

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

**REPORT BY:** **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

**SUBJECT:** **APPEAL BY NANT Y FFRITH ENERGY LIMITED  
AGAINST THE DECISION OF FLINTSHIRE COUNTY  
COUNCIL TO REFUSE PLANNING PERMISSION  
FOR THE ERECTION OF WIND TURBINE UP TO  
77M VERTICIAL TIP HEIGHT WITH ASSOCIATED  
CRANE PAD, SUBSTATION BUILDING,  
FORMATION OF NEW TRACK AND NEW  
ENTRANCE JUNCTION OFF UNCLASSIFIED  
ROAD AND PROVISION OF TEMPORARY  
CONSTRUCTION COMPOUND AT MOUNT FARM,  
FFRITH – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 051143

**2.00 APPLICANT**

2.01 NANT Y FFRITH ENERGY COMPANY

**3.00 SITE**

3.01 MOUNT FARM, FFRITH

**4.00 APPLICATION VALID DATE**

4.01 16.03.16

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the decision following an appeal into the refusal of planning permission at Planning and Development Control Committee on 12<sup>th</sup> October 2016 in accordance with the officer recommendation. The appeal was dealt with by written representations and the Inspector was Clive Nield. The appeal was **DISMISSED**.

## 6.00 **REPORT**

6.01 The main issue in this case is the possible effect on the safety of air traffic in and out of Hawarden aerodrome.

### 6.02 Aerodrome Safety

The appeal site is some 13.1 km from Hawarden aerodrome and is offset just to one side of the extended centre-line of one of the runways. As a tall structure on high land it has the potential to affect the safety of planes flying in and out of the aerodrome. There are 3 possible areas of concern: radar line of sight; interference with instrument flight procedures, such as radio navigation and landing aides; and physical safeguarding.

6.03 So far as radar performance is concerned, the turbine would be close to the natural terrain blocking point and so would be unlikely to materially affect radar performance. However, Airbus Operations Limited, the owner and operator of the aerodrome, maintains that some effect is possible due to the unpredictable nature of radar performance. The Council has suggested a condition to address this concern with mitigation measures if found to be necessary, and the Inspector considered that would be sufficient to deal with any small residual risk.

6.04 The Civil Aviation Authority (CAA) has investigated the risks to instrument flight procedures, and all parties accept that these would not be affected. Thus the key issue is physical safeguarding, i.e. the safeguarding of corridor space for aircraft approaching and leaving the aerodrome when landing or taking off. This corridor is defined by "obstacle limitation surfaces".

6.05 The CAA is responsible for the certification of airports and has produced a manual CAP168, "Safeguarding of Aerodromes". That manual specifies that *"New objects or additions to existing objects should not extend above an approach surface, above a transitional surface or above a take-off climb surface, except when in the opinion of the CAA the new object or addition would be shielded by an existing immovable object"*. It is not disputed that the proposed turbine would penetrate these surfaces and that it is not shielded. Thus, it would fail to meet this test.

6.06 However, it is argued that Hawarden airport is unusual in having a great deal of high ground to the south west of the runway, i.e. in the area of the proposed turbine, and that some of the hills are higher than the turbine would be. It is noteworthy that the airport has been awarded an operating licence despite the presence of these physical obstacles, and the Appellant has drawn my attention to the introduction of CAP168, where it is explained that, where insurmountable obstacles exist, the CAA may accept alternative

means of compliance provided acceptable safety standards can be achieved.

- 6.07 The Appellant also argues that the turbine scheme has been modified to be lower than the nearby hills, including the highest hill, Pen Llan y Gwr. It further submits that, if procedures are in place so that it is safe to operate the airport at present, the addition of an object of lower height should not affect that safety. It is also pertinent that the CAA has advised that the turbine would not affect its continuing certification of the airport under safety regulations, and the Appellant argues that that is the definitive statement so far as safety is concerned.
- 6.08 The Inspector did not share the appellants interpretation. The CAA has also made it clear that it supports the aerodrome operator and that the operator is deemed to be the expert and competent authority in safeguarding the aerodrome. It also advises that, based on the information provided by the operator, the CAA has no reason to disagree with the operator's objection to the wind turbine development. The aerodrome operator has provided detailed evidence on the penetration of the obstacle limitation surfaces, and that evidence has not been disputed. There is also concern about the performance of the new transport aircraft, the A330-based Beluga, which is due to start flying in 2018 and which is likely to be an important user of the airport.
- 6.09 The Inspectors conclusion was that, whilst CAP168 makes provision for flexibility where insurmountable obstacles exist, that does not justify the same approach to flexibility for the introduction of new objects within the corridor defined by the obstacle limitation surfaces. Whilst such objects may be less of an intrusion than existing features, such as hills, they are an additional obstacle within the aircraft corridor space and so are detrimental to aircraft safety. In this case the proposed wind turbine would erode the operational safety of Hawarden Aerodrome, contrary to Policy AC12 of the adopted Flintshire Unitary Development Plan. Policy AC12 does not permit development that would prejudice the safe and efficient operation of Hawarden Airport.

## **7.00 CONCLUSION**

- 7.01 The Inspector did not consider the renewable energy benefits of the proposed development would outweigh the harm caused to the safety of aircraft operations at Hawarden Aerodrome. On balance, he concluded that it would conflict with development plan and national policy, and for the reasons given above he concluded that the appeal should be **DISMISSED**.

## **LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

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