would undoubtedly have a damaging impact on distant and near views from the county road, paths and beyond. It is likely that from some locations the proposed Bodfel Hall turbine and the Gwynfryn turbine would be seen in the same context. However, given the distances between them, it is not considered that it would cause a substantial cumulative impact.

- 5.14 It is seen from the consultations that Natural Resources Wales does not object to the proposal based on an impact on the AONB. NRW is of the opinion that it is unlikely that the proposal will have a substantial damaging impact on this designated landscape. However, they also state that they have not considered the possible effect of the proposal on local visual receptors. The response of the AONB Unit was received on the proposal and they object to the proposal noting that local and national policies note the importance of safeguarding the AONB, including the views into and out of the area and in this case the turbine would impact on the setting of the AONB and views into and out of the area. The observations of the AONB Unit also refer to the fact that the proposed turbine would be prominent from several locations within the AONB and that the effects of the turning blades would make it more prominent. It is therefore considered that the development would affect inward and outward views of the Llŷn Area of Outstanding Natural Beauty and on local visual receptors. From locations in the AONB, either from Mynydd Tir Cwmwd, Garn Fadryn, and Garn Boduan, there would be prominent and unobtrusive views of the proposed turbine. Therefore, it could be argued that the proposal would detract from the experience and enjoyment of the public views inward, outward and across the landscape of outstanding natural beauty that would undoubtedly clash with the statutory purposes of the designation.
- 5.15 It is also noted that the site is located within the Llŷn and Bardsey Registered Historic Landscape which has been designated because of its historic landscape features and records, where remains of activity over the ages can be found. They are identified as important landscapes, not only because of their individual monuments record, but also for their interrelationship with the open spaces between them. The structure would be located on a plateau and the proposal would impact on the current interrelationship and views between higher lands within the AONB such as Garn Fadryn, Garn Boduan and Mynydd Tir Cwmwd. The proposal would therefore be visible over widespread panoramic views. Due to the open nature of the site, it is considered that the turbine will likely have an effect that extends beyond the locality, as it will detract from the visual interrelationship of the Registered Historic Landscape. Therefore, it is considered that the proposal is contrary to the requirements of policy B12.
- 5.16 After considering the above, it is deemed that the development, because of its nature, size and location, is unsuitable in such a sensitive location. The site lies within a

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Landscape Conservation Area and the Llŷn and Bardsey Registered Historic Landscape which is within visual distance of the AONB, where adding a structure of this type would have a detrimental impact on special views inward, outward and across the AONB and on the visual and historic character of the area in its entirety. It is considered that adding a 45 metre turbine on a plateau which is on elevated land of 45 metres would certainly attract the eye when looking at views into and out of the AONB from higher ground within the AONB. It is also considered that adding a turbine in that landscape with its moving blades would lead to spoiling the widespread and panoramic views. Those views also include expansive land between hill-forts such as Garn Fadryn and Garn Boduan - and it is therefore considered that the proposal would impact on the historic interrelationship between them and in turn would affect the historic character of the registered historic landscape. As the planning permission would be approved for a period of 25 years, it is considered that the harm would be permanent. Therefore, the proposal is contrary to policies B8, B10, B12 and C26 of the GUDP.

Conservation Matters

5.17 Paragraph 8.3 of the Design and Access Statement submitted as part of the application notes that there is no Registered Garden and Park within a 2km radius of the site. However, we can confirm that Bodegroes Registered Garden and Park is located around 1.6km to the east of the site, and that was highlighted in the screening opinion that was put on the proposal prior to the application being submitted. Policy B12 relates to 'Protecting Historic Landscapes, Parks and Gardens' and states that proposals within or on sites that are visible from a park or garden identified ... will be refused if they cause significant harm to their character, appearance or setting. In one of the photomontages submitted it is possible to clearly see the site of the application across the fields of Pwllheli Sports Club in Efailnewydd. These playing fields form part of the essential setting of the registered park and gardens and therefore in this context it would be possible for the turbine to draw attention away from the historic park and garden and its setting. The Welsh Historic Gardens Trust was contacted to see if they had any observations and their response is awaited. However, there is potential here for this proposal to impact on the character and setting of the Bodegroes Grade II Registered Park and Gardens which is contrary to the requirements of policy B12 of the GUDP.

5.18 Paragraph 8.2 of the Design and Access Statement submitted as part of the application notes that there are two listed buildings, namely Tŷ Capel Rhydyclafdy and Pont Rhydyclafdy, within 2km of the site. Although it is not considered that the proposal would directly affect the setting of any individual listed building, it should be noted that there are several other listed buildings within 2km of the site, and a list of the nearest ones was included in the screening opinion created for the proposal prior to submitting the application and, even so, no reference is made to them in the Design and Access Statement that was submitted.

General and residential amenities

5.19 Policy B23 requests that proposals that would cause significant harm to the amenities of the local neighbourhood are refused, and to this end, it is important to ensure that the impact of new developments on the quality and character of the surrounding environment is assessed. Policy B33 is also a consideration as it seeks to protect human amenities, health quality and the natural or built environment from high levels of pollution.

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- 5.20 The Public Protection Unit was consulted on the proposal. The observations state that the wind turbines have the potential to affect the amenities of local residents by generating noise in or close to nearby residential housing. The noise information submitted as part of Roger Parry & Partners' Design and Access Statement, dated June 2014, was assessed and the Public Protection Unit accepts its contents and conclusions and they did not object to the proposal in terms of noise impact. However, the Public Protection Unit recommends including conditions to safeguard local residents from the impact of unreasonable noise emanating from the wind turbines in the future.
- 5.21 It is considered that the distance where shadow flicker could be problematic is within 10 rotor diameters from the turbine. In this case that would be 290 metres. Apart from properties in the applicant's ownership the other residential housing in the vicinity is not within this 290 metres. Therefore, it is not considered that implications in terms of shadow flicker arise from the proposal.
- 5.22 Neither is it considered that the turbine would be likely to create electromagnetic interference to existing transmitting systems, and the statutory consultees had no objection. Therefore, it is not considered that there will be any significant harmful impact on the amenities of nearby residents as a result of the application and thus the proposal would comply with the requirements of policies B23 and B33 of the GUDP.

Transport and access matters

- 5.23 In terms of access and transport matters associated with the proposal, the Highways Unit does not object but a condition would be required to ensure that the proposal does not degrade the local roads network. The application states that the turbine parts and the concrete loads could be transported to the site in regular vehicles without any adaptations to the local roads network. However, it would be necessary to create a 200m long hardcore access road through the fields to the site. The Transportation Unit's observations noted that the measurements in the Construction Traffic Management Plan showed that it would be necessary to transport 210 cubic metres of hardcore there to construct the access road. There is no mention regarding where this material will come from and confirmation should be sought regarding where the applicant intends to obtain this material before commencing on any work. Therefore, it is assumed that between the vehicles transporting the turbine, staff movements and transporting the hardcore the associated traffic flow can be expected to have a detrimental impact on the local roads network. Therefore, it is recommended to include a condition on any permission regarding the need to conduct a road condition survey jointly with the Highways Department before and after the work, in order to safeguard the condition of the road and to ensure that the applicant is responsible for repairing any damage created. In light of that, it is considered that the proposal would be acceptable in relation to Policy CH33 of the GUDP.

Biodiversity Matters

- 5.24 The Llŷn Fens Conservation Area and the Rhyllech Uchaf Site of Special Scientific Interest are located around 170 metres to the north east of the site. The Biodiversity Unit or Natural Resources Wales have not expressed concern regarding the impact of the proposal on these designated sites. It is considered that the proposal is acceptable in respect of Policies B15 and B16 of the GUDP.
- 5.25 The proposal would be located within some 12 metres of a bank with gorse growing on top of it. The Biodiversity Unit and Natural Resources Wales have voiced concerns regarding the proposal in respect of the proximity of the proposal to these

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hedges and vegetation. The technical information document prepared by English Nature provides guidelines on wind turbine developments in relation to bats. This document is acknowledged in Wales and England as the most recent advice. It recommends that a turbine should not be located where the tip of the blades is closer than 50 metres to features such as a woodland or hedge. In this case, the turbine is located within some 12 metres to a hedge with gorse growing on top of it and therefore is located considerably nearer than the recommended 50 metres.

- 5.26 When dealing with the application an ecological report provided by Quants Environmental Limited was received, and this document also confirms that there is not a distance of 50 metres between the hedges / gorse. In the ecological report it is recommended to cut the gorse. However, the Biodiversity Unit's opinion is that although this seems reasonable, there is a possibility that the bats would continue to use traditional flight paths even after the vegetation is cut. The low banks would remain and would therefore be a physical feature for bats to follow. As well as this, Natural Resources Wales do not consider that removing the hedge is something that they would be able to support. Natural Resources Wales is of the opinion that bats would likely use the hedge feature near the site of the proposed turbine, and removing the hedge would fragment the feature which could have a detrimental impact on bat species.
- 5.27 Natural Resources Wales's advice is that the only way this development could be implemented is if the turbine is located in a location that would allow a buffer of 50 metres from habitat or linear features. To do this the turbine would need to be relocated. Although the Biodiversity Unit has suggested submitting additional information in the form of surveys of the flight paths of bats, it is not considered that it is reasonable to ask the applicant to prepare such surveys when Natural Resources Wales was not of the opinion that it would be possible to support a turbine on the site in question due to the detrimental impact on bat species. The applicant was notified of Natural Resources Wales's observations and that it would not be possible to deal with an alternative site for the turbine under the current application. No response was received to this.
- 5.28 In light of the above it is considered that locating a turbine on the site in question would cause unacceptable disturbance and harm to protected species and their habitats, therefore the proposal is contrary to policy B20 of the Gwynedd Unitary Development Plan. Further to this, the proposed mitigating measures would break up the landscape features that create a linear habitat for flying bats thus creating a fragmented habitat. Therefore, it is considered that the proposal is contrary to Policy B21 of the GUDP which requires the safeguarding of wildlife corridors, habitat linkages and stepping stones.

Decommissioning and aftercare

- 5.29 Criterion 2 of Policy C26 relates to associated ancillary developments such as buildings, roads, etc., and states that they should be designed and installed in a way that mitigates their visual impact wherever possible. Criterion 6 of the policy relates to decommissioning, land restoration and aftercare when the use would cease.
- 5.30 Supplementary developments to the turbine include a cabinet measuring 2.2 metres by 1 metre with a height of 2 metres. The cabinet would be green. It is also intended to create a 200 metre long hardcore access road through the fields to the site. The electric cables would be underground from the turbine to the electricity connection. If the proposal to locate a turbine was acceptable in context of the relevant planning

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policies it is considered that these supplementary elements could be acceptable subject to suitable conditions.

- 5.31 It is also considered that the decommissioning, land restoration and aftercare could be managed when the use ceases by means of an appropriate condition, if the application is approved. This would be in accordance with criterion 6 of policy C26.

Any other considerations

- 5.32 In accordance with the Design and Access statement submitted with the application, the proposed turbine would be used for the farm's existing energy needs (which is 51 acres), with the remaining electricity being exported to the national grid.

- 5.33 Technical Advice Note 6 (TAN 6) supports National Planning Policy for sustainable rural communities and section 3.7 focuses on farm diversification. It states "*When considering applications for farm diversification projects, planning authorities should consider the nature and scale of the activity*" and that "*Small on-farm operations such as...renewable energy, are likely to be appropriate uses.*" Therefore, the principle of establishing a renewable energy project such as a wind turbine is a valid diversification activity on a farm subject to the criteria of policy C26.

- 5.34 However, not all forms of wind turbine development on agricultural land would constitute an acceptable farm diversification scheme. In the Supplementary Planning Guidance: Onshore Wind Energy, in paragraph 7.15.2 states that the Council would consider the below cases as diversification plans on a farm:

- The applicant's main occupation is farming and the turbine would be erected on agricultural land which forms part of the applicant's farm holding.
- The turbine would be sited so it appears to physically relate to the farm complex in terms of its size, scale and location.
- The wind turbine proposal would be clearly subsidiary to the main farming business and sufficient information is provided to demonstrate how the wind turbine proposal fits into the wider farming pattern and how it will contribute to the long term viability of the farming enterprise.
- The generating capacity of the turbine is proportional to the energy demands of the farming enterprise. The Council will assess this by comparing the size of the turbine in terms of its generating capacity against the annual electricity requirements of the farm complex.
- Accurate annual electricity consumption data for the farm complex should be provided together with the predicted annual electricity output of the proposed turbine(s) in kWh or MWh.
- The turbine would be connected to the electricity grid via the farm's electricity meter so the electricity generated can be preferentially used onsite, rather than 100% of the electricity being exported directly to the grid."

- 5.35 There is no doubt that the turbine is to be located on agricultural land and the information submitted refers to the fact that the proposal would be a way of continuing the farm's viability, which extends to 51 acres. However, given the size of the farm in comparison with the size of the turbine which would have a capacity of 225 kw, it is questionable whether the turbine's generating capacity is proportionate to the needs of the farming enterprise itself. However, full details were not submitted regarding the turbine's producing capacity against the farm buildings' annual electricity requirements to be able to assess this fully. The turbine would certainly not be sited to appear to physically relate to the farm complex in terms of its size, scale and location. Therefore, it is not considered that the proposal conforms to the

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advice given in the Supplementary Planning Guidance in respect of erecting a wind turbine as a diversification project on a farm.

- 5.36 The objectors note that there will be no community benefit from the turbine and that it would ruin the landscape of Llŷn for the benefit of the applicant only. One letter of support referred to the fact that the proposal contributed towards Pwllheli Sports Club but no mention of this is included in the application. However, there is no clear information about these arrangements and the Local Planning Authority has received no certainty that these plans would be realised if the application was approved and this could not be controlled via the planning process.
- 5.37 It is important to note the clear direction given in Appendix B of TAN 8, that states it is acceptable for a developer to offer benefits on top of what would be necessary for the development in question to proceed but that these benefits should not influence the decision process. Paragraph 2.16 TAN 8 emphasises that contributions of such benefits should not cause consent to be given to an application that would not otherwise be acceptable in planning terms. In accordance with TAN 8, the absence or presence of any contribution to local communities is not a matter that would be considered by a Local Planning Authority when determining whether a planning consent should be granted or not. This is reiterated in Paragraph 11.1 of the Supplementary Planning guidance 'Onshore Wind Energy' which states that the absence or presence of any contribution to local communities is not a matter that will be considered by the council when determining whether consent should be given or not.
- 5.38 It must therefore be emphasised that any arrangement for achieving any community and economic benefits would be outside the planning system. Also, it should be noted that any community and / or economic benefit mentioned will not reduce or overcome the substantial harmful impact of the development on the AONB, on the protected historic landscape nor its effects on the settings of archaeological importance and will not overcome the relevant local and national policy considerations which have already been discussed.
- 5.39 In accordance with national planning guidance and the supplementary planning guidance referred to above, the community and /or economic benefits mentioned are not material planning considerations in assessing this application. It is therefore vital to consider this application to locate a turbine on the land by assessing all planning considerations that are relevant to the application only.

6. Conclusions:

- 6.1 When weighing up the proposal in the context of the policies discussed above, assessing the likely impact of the turbine against the national renewable energy promotion strategies, along with considering the arguments of the objectors and supporters, it is considered that the proposal in its current form does not meet the requirements of all above-mentioned planning policies.
- 6.2 It is believed that a structure measuring 45m at its highest point would be a prominent, elevated, alien and overbearing feature in the landscape. In addition, it would have an insensitive effect on the visual amenities of the Landscape Conservation Area, the Llŷn and Bardsey Registered Historic Landscape and vast views inward, outward and across the Llŷn Area of Outstanding Natural Beauty and towards the Snowdonia mountains. Whilst national objectives to promote renewable

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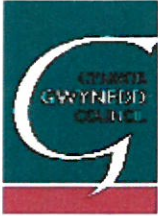
energy are noted, such developments should be on a scale and in locations where they do not compromise the special quality of a sensitive area of this type. Whilst it is noted that there are no concerns regarding the impact of the proposal on the amenities of the neighbourhood, in relation to noise and nuisance, or road impacts, the Council has not been convinced that the proposal complies with the requirements of all policies noted above. The advantages of the proposal would be minor and would happen to the detriment of the landscape and local heritage in its entirety. To this end, and based on the information presented in part of the application, it is considered that the proposal is contrary to Policies B8, B10, B12 and C26 of the Unitary Development Plan.

- 6.3 As well as this, it is considered that the proposal would have a detrimental impact on bats and their flight corridors. The proposal to locate a turbine on this site would cause unacceptable disturbance and damage to bats - which are a protected species along with their habitat - and therefore the proposal is contrary to policy B20 of the Gwynedd Unitary Development Plan. Further to this, the proposed mitigating measures would break up the landscape features that create a linear habitat for flying bats creating a fragmented habitat. Therefore, it is considered that the proposal is contrary to Policy B21 of the GUDP which requires the safeguarding of wildlife corridors, habitat linkages and stepping stones.

7. Recommendation:

7.1 To refuse – reasons -

- 1 It is considered that the turbine, due to its scale and location on a plateau in an open and sensitive area, would have a detrimental impact on the historic character of the landscape and on views inward, outward and across the Area of Outstanding Natural Beauty and on the Landscape Conservation Area and Llŷn and Bardsey Registered Historic Landscape designations. The proposed turbine is therefore contrary to policies B8, B10, B12 and C26 of the Gwynedd Unitary Development Plan, and Technical Advice Note 8 (Renewable Energy) Planning Policy Wales.
2. The proposal would cause unacceptable disturbance and damage to bats - which are a protected species along with their habitat - by fragmenting the landscape features which create a linear habitat for flying bats, and therefore the proposal is contrary to policies B20 and B21 of the Gwynedd Unitary Development Plan.



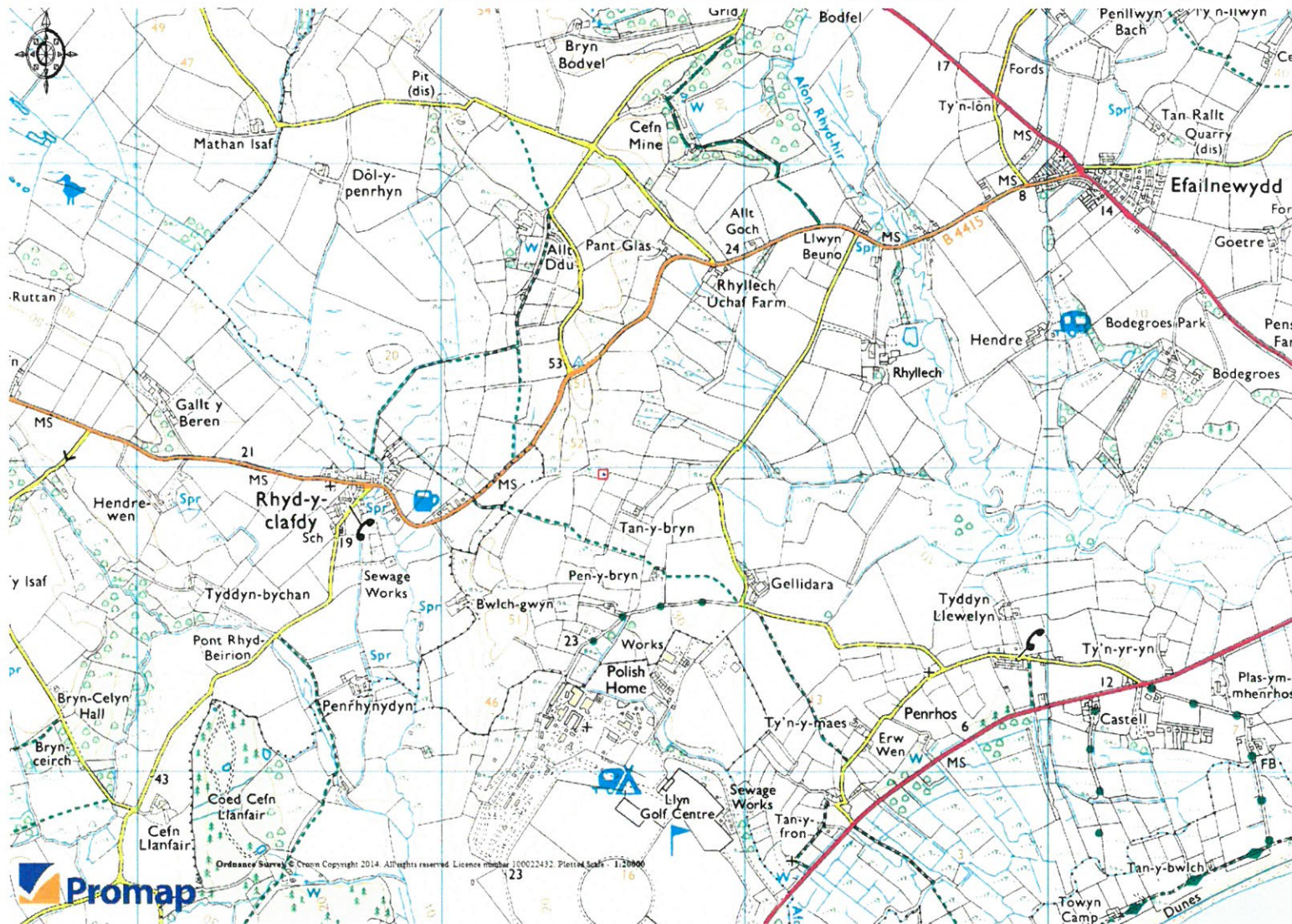
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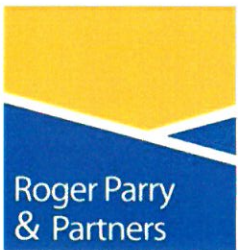
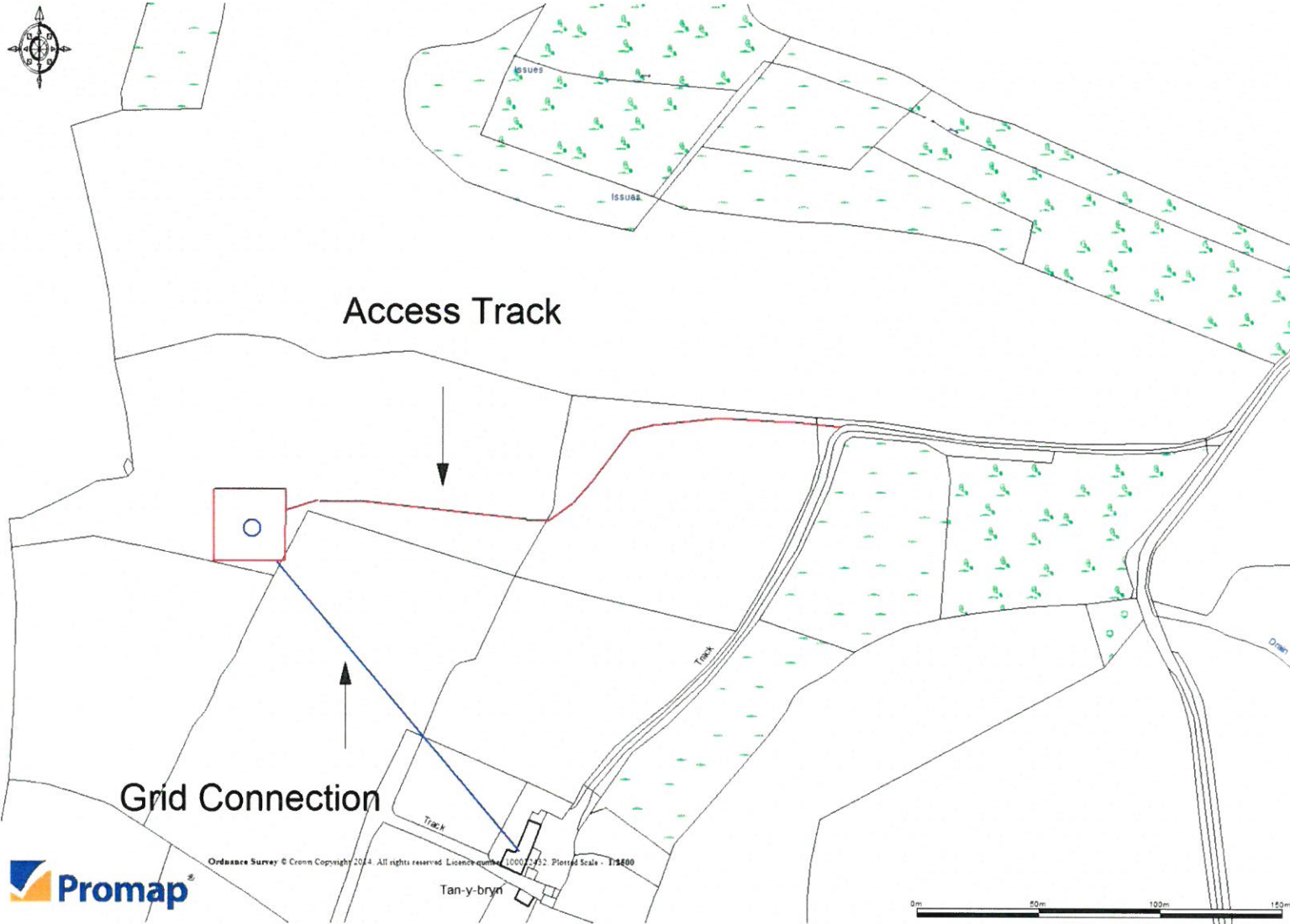
mail@rogerparry.net

Tel: 01691 655334

Fax: 01691 657798

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The Property Experts

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TITLE:	Site plan
LOCATION:	Tan y Bryn, Rhydyclafdy, Pwllheli, Gwynedd, LL53 8TW
SCALE:	1:20000
DATE:	Jun-14
DRAWING NO:	RJC/RB/W/02
DRAWN BY:	RB



www.rogerparry.net

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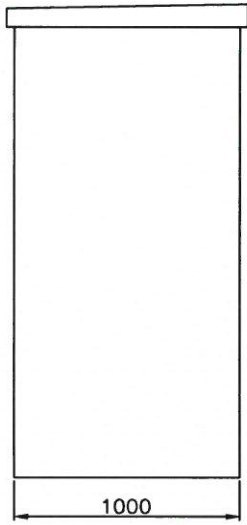
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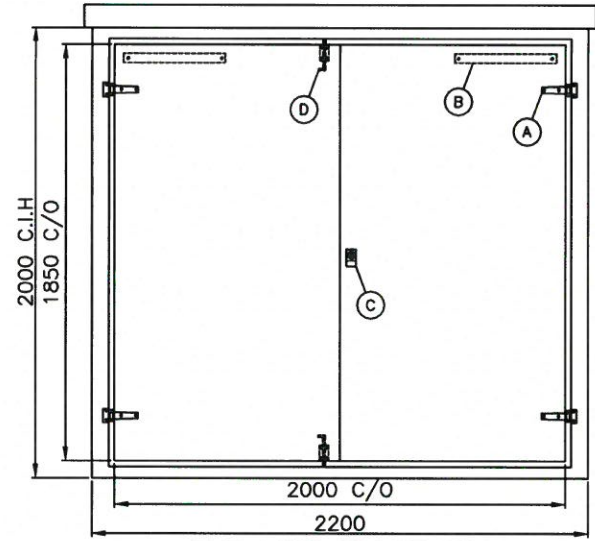
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JOB:	Installation of a 30.5m to hub (45.07m to tip) wind turbine with control box and all associated works
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TITLE:	Location plan
LOCATION:	Tan y Bryn, Rhydyclafdy, Pwllheli, Gwynedd, LL53 8TW
SCALE:	1:2500
DATE:	Jun-14
DRAWING NO:	RJC/RB/W/01
DRAWN BY:	RB

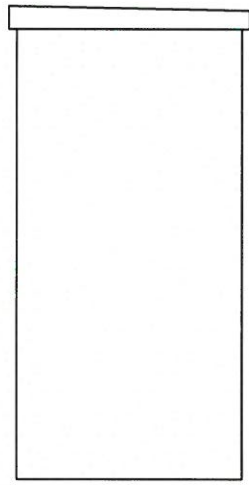
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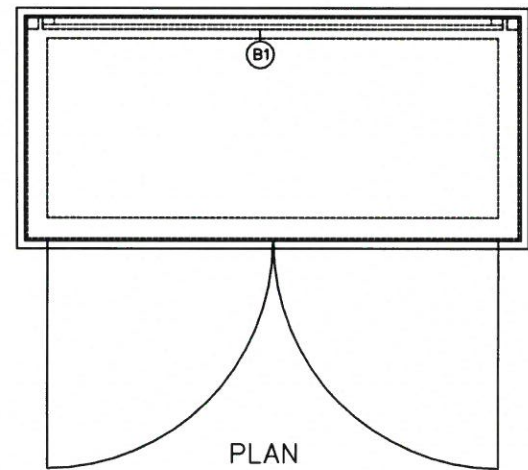
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EXT VIEW FRONT WALL



EXT VIEW R/H WALL



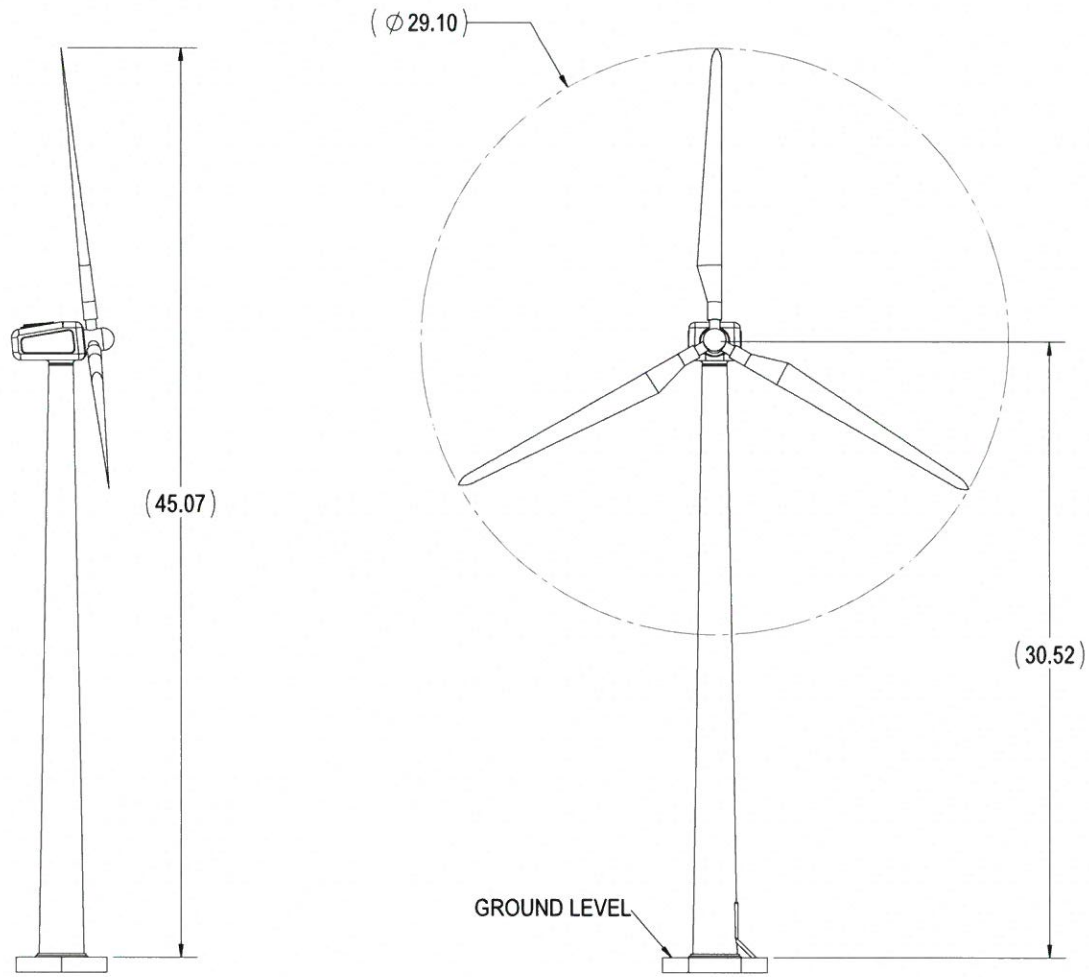
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INSPECTED BY	INSP DATE		

53 B STRADEY BUSINESS
CENTER, LLANGENNECH,
LLANELLI,
SA14 8YP
TEL: 01554 823812
FAX: 01554 823811
EMAIL: protectales@aol.com





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TITLE: X29 Elevation, 30m Monopole

PART NUMBER	REVISION	PRINT DATE	SHEET
1005626	1	07/Mar/2014	1 / 1