

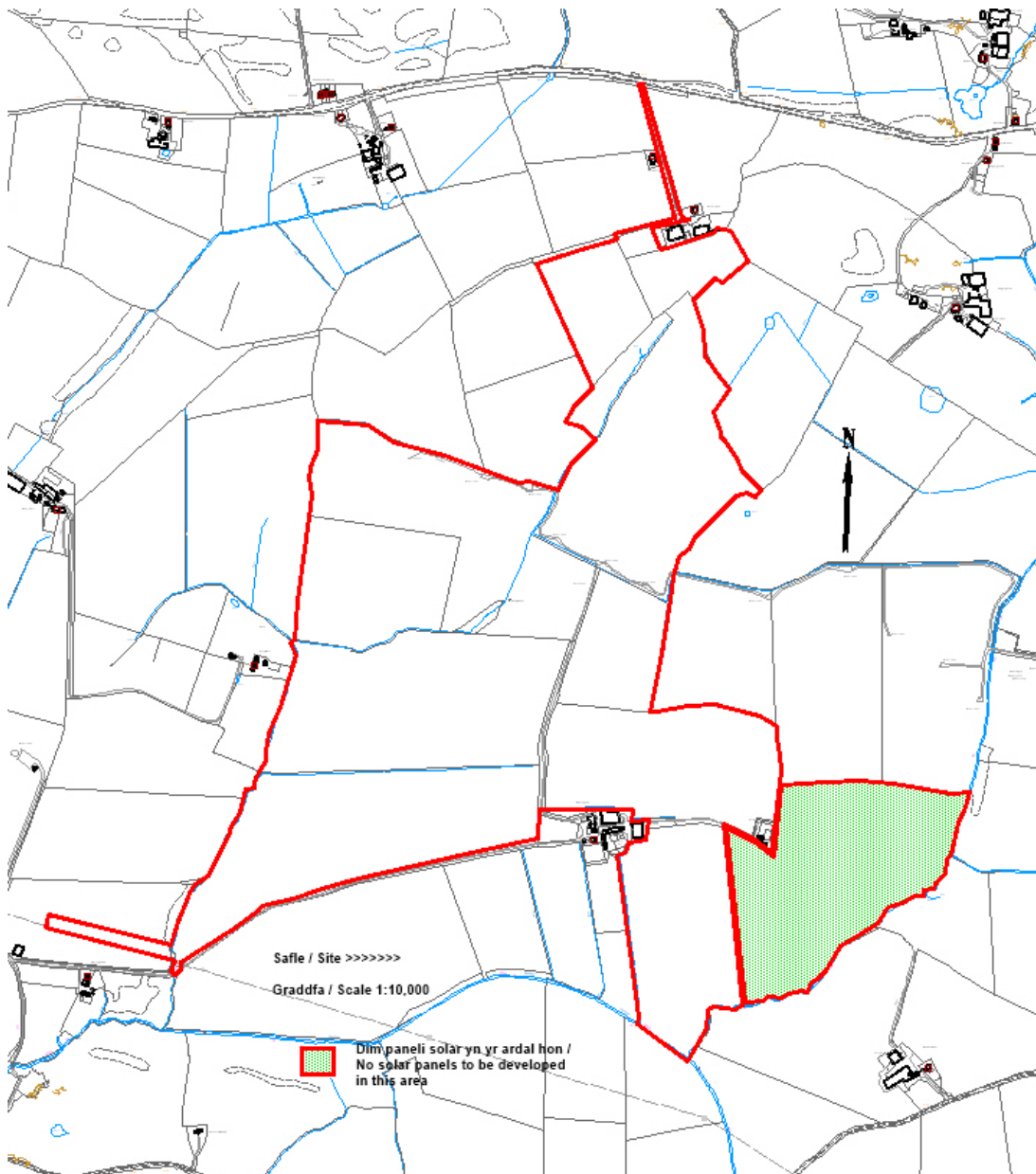
Rhif y Cais: **20C310B/EIA/RE** Application Number

Ymgeisydd Applicant

**Countryside Renewables (North Anglesey) Ltd**

**Cais llawn ar gyfer adeiladu fferm arae solar 49.99MW ynghyd ag offer a isadeiledd cysylltiedig a gwaith ategol ar dir ger / Full application for the construction of a 49.99MW solar array farm together with associated equipment, infrastructure and ancillary works on land adjacent to**

**Rhyd y Groes, Rhosgoch**



## **Planning Committee: 01/11/2017**

### **Report of Head of Regulation and Economic Development Service (MTD)**

#### **Recommendation:**

Permit Subject to Conditions.

#### **Reason for Reporting to Committee:**

The application is accompanied by an Environmental Impact Assessment (EIA) and addendum to consider policy changes subsequent to the adoption of the Joint Local Development Plan (JLDP) on 31 July 2017.

The addendum was prepared by Barton Willmore on behalf of the Applicant in August 2017. It has been prepared as components of the local planning policy framework as presented in the originally submitted Environmental Statement: Main Text (February 2016) (the 'ES') have altered following the adoption of the Anglesey and Gwynedd Joint Local Development Plan 2011 – 2026 (adopted 31 July 2017 (the 'JLDP')). Of note, chapter 4 of the originally submitted ES (and in particular paras 4.25 - 4.47) set out the key headlines of the planning policy context of the site and development. The addendum replaces the aforementioned paragraphs to reflect this change in local planning policy context, as well as identifying other sections of the originally submitted ES where updated JLDP policies should be referenced in its place.

The ES addendum does not materially amend or alter the findings of the original ES, nor the proposed development in general; rather it should be viewed as an update to provide critical policy commentary following the change in Local Development Plan (LDP) within the Local Planning Authority's (LPAs) administrative boundary

#### **Description of Development:**

The site, which extends to approx. 89.4Ha is located within an area of open countryside currently in use as agricultural grazing land at Rhyd-y-Groes farm, near Llanbadrig, Cemaes Bay roughly halfway between the settlements of Cemaes and Amlwch, approximately 1.5 km south-east of Cemaes Bay on the coast of North Anglesey.

The development comprises the installation of solar PV arrays each measuring 1m x 1.65m at an angle of 15-30 degrees and maximum 3m in height which will connect to the national grid with an estimated installed maximum energy generating capacity of 49.99MW. The PV solar panels and associated infrastructure will occupy approximately 40% of the total site area.

In addition to the PV solar panels themselves, the following associated infrastructure is also proposed:

- Gravel access roads;
- Landscaping, bunding and planting;
- Post and wire security fencing along the hedgerows;
- CCTV cameras;
- Noise mitigation fencing;
- Solar PV Inverter Substations; and
- A Substation Compound.

#### **Determination Background:**

The application was first presented to the Planning and Orders Committee on 27<sup>th</sup> July 2016 with a recommendation that Members visit the site prior to making a determination. The site was visited on the 17<sup>th</sup> August 2016 but at the subsequent meeting of the Planning and Orders Committee the recommendation made was to defer determination whilst additional information was being considered.

This remained the case in subsequent meetings of the Committee until a report was presented to the Members at the 1<sup>st</sup> March 2017 Committee meeting with a recommendation that the application be approved. The application was however deferred at that meeting in order to allow a site visit specifically to see the site in relation to the property at Buarth y Foel. At the subsequent two meetings of the Planning and Orders Committee on the 5<sup>th</sup> and 26<sup>th</sup> April 2017 the application was deferred during the election period.

Due to local elections and a change in members of this Committee, the site and the property at Buarth y Foel were revisited on 9<sup>th</sup> June, 2017. The application was deferred at the meeting held on 14<sup>th</sup> June in exercise of the Chair's discretion in order to allow an additional public speaker to participate.

It should be noted that a request to call-in the application for determination by the Welsh Ministers was rejected in a letter from the Welsh Government dated 7<sup>th</sup> March 2017. In their decision not to call in the application for determination, the Welsh Ministers indicated that:

*"The call-in request raised concerns the Council's recommendation to permit the development was a misinterpretation of Planning Policy Wales ...and other legislative guidance relating to the historic environment and particularly archaeological remains which may be present on the site."*

At its meeting held on 5<sup>th</sup> July the Planning and Orders Committee resolved to defer the application in order to consider the proposal against policies in the JLDP after receipt of the Inspectors' binding report on 30<sup>th</sup> June 2017. The JLDP was formally adopted by Isle of Anglesey County Council on 31 July 2017.

The agent has provided a statement in support of the application with particular reference to policy ADN 1A (now Policy ADN2 of the JLDP) which deals specifically with solar developments and directs proposals over 5mw to the potential search areas. It states that proposals of this scale will only be permitted in other locations in exceptional circumstances when the need for the scheme can be justified and there are specific locational circumstances.

At its meeting held on 26<sup>th</sup> July 2017, the members resolved to defer the application in order to further consider policy implications as a result of outstanding issues principally concerning noise and built heritage and the impending adoption of the JLDP on 31<sup>st</sup> July 2017.

In addition, a cumulative and in-combination impact assessment, taking into account the proposed solar development and existing and consented windfarm development at Rhyd-y-Groes, in relation to the Pen y Morwyd round barrow and Werthyr standing stone Scheduled Ancient Monuments was awaited. Since then, Cadw has withdrawn this requirement.

The reason for the initial request for a cumulative impact assessment was a result of Cadw having not received a copy of the application's revised Historic Environment Desk-based Assessment when it was initially submitted (prepared in response to comments made on the application by the Gwynedd Archaeological Planning Service and submitted November 2016). This report was subsequently forwarded to Cadw, which then undertook a revised assessment and wrote to the LPA on 1<sup>st</sup> August 2017 to confirm it had carefully considered this information and was satisfied with the report's content and findings and confirmed that it had no objection to the application and a cumulative impact assessment was no longer required. Further information pertaining to the Cadw response is provided below within Section 4 of this report.

Concerns have also been expressed by those objecting to the development that the placing of solar panels underneath wind turbines has the potential to affect noise emissions from the site. The Environmental Health Section however considered that whilst 'reflected' noise is not of concern, the potential of noise from inverters may be an issue. In response to this, a noise assessment was commissioned. The conclusions of the noise assessment alongside the response from the Environmental Health Section are set out in detail within the body of this report below.

In addition, it was also the case that an appeal against non-determination had been lodged by the Applicant. That appeal has subsequently been withdrawn while the Applicant worked to resolve the outstanding issues with the Council.

It should also be noted that a request to call-in the application for determination by the Welsh Ministers was rejected in a letter from the Welsh Government dated 7<sup>th</sup> March 2017. A copy of this letter can be reviewed on the file.

## **1. Proposal and Site**

The application site is located at Rhyd-y-Groes farm, near Llanbadrig, Cemaes Bay in the open countryside on land roughly halfway between the settlements of Cemaes and Amlwch, approximately 1.5 km south-east of Cemaes Bay on the coast of North Anglesey. The AONB lies 245m to the north of the site (at its nearest point) on the opposite side of the A5025.

The land surrounding the site predominantly comprises agricultural holdings and a few rural dwellings: Tyn-y-Gors (c. 70m distant) adjoins the western site boundary (and Nant- y-Frân lies c. 450m northwest of this); Rhyd-y-Groes immediately adjoins the south of the site; Hafodllin Bach (c. 530m distant) and Hafodllin Fawr (c. 760m distant) are close to the south-east of the site; while Buarth-y-Foel (c. 145m distant) and Tregynrig Fawr (c. 420m distant) are close to the most northern part of the site.

The proposed development site is currently in use as agricultural grazing land. Part of the existing Rhyd-y-Groes Wind Farm is within the application site boundary. The wind farm originally comprised 24 turbines installed in 1993 (now 22 operating turbines), each with a tip height of 46m. The Rhyd-y-Groes wind farm is a dominant feature of the landscape surrounding the site.

The application proposes the installation of arrays of free standing, ground mounted solar PV panels (approximately 200,000 in total) each measuring 1m x 1.65 at an angle of 15-30 degrees and maximum 3m in height which will connect to the national grid. The application site area is 89.4 hectares (Ha), with the solar panels and associated infrastructure occupying approximately 40% of the site area (equivalent to 36 Ha). The footprint of the supporting posts will be less than 1% of the total development area.

The installation will also include the following associated infrastructure:

- Gravel access roads;
- Landscaping, bunding and planting;
- Post and wire security fencing along the hedgerows;
- CCTV cameras;
- Noise mitigation fencing;
- Solar PV Inverter Substations; and
- A Substation Compound (for grid connection) which comprises:
  - 32 containerised battery stores and 8 inverter units;
  - Grid connection equipment including transformers and switchgear and ancillary equipment; and
  - Cabling works reaching from the panels/inverters (this will be routed to the substation via a network of shallow trenches which will be back filled).

Of note is the substation compound which is located to the south-west corner of the site and extends to c. 0.8 Ha. Within the compound is sited a battery store, this will allow energy generated by the solar panel arrays to be released to the grid during periods of peak demand in line with current UK Government requirements.

The requisite grid connection is shown as located within a corridor included within the application's red line boundary and is located leading from the south-west corner of the application site. The works to and maintenance of connection itself will be undertaken by the relevant statutory undertaker under their permitted development rights.

The operational lifespan of the proposed development is 30 years. The system is designed to be 'reversible', leaving only small holes to be back filled when removed upon the completion of the project. Intrusive development such as trenching and foundations has been minimised. Moreover, the solar equipment used can be recycled after decommissioning.

In respect of phasing, construction is anticipated to take between 6 and 9 months under a single construction phase. Following operational life, decommissioning is also anticipated to take 6 to 9 months as a single operation during which time all apparatus, fencing, and the substation compound will be permanently removed and the land reinstated and returned to agricultural grazing land.

It should be noted that since the application was submitted (25th February 2016), the Applicant has reduced the development area by 11.2ha after taking into account the comments of Gwynedd Archaeological Planning Services (GAPS) in respect of archaeology and officer comments in respect of landscape impact. This is set out in further detail within the relevant sections in this report.

The proposed installation will incorporate arrays of free standing, ground-mounted solar PV panels, which will have an estimated maximum installed generating capacity of 49.99MW. The installation will have no moving parts. It will connect to the local electricity distribution network and could produce enough electricity to power the equivalent of 15,500 homes on an annual basis, which itself is the equivalent of half of Anglesey's homes. CO2 savings over the lifetime of the project are suggested to be 612,000 tonnes, the equivalent of taking 14,000 cars off the road.

Operational access for maintenance will be achieved via the proposed new access point near Rhyd-y-Groes Farm (this will be the primary access point during operation) and the access point at Buarth-y-Foel will also be retained for use as required. As such, the construction and operational access to the development site will be achieved via the adopted highway and an existing private access lane at Pen Dalar. The Applicant has secured formal agreements with the site landowners to achieve this, and notice of the application was served accordingly.

Construction and decommissioning access will be agreed as part of a submitted Construction Traffic Management Plan (CTMP), as required by the relevant planning condition. The Council, as Highways Authority has requested during discussion that the CTMP cover the following:

- The parking of vehicles for site operatives and visitors;
- Loading and unloading of plant and materials;
- Agreed traffic route(s);
- Wheel washing facilities (if appropriate);
- Hours and days of operation and the management and operation of construction and delivery vehicles; and
- A full signage schedule.

At present, it is anticipated that this will allow for the use of both access points during construction to create a one-way system (i.e. access into the site at Buarth-y-Foel and exit at Rhyd-y-Groes, but with two-way movements permitted at Rhyd-y-Groes). This anticipated access arrangements have been proposed to the Council's Highways Section and while agreed in principle, discussions remain ongoing on matters of detail which would make up the finalised CTMP required to be approved by the LPA.

## **2. Key Issue(s)**

The application is accompanied by an Environmental Statement (ES) which informs the proposals, together with an addendum to deal with the material change in policies following the adoption of the JLDP.

Of note, the proposed development does not form a Nationally Significant Infrastructure Project (NSIP). Under The Planning Act 2008, NSIPs are large scale projects falling into five general categories (Energy; Transport; Water; Waste Water and Waste).

Thresholds for Infrastructure developments considered to be nationally significant and requiring development consent are set out in the Planning Act 2008 Regime. As well as amendments under the Localism Act 2011, there have been some further small changes via the Growth and Infrastructure Act 2013 which has also enabled a further category of business or commercial projects to use the regime. The Infrastructure Act 2015 speeds up further the planning process for nationally significant infrastructure projects.

In respect of energy generating development, the threshold for a development to fall within the NSIP regime is an electricity generating capacity of more than 50MW. The proposed development has an installed maximum capacity of 49.99MW which remains close to, but critically below the threshold set. As such, it has been deemed that the proposed development should be assessed as an EIA development requiring detailed planning permission rather than through the Development Consent Order (DCO) regime.

A scoping opinion was issued by the Local Planning Authority (LPA) on 7th July 2015 (ref. 20C310A/SCO/RE) which requested that the ES accompanying the application include an assessment of landscape and visual impact, ecology and Nature Conservation, Cultural Heritage and Archaeology, flood risk, hydrology and ground conditions. Other matters were included and are dealt with elsewhere in this report.

The ES submitted with the application addressed all matters referred to in the scoping opinion. In addition, following instruction by the Applicant in August 2017, an independent Noise Assessment Report (ref. CA11275 001-Rev 2) was commissioned and produced in September 2017 by Wardell Armstrong on behalf of the Applicant. This Noise Assessment Report has been produced and submitted to the LPA in response to concerns raised by the objectors on noise grounds. These grounds of objection are principally based around increased noise produced by the inverters as well as the potential for 'reflected' noise from the Rhyd-y-Groes windfarm. The methodology for the Noise Assessment Report was agreed in advance with the Council's Environmental Health Officer and the Report has sought to address the comments of the Environmental Health Section as previously raised prior to its issue. The Report has been considered by the Environmental Health Officer and their comments are summarised below within Section 4 of this report and further consideration and assessment is given within Section 6.

Of note, upon submission of the Noise Assessment Report by the Applicant, the LPA undertook a further round of public consultation in order to give interested parties an opportunity to comment. The document itself was prepared in response to comments from the Council's internal consultee as well as existing comments from the public on noise related matters. The purpose of preparing this document was to provide an updated and detailed assessment of potential noise impacts arising from the development which could be assessed by the consultee in order to provide answers to the comments raised and to ascertain the degree, if any, of noise impact arising from the development.

The aim of EIA is to protect the environment by ensuring that, a LPA when deciding whether to grant planning permission for a project which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. From review and assessment of the submitted ES and its addendum (August 2017) it is considered that sufficient Environmental Information has been provided in support of this application and that the content of the ES provided is reflective of the Scoping Opinion previously issued on 7<sup>th</sup> July 2015. In determining this application, the LPA has considered all information contained within the Application and its associated ES in relation to the requirements of the LDP and any other relevant material considerations.

### 3. Main Policies

This section of the report sets out the relevant national and local planning policies and associated guidance to the application to be determined by the committee and the weight that should be given to each. Further in the report, the application will be assessed against each relevant planning policy.

The Well-Being of Future Generations Act 2015:

The Well-Being of Future Generations Act 2015 requires that local authorities think more about the long term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach. As a result, public bodies when making decision must take into account the impact they could have on people living their lives in Wales in the future. In this respect, the Act requires public bodies to:

work together better

involve people reflecting the diversity of our communities

look to the long term as well as focusing on now

take action to try and stop problems getting worse - or even stop them happening in the first place.

Sustainable development is central to the aims of this Act and in this context the term 'sustainable development' means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals. In doing this, the Act places a well-being duty on public bodies, which states:

"Each public body must carry out sustainable development. The action a public body takes in carrying out sustainable development must include:

setting and publishing objectives ("well-being objectives") that are designed to maximise its contribution to achieving each of the well-being goals, and taking all reasonable steps (in exercising its functions) to meet those objectives."

The seven well-being goals ('the goals') show the kind of Wales we want to see. Together they provide a shared vision for the public bodies listed in the Act to work towards. The goals are:

- A prosperous Wales;
- A resilient Wales;
- A healthier Wales;
- A more equal Wales;
- A Wales of cohesive communities;
- A Wales of vibrant culture and thriving Welsh language; and
- A globally responsible Wales.

In terms of the determination of planning applications and of making planning decision, the Act has been aligned with PPW, which states:

"The planning system manages the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. A well functioning planning system is fundamental for sustainable development."<sup>1</sup>

In February 2017, the Council published its well-being statement and objectives for 2017-18 which will be linked to the Corporate Plan priorities and draws on the Public Services Board's well-being assessment.

Consideration of how this application can contribute to the well-being principles outlined above are provided within the conclusion at the end of this report.

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<sup>1</sup> Planning Policy Wales, 9<sup>th</sup> Edition, November 2016. Para 1.2.1

## Local Development Plans:

All LPAs must prepare a Local Development Plan for its area<sup>2</sup>. Once adopted, decisions about planning application must be made in accordance with it unless material considerations indicate otherwise.

The statutory development plan consists of the Joint Local Development Plan (Anglesey and Gwynedd). At its meeting held on 31<sup>st</sup> July 2017, the Council resolved to adopt the JLDP and also to retain current Supplementary Planning Guidance documents (SPGs) until new or replacement guidance is produced.

Within the JLDP, the following policies are considered applicable:

- Strategic Policy PS 5 – Sustainable Development;
  - Strategic Policy PS 6 – Alleviating and Adapting to the Effects of Climate Change;
  - Strategic Policy PS 7 – Renewable Energy Technology; and
  - Strategic Policy PS 19 – Conserving and Where Appropriate Enhancing the Natural Environment.
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- Policy PCYFF 2 – Development Criteria;
  - Policy PCYFF 3 – Design and Place Shaping;
  - Policy PCYFF 4 – Design and Landscaping;
  - Policy ADN 2 – PV Solar Energy;
  - Policy AMG 3 – Protecting and Enhancing Features and Qualities that are Distinctive to Local Landscape Character; and
  - Policy AMG 5 – Local Biodiversity Conservation.

In addition to the statutory development plan, the following National policies require to be considered:

- Planning Policy Wales (Edition 9, November 2016) (hereafter referred to as PPW);
- Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009);
- TAN 6: Planning for Sustainable Rural Communities (2010); and
- TAN 8: Renewable Energy (2005).

### **Consideration Against Local Planning Policy:**

Chapter 4 of the JLDP outline the ‘*Vision and Strategic Objectives*’ and ‘*The Strategy*’ for Anglesey and Gwynedd, which are supported by its policies.

Paragraph 4.7 states that the vision for the Plan area is that:

*“By 2026, Anglesey and Gwynedd will be recognised for their vibrant and lively communities that celebrate their unique culture, heritage and environment and for being places where people choose to live, work and visit. This means that the joint location development plan area will be one:*

- *Which adapts and responds positively to the challenges of climate change...;*
- *Which is recognised as a leading location for a variety of renewable and low carbon energy sectors and knowledge based industries, which will have contributed to transforming the local economy, including hosting a new generation nuclear power station, generating low carbon energy and catalysing regeneration in the Plan area...; and*
- *Where the unique character of its built and cultural heritage, its countryside and landscape, and its environment is valued, protected and enhanced.”*

The Plan will realise its vision through Strategic Objectives (SOs) that provide the context for both the strategic and detailed policies.

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<sup>2</sup> Planning Policy Wales, 9<sup>th</sup> Edition, November 2016. Section 1.1.5.



#### Relevant Strategic Objectives:

SO 2: seeks to ensure that the appropriate physical or community infrastructure is in place, or that it can be provided to cope with every kind of development.

SO 5: seeks to ensure that development supports the principles of sustainable development and creates sustainable communities whilst respecting the varied role and character of the centres, villages and countryside.

SO 6: seeks to minimise, adapt and mitigate the impacts of climate changes. This will be achieved by:

- ensuring that highly vulnerable development is directed away from areas of flood risk wherever possible;
- reduce the need for energy and other resources in development
- promote renewable and low carbon energy production within the area;
- make use of suitable previously developed land and unoccupied buildings or ones that are not used to their full capacity, where available; and
- manage, protect and enhance the quality and quantity of the water environment and reduce water consumption.

SO 7: Ensure that all new development meets high standards in terms of quality of design, energy efficiency, safety, security and accessibility, relates well to existing development, enhances public realm and develops locally distinctive quality places.

SO17: Protect, enhance and manage the natural and heritage assets of the Plan area, including its natural resources, wildlife habitats, and its landscape character and historic environment.

#### Relevant Strategic Policies:

Strategic Policy PS5 (Sustainable Development) states that proposals will be supported where it is demonstrated that they are consistent with the principles of sustainable development. This policy provides a list of criteria which must be adhered to by development proposals as follows:

- Alleviate the causes of climate change and adapting to those impacts that are unavoidable in accordance with Strategic Policy PS 6;
- Give priority to effective use of land and infrastructure, prioritizing wherever possible the reuse of previously developed land and buildings within the development boundaries of Sub Regional Centre, Urban and Local Service Centres, Villages or in the most appropriate places outside them in accordance with Strategic Policy PS 17, PS 13 and PS 14;
- Promote greater self-containment of Centres and Villages by contributing to balanced communities that are supported by sufficient services; cultural, arts, sporting and entertainment activities; a varied range of employment opportunities; physical and social infrastructure; and a choice of modes of travel;
- Protect, support and promote the use of the Welsh language in accordance with Strategic Policy PS 1;
- Preserve and enhance the quality of the built and historic environment assets (including their setting), improving the understanding, appreciation of their social and economic contribution and sustainable use of them in accordance with Strategic Policy PS 20;
- Protect and improve the quality of the natural environment, its landscapes and biodiversity assets, including understanding and appreciating them for the social and economic contribution they make in accordance with Strategic Policy PS 19;
- Reduce the effect on local resources, avoiding pollution and incorporating sustainable building principles in order to contribute to energy conservation and efficiency; using renewable energy; reducing / recycling waste; using materials from sustainable sources; and protecting soil quality;
- Reduce the amount of water used and wasted; reducing the effect on water resources and quality; managing flood risk and maximizing use of sustainable drainage schemes; and progressing the objectives of the Western Wales River Basin Water Management Plan.

Proposals should also where appropriate:

- Meet the needs of the local population throughout their lifetime in terms of their quality, types of tenure and affordability of housing units in accordance with Strategic Policy PS 16;
- Promote a varied and responsive local economy that encourages investment and that will support Centres, Villages and rural areas in accordance with Strategic Policy PS 13;
- Support the local economy and businesses by providing opportunities for lifelong learning and skills development in accordance with Strategic Policy PS 13;
- Reduce the need to travel by private transport and encourage the opportunities for all users to travel when required as often as possible by means of alternative modes, placing particular emphasis on walking, cycling and using public transport in accordance with Strategic Policy PS 4;
- Promote high standards of design that make a positive contribution to the local area, accessible places, that can respond to future requirements and that reduce crime, antisocial behaviour and the fear of crime in accordance with Policy PCYFF 3.

Strategic Policy PS 6 (Alleviating and Adapting to the Effects of Climate Change) states that in order to alleviate the effects of climate change proposals will only be permitted where it is demonstrated that development proposals fully take account of and respond to the following criteria:

1. The energy hierarchy:
  - i. Reducing energy demand;
  - ii. Energy efficiency;
  - iii. Using low or zero carbon energy technologies wherever practical, viable and consistent with the need to engage and involve communities; protect visual amenities, the natural, built and historic environment and the landscape.
2. Reducing greenhouse gas emissions, help to reduce waste and encourage travel other than by car.

In order to adapt to the effects of climate change, proposals will only be permitted where it is demonstrated with appropriate evidence that they have fully taken account of and responded to the following:

3. Implementing sustainable water management measures in line with the objectives in the Western Wales River Basin Management Plan;
4. Locating away from flood risk areas, and aim to reduce the overall risk of flooding within the Plan area and areas outside it, taking account of a 100 years and 75 years of flood risk in terms of the lifetime of residential and non-residential development, respectively, unless it can be clearly demonstrated that there is no risk or that the risk can be managed;
5. Be able to withstand the effects of climate change as much as possible because of its high standards of sustainable design, location, layout and sustainable building methods (in line with Policy PCYFF 3);
6. Safeguarding the best and most versatile agricultural land, promoting allotments, support opportunities for local food production and farming in order to reduce the area's contribution to food miles;
7. Ensuring that the ability of landscapes, environments and species to adapt to the harmful effects of climate change is not affected, and that compensatory environments are provided if necessary;
8. Aim for the highest possible standard in terms of water efficiency and implement other measures to withstand drought, maintain the flow of water and maintain or improve the quality of water, including using sustainable drainage systems (in line with Policy PCYFF 6).

Strategic Policy PS 7 (Renewable Energy Technology) states that the Councils will seek to ensure that the Plan area wherever feasible and viable realises its potential as a leading area for initiatives based on renewable or low carbon energy technologies by promoting:

- Renewable energy technologies within development proposals which support energy generation from a variety of sources which include biomass, marine, waste, water, ground, solar and wind, including micro generation;

- Free-standing renewable energy technology development

This will be achieved by:

- Ensuring that installations in areas covered by international or national landscape designations and visible beyond their boundaries, or areas of local landscape value, in 6.2 Managing Growth and Development Sustainable Living Anglesey and Gwynedd Joint Local Development Plan (31 July, 2017) 65 accordance with Strategic Policy PS 19 do not individually or cumulatively compromise the objectives of the designations especially with regard to landscape character, and visual impact;
- Ensuring that installations in accordance with PS 19 do not individually or cumulatively compromise the objectives of international, national and local nature conservation designations;
- Supporting installations outside designated areas provided that the installation would not cause significant demonstrable harm to landscape character, biodiversity, or amenity of residential or holiday accommodation, either individually or cumulatively.

Strategic Policy PS 19 (Conserving and Where Appropriate Enhancing the Natural Environment) states that the Councils will manage development so as to conserve and enhance the Plan area's distinctive natural environment, countryside and coastline, and proposals that have an adverse effect on them will be refused. Proposals must have regard to the following environmental:

- Safeguard the Plan area's habitats and species, geology, history, the coastline and landscapes;
- Protect or where appropriate enhance sites of international, national, regional and local importance and, where appropriate, their settings in line with National Policy;
- Have appropriate regard to the relative significance of international, national or local designations in considering the weight to be attached to acknowledged interests, ensuring that any international or national responsibilities and obligations are fully met in accordance with National Policy;
- Protect or enhance biodiversity within the Plan area and enhance and/or restore networks of natural habitats in accordance with the Local Biodiversity Action Plans and Policy AMG 5;
- Protect or enhance biodiversity through networks of green/ blue infrastructure;
- Safeguard internationally, nationally and locally protected species;
- Protect, retain or enhance the local character and distinctiveness of the individual Landscape Character Areas (in line with Policy AMG 2) and Seascape Character Areas (in line with Policy AMG 4);
- Protect, retain or enhance trees, hedgerows or woodland of visual, ecological, historic cultural or amenity value.

Relevant Detailed Policies:

Policy PCYFF 2 (Development Criteria) sets out a list of criteria which must be adhered to for all development proposals.

Proposals should:

- Make the most efficient use of land, including achieving densities of a minimum of 30 housing units per hectare for residential development (unless there are local circumstances or site constraints that dictate a lower density);
- Provide appropriate amenity space to serve existing and future occupants;
- Include provision for storing, recycling and waste management during the construction period and occupancy period;
- Include, where applicable, provision for the appropriate management and eradication of invasive species;

Additionally, planning permission will be refused where the proposed development would have an unacceptable adverse impact on:

- The health, safety or amenity of occupiers of local residences, other land and property uses or characteristics of the locality due to increased activity, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution, or other forms of pollution or nuisance;
- Land allocated for other development/ uses.

Policy PCYFF 3 (Design and Place Shaping) states that all proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. Innovative and energy efficient design will be particularly encouraged.

Proposal developments will only be permitted provided they conform to all of the following criteria, where relevant:

- It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment;
- It respects the context of the site and its place within the local landscape, including its impact on important principal gateways into Gwynedd or into Anglesey, its effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges;
- It utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate, in line with Policy PCYFF 4;
- It achieves and creates attractive, safe places and public spaces, taking account of 'Secured by Design' principles (including where appropriate natural surveillance, visibility, well lit environments and areas of public movement);
- It plays a full role in achieving and enhancing a safe and integrated transport and communications network promoting the interests of pedestrians, cyclists and public transport and ensures linkages with the existing surrounding community;
- Its drainage systems are designed to limit surface water run-off and flood risk and prevent pollution;
- The layout and design of the development achieves inclusive design by ensuring barrier free environments, allowing access by all and making full provision for people with disabilities;
- Where practical, include infrastructure for modern telecommunications and information;
- Encourage active frontages at ground level where development is non-residential;
- It helps create healthy and active environments, and considers the health and well-being of future users.

The aim of this policy is to address the design of new development and the role it plays in maintaining the Plan area's high quality environment. Development needs to be carefully planned to ensure that valuable features and characteristics are protected and enhanced, it helps to provide a sense of place, creates or reinforces local distinctiveness, promotes community cohesiveness and social well-being. The layout and design of new developments must be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the sites characteristics. This will require careful consideration of the site layout. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality.

Policy PCYFF 4 (Design and Landscaping) states that all proposals should integrate into their surroundings. Proposals that fail to show (in a manner appropriate to the nature, scale and location of the proposed development) how landscaping has been considered from the outset as part of the design proposal will be refused. A landscape scheme should, where relevant:

- Demonstrate how the proposed development has given due consideration to the Landscape Character Area Assessment or Seascape Character Area Assessment;
- Demonstrate how the proposed development respects the natural contours of the landscape;
- Demonstrate how the proposed development respects and protects local and strategic views;
- Respect, retain and complement any existing positive natural features, landscapes, or other features on site;

- Identify trees, hedgerows, water courses and topographical features to be retained;
- Provide justification for circumstances where the removal/loss of existing trees, hedgerows, water courses and topographical features cannot be avoided and provides details of replacements;
- Provide details of any proposed new landscaping together with a phased programme of planting;
- Demonstrate that any proposed new planting includes plants and trees of mainly native species of local provenance and does not include any non-native invasive species;
- Ensure that selection of species and planting position of any trees allows for them to grow to their mature height without detriment to nearby buildings, services and other planting; and
- Provide permeable hard surface landscaping.

Policy ADN 2 (PV Solar Energy) aims to ensure that proposals for Solar PV Farms of 5MW or more should be directed to the potential search areas shown on the Proposals Map. Proposals of this scale will only be permitted in other locations in exceptional circumstances when the need for a scheme can be justified and there are specific locational circumstances.

Proposals for Solar PV Farms of 5MW or more and other solar schemes of up to 5MW will be permitted provided that the proposal conforms to the following criteria:

- All impacts on landscape character, heritage assets and natural resources have been adequately mitigated, ensuring that the special qualities of all locally, nationally and internationally important landscape, biodiversity and heritage designations, including, where appropriate, their settings are conserved or enhanced;
- The proposal will not result in significant harm to the safety or amenity of sensitive receptors including effect from glint and glare and will not have an unacceptable impact on roads, rail or aviation safety;
- The proposal will not result in significant harm to the residential visual amenities of nearby residents;
- The proposal will not have unacceptable cumulative impacts in relation to existing solar PV farms and those which have permission and other prominent landscape features;
- The panels and associated infrastructure will, at the end of the operational life of the facility, be removed in accordance with a restoration and aftercare scheme submitted to and agreed by the Local Planning Authority.
- That a Construction Environmental Management Plan (CEMP) is provided to demonstrate that any potential negative effects arising during construction and decommissioning phases are avoided.

Policy AMG 3 (Protecting and Enhancing Features and Qualities that are Distinctive to Local Landscape Character) states a proposal will be granted provided that it doesn't have an adverse impact upon features and qualities which are unique to the local landscape in terms of visual, historic, geological, ecological or cultural aspects. Measures should be taken to ensure that the development does not cause significant adverse impact to the character of the built or natural landscape; fails to harmonise with, or enhance the landform and landscape; and lose or fails to incorporate traditional features, patterns, structures and layout of settlements and landscape of both the built and natural environment.

Policy AMG 5 (Local Biodiversity Conservation) states that proposals should protect and enhance biodiversity that has been identified as being important to the local area. Proposals must do this by:

- Avoiding significant harmful impacts through the sensitive location of development.
- Considering opportunities to create, improve and manage wildlife habitats and natural landscape including wildlife corridors, stepping stones, trees, hedges, woodlands and watercourses.

A proposal affecting sites of local biodiversity importance will be refused unless they can conform with all of the following criteria:

- That there are no other satisfactory alternative sites available for the development.
- The need for the development outweighs the importance of the site for local nature conservation;
- That appropriate mitigation or compensation measures are included as part of the proposal.

Where necessary, an Ecological Assessment which highlights the relevant local biodiversity issues should be included with the planning application.

### **Planning Policy Wales 9<sup>th</sup> Edition**

Chapter 4 of PPW sets out the Welsh Government's (WG) policy for planning for sustainability across Wales. One of the key aims of this national policy is to:

“Support the need to tackle the causes of climate change by moving towards a low carbon economy. This includes facilitating development that reduces emissions of greenhouse gases in a sustainable manner, provides for renewable and low carbon energy sources at all scales and facilitates low and zero carbon developments.” (PPW, paragraph 4.4.3)

Paragraph 4.6.4 highlights that the countryside is a dynamic and multi-purpose resource. PPW recognises that whilst it should be conserved and enhanced, the countryside also plays a role as a sustainable energy source.

Chapter 12 of PPW sets out the Welsh Government's (WG) policy for delivering infrastructure and services across Wales. One of the key aims of this national policy is to:

“Promote the generation and use of energy from renewable and low carbon energy sources at all scales and promote energy efficiency, especially as a means to secure zero or low carbon developments and to tackle the causes of climate change.” (PPW, paragraph 12.1.4)

This guidance also confirms the WG's commitment to achieving the UK target of 15% of energy from renewables by 2020 by specifically stating that:

“The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change whilst enhancing the economic, social and environmental wellbeing of the people and communities of Wales in order to achieve a better quality of life for our own and future generations. This is outlined in the Welsh Government's Energy Policy Statement Energy Wales: A Low Carbon Transition (2012).” (PPW, paragraph 12.8.1)

The support for renewable energy is further emphasised in Paragraph 12.8.2 of PPW which confirms that:

“Planning policy at all levels should facilitate delivery of both the ambition set out in Energy Wales: A Low Carbon Transition and UK and European targets on renewable energy.”

In addition, the guidance states that Local Planning Authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy and help to tackle the causes of climate change. Specifically, the guidance (paragraph 12.8.9) requires LPAs to make positive provision by (amongst other matters):

Considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;

Ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations; and

Recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability.

Paragraph 12.8.10 states that there is a need to ensure that “international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed”.

Paragraph 12.8.15 states the impacts from renewable energy developments will also vary depending on their location and scale and require different policy and development management considerations.

PPW also contains guidance specifically related to development management decisions for renewable and low carbon energy development. The guidance advises that developers for renewable and low carbon energy developments should seek to avoid, or where possible minimise, adverse impacts through careful consideration of location, scale, design and other measures.

Paragraph 12.10.1 highlights matters that should be taken into account in dealing with renewable and low carbon energy development and associated infrastructure by the LPA. This covers the positive aspects such as contribution to meeting national, UK and European targets and wider environmental, social and economic benefits. It also highlights the need to consider impact on the natural heritage, the coast and the historic environment and the need to minimise impacts on local communities. Other matters such as mitigation and infrastructure matters, e.g. grid connection and transportation network are also highlighted within 12.10.1.

The paragraph goes on to state that in determining applications for renewable and low carbon energy development and associated infrastructure, local planning authorities should take into account –

The contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions.

### **Technical Advice Notes (TANs)**

TANs provide detailed planning advice on individual subject. TANs must be taken into account by the LPA when they are preparing their LDP. The following TANs are considered relevant to this application:

#### **TAN 6 – Planning for Sustainable Rural Communities (July 2010)**

The purpose of this TAN is to provide practical guidance on the role of the planning system in supporting the delivery of sustainable rural communities. This TAN provides guidance on how the planning system can contribute to sustainable rural economies, sustainable rural services and sustainable agriculture.

It emphasises the need to support working and living in rural communities by helping to ensure that a higher proportion of energy can be obtained from renewable sources. At paragraph 2.1 it states that;

“Simultaneously, the planning system must respond to the challenges posed by climate change, for example by accommodating the need for renewable energy generation.”

It goes further at paragraph 3.7.2 stating that;

“Many economic activities can be sustainably located on farms. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses.”

#### **TAN 8 – Planning for Renewable Energy (July 2005) (as amended)**

The purpose of this TAN is to provide practical guidance on the land use planning considerations for renewable energy, including onshore renewable energy technologies. This TAN supplements

the policy set out in Sections 12.8-12.10 of PPW. The Assembly Government has published additional practice guidance to support of PPW and TAN 8, which comprises Practice Guidance: Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (February 2011) and Practice Guidance: Planning Implications of Renewable and Low Carbon Energy Developments (September 2015).

In this regard, it states:

*“As well as developing new sources of renewable energy which are essential to meeting the targets set by energy policy, the Assembly Government is fully committed to promoting energy efficiency and energy conservation. The land use planning system is one of a number of mechanisms which can help deliver improved energy efficiency and local planning authorities are expected to consider matters of energy efficiency when considering planning policy and applications.”<sup>3</sup>*

While TAN 8 does not extend much in the way of prescriptive technical advice regarding solar PV installations, it does add emphasis and favour towards their development. Specifically, it states that:

*“Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermals and PV systems should be supported.”<sup>4</sup>*

Pursuant to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, the LPA has the following relevant duties in respect of heritage designations:

**General duty as respects listed buildings in exercise of planning functions.**

*“In considering whether to grant planning permission...for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”<sup>5</sup>*

**General duty as respects conservation areas in exercise of planning functions.**

*“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”<sup>6</sup>*

Further than this, no explicit instruction is given regarding the suitable location of solar PV developments. The application site itself does not contain any scheduled ancient monuments, and though there is a historic building to the south of the site, it is considered that the combination of its distance away and the screening of the site will ensure that there will be no significant detrimental impact from a landscape and visual perspective on this building or the wider environment. The application proposals are therefore considered to be entirely in accordance with TAN 8.

**Practice Guidance**

The following Practice Guidance is considered relevant to the determination of this application:

Practice Guidance: Planning Implications of Renewable and Low Carbon Energy Developments (February 2011)

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<sup>3</sup> TAN 8 – Planning for Renewable Energy (July 2005) (as amended), para 1.6

<sup>4</sup> TAN 8 – Planning for Renewable Energy (July 2005) (as amended), para 3.15

<sup>5</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, S66 (1)

<sup>6</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, S72 (1)



This practice guidance was published in February 2011 and provides local authorities with information to consider when determining planning applications for renewable and low carbon developments. The guidance should be read in conjunction with PPW (in particular, Sections 12.8-12.10) and TAN 8.

For each renewable and low carbon energy technology, this guidance provides an overview of the main considerations should be taken into account when assessing the application, including technological and financial constraints; environmental, social and economic impacts and benefits; design, mitigation and enhancement measures; the effects of climate change on these technologies; relevant financial drivers and barriers; and the opportunities for community engagement and planning obligations.

The guidance was updated in 2011 to include guidance on the planning implications of solar arrays. Paragraph 8.4 of this guidance states that the design, mitigation and enhancement measures of solar arrays should be considered in terms of the following key impacts: Landscape and Visual; Glint and Glare; Ecology; Historic Environment; Agriculture; Hydrology and Flood Risk; Cumulative Impacts.

Appendix 3 of the Practice Guidance identifies that, where there is likely to be a potential impact on identified features of cultural historical interest, including below ground archaeology, suggested mitigation measures include designing plant layout to avoid impact on archaeological remains, such as the use of surface ducting for cables and concrete shoes for ground anchoring. The Guidance further recommends that trial trenching to confirm the presence / absence of any buried archaeological resource should be undertaken prior to construction with a programme of archaeological monitoring in place during construction. Further consideration of Appendix 3 is provided later in this report.

Practice Guidance: Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (September 2015)

This toolkit was published in September 2015 and provides local authorities with a methodology for developing a robust evidence base to assist in the preparation of renewable energy and low carbon energy assessments in their area. The information collected by such assessments can provide an evidence base to underpin renewable energy and low carbon energy policies in local developments plans. Accordingly, the toolkit provides advice on how to translate renewable energy assessment outcomes into local development plan policies and targets. The guidance should be read in support of PPW (in particular, Sections 12.8-12.10) and TAN 8.

The toolkit includes a section on how to assess the potential for solar farm developments. The toolkit advises that the assessment of the potential capacity and electricity generation potential for solar arrays in the local authority area should consider constraints including woodland, lakes and rivers, flood zones, Special Protection Areas (SPA), Special Area of Conservations (SAC), Candidate Special Area of Conservation (cSAC), RAMSAR sites, National Nature Reserves (NNR), Local Nature Reserves (LNR), Sites of Special Scientific Interest (SSSI), Marine Nature Reserves (MNR), Scheduled Ancient Monuments (SAM) and Areas of Outstanding Natural Beauty (AONB).

The toolkit further advises that more detailed site level issues and constraints may be best assessed at the planning application stage for individual sites. At this stage, assessment could include a landscape sensitivity analysis, identification of the distance to the nearest appropriate electricity grid connection and proximity to public rights of way and bridleways. Furthermore, local authorities are advised to commission work to establish landscape and cumulative impacts to support their assessments if necessary.

#### 4. Response to Consultation and Publicity

**Local Members:** No comments

**Llanbadrig Community Council:** Object as too large and will be visible from A5025 and AONB.

**Amlwch Town Council:** Object consider an overdevelopment on agricultural land and would have a visual impact.

**Mechell Community Council:** Consider too large, will harm tourism and house prices.

135 letters have been received from individuals and organisations including the Anglesey Branch of the Campaign for the Protection of Rural Wales (CPRW) of which over 70 are proforma (e.g. a standardised letter with pre-written content circulated to and signed by members of the public in an organised manner before being returned to the LPA as an individual's objection), points raised include:

- The figures quoted for power generation are factually incorrect,
- Too large
- Will harm landscape
- Will be visible from residential properties
- Could damage archaeological sites
- Will be visible for miles
- Will distract drivers
- Will be seen by walkers
- Concerns regarding radio interference
- Grazing land lost
- Flora and fauna affected
- Will produce limited energy
- There is no need
- Little employment
- No provision for decommissioning
- Safety issues
- Disruption during construction
- Harm geology
- There will be glare
- Not in JLDP
- Harm residential amenity
- Harm to the tourism industry

It should be noted that the Anglesey branch of CPRW notes in its objection that:

*“Some renewable sources of energy do not deliver a consistent supply of electricity. Their generation varies with the weather so as dependence on them has grown, so has the need for reliable back-up generation to ensure that the lights do not go out. Ensuring this back-up is available has added to consumers' bills.”*

CPRW then further state that:

*“only supportive statistics have been included in the report, not the basic factual information upon which decisions such as this should be made. This factual information is of paramount importance when there are conflicting planning policies, as there are in this case, between the conservation and enhancement of landscape character and the provision of renewable energy. The lack of basic factual information means the Officer's report is not balanced”.*

Ysgol Sir Thomas Jones Amlwch Secondary School and Ysgol Gynradd Cemaes Primary School have written commenting:

- Do not support or oppose but will benefit from £300,000 between them over the life of the array, stating that it is expected that this will improve academic performance and welcomes the contribution.

The context of this financial contribution from the developer to the local schools should be noted. In this case, the developer approached the local Community Councils concerning community benefit payments and were advised that the Community Councils did not wish to receive these contributions. Following this, the developer approached the local schools to fulfil their community benefit obligations, both of which were agreeable to the acceptance of the contributions. The financial contributions as agreed with the developer have been confirmed to take the form of a per annum payment made during each operational year of the development.

In addition, there have been 8 letters of support, including local residents, the Farmer's Union of Wales, the IACC Energy Island Programme, and Friends of the Earth. Points raised include:

- Supports the Energy Island
- Excellent sunshine
- Environmentally friendly
- Low aesthetic impact
- Benefit local businesses
- Substantial merits outweigh other considerations
- Natural and valuable part of the Energy Island
- Much less visible than a row of pylons

### **Consultees**

**Highways** – No objection subject to a recommended condition for the submission of a CTMP, the comments and observations are as follows:

- The only route accepted by the Highways Authority for the construction traffic is the alternative route proposed.
- The single track highway giving access to the property has a poor horizontal and vertical alignment, resulting in restricted forward visibility. There are also insufficient passing bays along the length of the road to enable the free flow of two way traffic.
- The applicant must provide 2 additional passing places as marked on the attached plan to allow the free flow of two way traffic during construction and future maintenance of the site.
- A temporary passing place/ verge protection is also required opposite the farm track entrance as seen in photo 5 of the traffic management plan submitted.
- The highways Authority is not comfortable with the swept path analysis provided for the bends on photo E attached and the farm track access from the public highway. It seems this analysis may be based on the original OS Map, rather than on-site survey/measurements. The movement is very tight to the boundary and could cause damage as a result of the amount of traffic generated by the construction phase.
- The applicant must agree to a joint condition survey prior to and upon completion of the construction of the development hereby approved with a member of the Highways Authority.
- It is a requirement under law to serve an abnormal load notice to police and to Highway and Bridges Authorities under "The Motor Vehicle (Authorisation of Special Types) General Order 2003"
- The Highways Authority will be utilising Section 59 of the Highways Act 1980 "Recovery of expenses due to extraordinary traffic", to recover compensation for any damage done to the public highway as a result of this development. The extent of this damage will be agreed within the joint condition survey undertaken.

Of these comments, it is considered that the requirement for a CTMP as noted within Section 1 above, will address these matters and presently the applicant is in discussion with the Highways Authority regarding the detail of what will form the CTMP and a draft version is currently in production which takes account of the comments provided above.

In addition, the Council's footpaths officer has no objections. It is their view that there will be no impact to footpaths within the locale resulting from the proposed development.

**Joint Planning Policy Unit (JPPU)** – Initial comments from the JPPU suggested that additional information was required from the Applicant in relation to the *need* for a scheme, having regard to the potential search area and specific locational circumstances as to how the application site was selected. Following these comments, the Applicant provided updated information in the form of two reports 'Assessment of Potential of JLDP Opportunity Areas' and 'Overview of site Selection Process'. Below is the JPPU comments on these reports.

Assessment of Potential of JLDP Opportunity Areas Report:

- The table within this report shows the current level of constraint the potential Opportunity Areas face.
- Within the table, reference is made to 'Top Rated' sites and other sites which was the categorisation suggested at Hearing Session 8. However it is noted that the Potential Opportunity Areas identified in table 11 within the JLDP are not divided between 'Top Rated' and Other Sites'.
- The evidence produced by the Council to identify potential opportunity areas did acknowledge there were grid connection issues with some of these areas. However to comply with the Inspector's Action Point and the toolkit methodology they were included within the plan as potential opportunity areas on the basis that connection issues could potentially be resolved during the Plan period.
- Whilst acknowledging that a grid connection has been secured for the North Anglesey Solar project the table within this report does not provide the same level of detail in relation to its Network Connection, Distance to Connection, Grid Status and Sub-station Status for this project as compared with the potential opportunity areas.
- It is clear that currently there are Grid and Sub-Station status connection issues with all of the potential opportunity areas. In addition the landscape sensitivity and capacity issue does state that some of these sites may only be able to achieve 5MW or more through 2 or more separate schemes. This could further inhibit the development of some of the sites due to viability issues.
- Reference is given to paragraph 6.2.35 of the adopted JLDP that it recognises that even the areas identified as Opportunity Areas do not offer certainty of delivery. This fact is acknowledged within table 7 of the potential from solar with only 7% of additional potential being delivered by 2026.
- The Applicant states that the removal of subsidies mean small scale schemes are no longer viable they state that developers seek a minimum generating capacity of around 20MW on any new subsidy-free scheme. There is clear evidence available online regarding the impact on small schemes through the removal of subsidies for schemes below 5MW.
  - The JPPU is uncertain whether the figure of a minimum generating capacity of around 20MW stated by the applicant is what developers require on any subsidy-free scheme. However paragraph 3.12 of LUC 'Assessment of the Potential for solar PV farms in Gwynedd & Ynys Môn' does state *"....To manage the number of Opportunity Areas under consideration, **all sites under 2.4ha were excluded**, i.e. only those able to host 1MW or above were considered. This is because larger capacity solar farms are financially more attractive to developers, as connection costs and other fixed costs represent a smaller proportion of the total cost, and are offset by larger revenue streams...."*.
- Reference is made towards willing landowners. The nature and timescale of the process for the identification of potential Opportunity Areas, and the fact that the Plan makes reference to potential opportunity areas as opposed to allocating or safeguarding specific sites, land owners were not contacted. Due to the scale of some of the potential opportunity areas they could be in a number of different ownership which could again impact upon the development of these sites.

Overview of site Selection Process Report:

- This sets out the process the applicant undertook to identify a site on the Island.

- It is stated that a number of connection applications were made for a number of different sites but that the cost of the additional reinforcement works required made the sites unviable.
- All areas/sites within designated landscapes, Best and Most versatile land, sites below 100 acres, on viability grounds and any sites in close proximity to existing settlements due to likely objections on visual amenity grounds were also discarded.
- The Applicant then approached the landowners of the final shortlist to discuss the proposal, when it transpired that only the landowner of this application site was willing for his land to be developed for solar PV.
- Following this site selection process, an on-the-ground assessment was undertaken which confirmed that the site could come forward without any significant detrimental impact in landscape and visual or residential amenity terms.

In conclusion, the JPPU finds that the applicant has been able to demonstrate that at present there are infrastructure constraints affecting the potential Opportunity Areas which is limiting the availability of sites for solar PV developments. This, along with ownership issues, could affect the availability / viability of these Opportunity Areas.

In addition evidence has been provided to support the specific locational circumstances which have led to the identification of this site as a solar PV farm site.

Provided criteria 1 to 6 within policy ADN 2 can be satisfied this proposal can be supported under this policy.

For ease of clarity, consideration of the proposed development under policy ADN 2 is provided later in this report.

**Welsh Water** – No objection subject to the inclusion of a safeguarding condition on sewerage which is designed to ensure that no surface water drainage shall be allowed to connect to the public sewerage network. This condition has been noted and included within the conditions recommended at the end of this report.

**Natural Resources Wales** - No objection has been offered by the consultee, nor any specific conditions required. NRW have considered the application and the associated ES from the perspectives of flood risk, ecology (protected species), ecological enhancements, waste and pollution prevention and offered the following observations:

In this case, NRW are satisfied with the submitted Flood Consequence Assessment (Pam Brown Associates. February 2016) along with the Mitigation and Summary & Conclusions section of the FCA, and its compliance with TAN 15: Development and Flood Risk (2004).

In addition, NRW note that the protected species and ecological surveys submitted in support of the application are sufficient and provide general best practice guidance.

The following comments with regard to the ecological enhancement and management plan were made:

- Buffer zones – A buffer zone is required between the bank edges of all drains. This is shown as 5m in the 'Ecological Enhancement and Management Plan for Proposed North Anglesey Solar Project Report (23/02/16)'. We advise that the width of these zones are increased to between 7m – 10m, as recommended within the BRE National Solar Centre Biodiversity Guidance for Solar Developments.
- Security fencing – The above report also states that the security fencing will be raised by 10cm for a minimum of 5m lengths at the field corners to allow brown hares to continue to pass through the site. We advise that the height of this gap should be increased to between 20m – 30m, to allow the free movement of other wildlife including badgers, as recommended within the BRE guidance.

With regard to LVIA, NRW advise that they consider viewpoints 8, 11, 10, 16, 17 and 18 to illustrate the general and worst case views from the Anglesey Coast AONB. The photo views indicate that

the proposal would appear as a small element of the panoramic inland views, within the middle to far distance. The pattern and tonal colour of the solar farm would assimilate reasonably well with the irregular mosaic pattern of gorse and pasture fields within the foreground of the AONB views 8, 17 and 18 and have limited contrast. Within views 10, 11 and 16 from the edge of the AONB the character experienced is one of an agricultural landscape of land adjacent to the AONB. AONB character and special qualities for which the area was designated are in the main absent. As such, NRW consider the effect upon AONB views and perceptions of the area's natural beauty to be not significant.

In respect of waste and pollution prevention, NRW offer no specific comments and provide general best practice advice.

**Ecological Advisor** - No objection.

**Economic Development Section** – Unlikely to present any unacceptable or detrimental impacts on tourism or local economy.

**MOD** - No objection or conditions proposed.

**Welsh Government** - No objection in respect of loss of agricultural land.

**Gwynedd Archaeological Planning Service (GAPS)** – Initially objected to the scheme on the basis that it was considered that insufficient information had been provided. It was recommended that further investigation (trenching) should be carried out prior to the determining of the application.

Following discussions between the Applicant and GAPS, it was agreed that the c. 11.8 Ha field to the south east of the site would be omitted from the development thereby reducing risk to archaeological receptors. In addition, it has been agreed that a Written Scheme of Investigation be submitted to GAPS in draft form which could then be used to form a pre-commencement planning condition.

This Written Scheme of Investigation has been prepared in draft and circulated to GAPS, who are content that the proposed development can be approved subject to a condition being secured requiring a finalised Written Scheme of Investigation to be prepared.

**North Wales Police** – Have raised initial concerns regarding traffic at pinch points such as bridges. The Applicant is however intending to instigate future discussions to ensure traffic problems are kept to a minimum. This could include timing of vehicles when they approach pinch points and discussing the type and size of vehicles which will be used. These discussions will also be used to inform the CTMP required by condition and agreed with the Council's Highways authority.

**Cadw** – No objection or conditions. By way of background and in the interests of clarity, please note that initially Cadw requested a cumulative and in-combination impact assessment taking into account the proposed solar development and existing and consented windfarm development at Rhyd-y-Groes, in relation to the Pen y Morwyd round barrow and Werthyr standing stone Scheduled Ancient Monuments.

The reason for the initial request for a cumulative impact assessment was a result of Cadw having not received a copy of the application's revised Historic Environment Desk-based Assessment when it was initially submitted (prepared in response to comments made on the application by the Gwynedd Archaeological Planning Service and submitted November 2016). This report was subsequently forwarded to Cadw. Cadw subsequently re-assessed the impact of the proposed solar farm on the setting of the scheduled monuments. This re-assessment identified that intervening topography and vegetation block a direct view between scheduled monuments AN110 Pen-y-Morwyd Round Barrow and AN150 Werthyr standing stone. Cadw therefore consider that the proposed solar farm will not have any impact on the setting of AN150 Werthyr standing stone.

However when considering the intervisibility between monuments, there is a direct view between AN110 Pen-y-Morwyd Round Barrow and the undesignated heritage site HER302470/3555 cist burial on Werthyr (HER Ref 302470/3555). This site comprised a stone-lined pit situated below the

possible remains of a cairn, which is interpreted as being a cist burial contemporary with the scheduled monument. As such the views between the sites are important when considering the setting of the scheduled monument and its significance.

The solar farm will be located between the two sites but at a much lower level. Whilst the development will be seen from AN110 Pen-y-Morwyd Round Barrow, it will not block the view of the site of the cairn from the scheduled monument. Cadw therefore consider that the proposed solar farm will have a slight but not significant impact on the setting of AN110 Pen-y-Morwyd Round Barrow.

Currently the easternmost turbines of the Rhyd-y-Groes Wind Farm also have an impact on the view discussed above. However, the proposed repowering of the wind farm will see the closest wind turbines removed, with the result that there will be no longer be a need to consider the cumulative impact on the setting of AN110 Pen-y-Morwyd Round Barrow.

**Environmental Health Section** – Initially expressed no concerns but in response to the public objections which raised concern that the proposed inverters may pose a noise source problem which may negatively affect residential amenity. This resulted in the submission of a Noise Assessment Report (September 2017). In considering the content of the Noise Assessment Report, the EHO considered firstly that there was no basis to support the view that the development will present a negative noise impact through ‘reflections’ from the adjacent windfarm; and secondly that there may be the potential of increased noise from inverters.

On this second point, the EHO advised that the methodology follows the one suggested and they the output is acceptable. It was however noted that the EHO put less weight on the 8m/s wind speed assessment because these are generally based on Standardised 10m heights and BS 4142:2014 doesn't apply over 5m/s. Consequently the EHO noted that 25dB measured as a rated LAeq assessed using the BS4142:2014 method, would be acceptable when applied to any residential property not involved with the scheme. As this will apply to wind speeds less than 5m/s it is anticipated in practice that it will only ever become relevant when the wind-farm is not operating. Given the above, the rated level would need to include a tonal assessment and the EHO advised that it would be in the Applicant's interest to ensure that the inverters are not tonal, as this affects their overall LAeq. In order to address these points, and the findings of the Noise Assessment Report, a condition requiring a noise mitigation scheme is included at the end of this report. This will allow the applicant to further consider the most appropriate ways to maximise noise benefits and address mitigation on site.

## **5. Relevant Planning History**

20C310/SCR/RE Screening opinion for the siting of a 40 - 50MW solar array farm on land at Rhyd-y-Groes – EIA required 23/6/2015

20C310A/SCO/RE Scoping opinion for the siting of a 40 - 50MW solar array farm on land at Rhyd-y-Groes – 23/6/2015

20C102C Formation of a windfarm comprising of 24 wind turbines (46m tip height) together with the erection of a grid connection building and ancillary works at Rhyd-y-Groes - approved 20/11/92

20C102L/EIA/RE - Full application for the erection of 11 wind turbines comprising of 6, up to 900kW wind turbines with a maximum hub height of up to 55m, rotor diameter of up to 52m, and a maximum upright vertical tip height of up to 79m, and 3, up to 900kW wind turbines with a maximum hub height of up to 45m, rotor diameter of up to 52m, and a maximum upright vertical tip height of up to 70m, and 2, up to 900kW wind turbines with a maximum hub height of up to 45m, rotor diameter of up to 52m, and a maximum upright vertical tip height of up to 66m above ground together with the creation of crane pads, foundations, underground electricity cables, improvements to parts of the existing track, works to the highway, the creation of new access tracks, an extension to the existing 33kV substation, the erection of a new 11kV substation, the erection of an anemometer and temporary construction and storage compounds and batching plant (which would also entail the de-commissioning of the existing wind farm) at Rhyd-y-Groes – approved 21/10/16

## 6. Main Planning Considerations

The below are considered the main planning considerations in respect of this case. The starting point is the LDP and an assessment against key policies and national planning policies, as set out below.

### Principle of Development

The national and local planning policies referred to within section 3 of this report show that there is a wealth of general policy support for green energy at both local and national level. These policies establish the principle of renewable energy proposals and actively encourage such proposals.

In an oral statement on energy on 6<sup>th</sup> December 2016, Cabinet Secretary for Environment and Rural Affairs, Mrs Lesley Griffiths, commented on the Welsh Government's commitment to support renewable energy projects, as set out in 'Taking Wales Forward' which includes *support for the development of more renewable energy projects*. In her oral statement, Mrs Griffiths commented:

*"To deliver secure and affordable low-carbon energy, we need a mix of different technologies and sizes, from community scale to major projects," and "we will maximise the role of renewable generation."*

In supporting the UK Government's proposals to phase out unabated coal-fired generation by 2025, Mrs Griffiths stated that *"this includes supporting renewable generation, including least-cost technologies such as solar and wind."*

In a letter dated 7<sup>th</sup> August 2017 to the Applicant, Mrs Griffiths further confirmed:

*"Planning Policy Wales (PPW) is clear in that local planning authorities should plan positively for all types of renewable energy at all scales. This has been re-enforced a number of times in recent years by letters from my predecessors to local planning authorities. The issue of demonstrating need for renewable energy has never been highlighted as a material consideration in the planning process and the over-riding imperatives to produce more renewable energy to reduce the impact of climate change and meet our decarbonisation targets are crucial in this regard."*

Policy ADN 2 of the JLDP is a two-part policy which firstly states that:

*"Proposals for Solar PV Farms of 5MW or more should be directed to the potential search areas shown on the Proposals Map. Proposals of this scale will only be permitted in other locations in exceptional circumstances when the need for a scheme can be justified and there are specific locational circumstances."*

As the application site falls outside the potential search areas, and at nearly 50MW the proposed development under consideration must comply with the first part of this policy before being considered against the second, more detailed, part of the policy. In this regard, the applicant has submitted two reports, Assessment of Potential JLDP Opportunity Areas, and Overview of Site Selection Process. As noted in the conclusions within the JPPU response above, these reports demonstrate the constraints in currently experienced in selecting a site within the potential search areas and the Applicant has sufficiently demonstrated that this lack of viable sites within the search area can be considered as suitable exceptional circumstances to justify a site in an alternative location.

In considering the issue of *need* the following is noted:

The need for the renewable energy development and the purpose of the potential search areas is discussed in the Minister's letter mentioned above. It goes on to state that:

*"In helping local planning authorities to plan for renewable energy, the Welsh Government has produced a toolkit and has encouraged them to develop spatial policies in their local development plans. The toolkit methodology is designed for an authority to assess the potential for renewable*



energy in their area and, if they chose, devise a target for them to aim for. However, PPW does not state that this target should be construed as an upper limit, not a definition of local need”.

The JLDP itself states<sup>7</sup>:

*“An assessment of the potential for solar PV farms in the Gwynedd Planning Authority area and Ynys Môn was commissioned to identify potential areas of search for solar farm development. It was based upon the methodology outlined within Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (2015) by the Welsh Government. Based upon a strategic level assessment it identified potential opportunity areas that could deliver schemes of 5MW or more. As search areas, the identified areas provide an indication of solar energy resources within the Plan area as opposed to specific safeguarded areas. The search areas have been identified by mapping solar energy resources (based on slope and orientation) and by removing significant constraints to solar energy development. The Study identified 11 possible areas. Due to landscape sensitivity and capacity issues some of these potential areas may only be able to achieve 5MW or more through 2 or more separate schemes subject to consideration of any potential cumulative impact.”*

The policy does not prevent development outside of search areas but sets out that exceptional circumstances must exist when the needs for the scheme can be justified and there are specific locational circumstances. Having regard to all representations, officers consider such exceptional circumstances do exist and that the need is justified. The locational factors in favour of the Rhyd-y-Groes site and the need for the development (in particular given concerns around the deliverability of potential search areas as demonstrated by the Applicant) are such that the scheme is considered compatible with the first part of Policy ADN 2.

With regard to the second part of the policy, and based on the information provided above, the content of the submitted ES and its supporting reports and the comments from the consultees it is considered that the site meets the requirements of criteria 1 – 6 of the policy and will not give rise to significant impacts on landscape character, heritage assets and natural resources. Nor will development proposal result in significant harm to amenity of sensitive receptors or nearby residents. Additionally, there are no existing solar PV farms within the locale which would result in a cumulative impact and the applicant has confirmed that the panels and infrastructure will be removed following the end of the operational life of the solar farm.

In respect of the requirements of a CEMP it is appropriate to condition this element.

Based on the foregoing, it is considered that the proposal accords with policy ADN 2, which is considered the principal policy under which solar PV applications are assessed within the LDP.

### **Landscape and Visual Impacts**

The application was accompanied by a Landscape and Visual Impact Assessment which demonstrated that, despite its scale, the development is well screened by the existing landform and existing vegetation, and that this would be enhanced through the provision of further landscaping and planting proposed as part of the application which can be secured by the means of a planning condition (see conditions at the end of this report). The developer has since requested omission from the meadow planting mitigation proposals to enclosure to the south east of the site in order that the landowner may continue to graze his flocks as at present. The removal of these enclosures would not add unacceptably to landscape or visual amenity concerns or to ecological concerns for the site, nor would the removal of the site area in itself result in a consequential loss of mitigation; the removal of these enclosures should be seen as mitigation in of itself.

The assessment work undertaken by the Applicant also demonstrated that the proposal will be difficult to see from the A5025 and will not have a detrimental impact on the AONB. These conclusions are supported by the consultation responses from Natural Resources Wales (NRW) and the Council’s Landscape Officers who have not raised any objection to the proposal in relation to the impact on the A5025 or the AONB.

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<sup>7</sup> JLDP (July 2017), Policy ADN2: PV Solar Energy, paragraphs 6.2.34 & 6.2.35

NRW stated:

*“...the proposal would appear as a small element of the panoramic inland views, within the middle to far distance. The pattern and tonal colour of the solar farm would assimilate reasonably well with the irregular mosaic pattern of gorse and pasture fields..... We consider the effect upon AONB views and perceptions of the area’s natural beauty would therefore not be significant.”*

Initially there were concerns raised by NRW regarding the impact the scheme would have on the locality furthermore it was considered that the reports submitted with the application did not give a true reflection of the impact of the proposals. However following an extensive analysis of the site and the array proposed along with discussions with the Applicant’s agent it was agreed to remove 2 fields from the proposal site.

The consequence of this was to reduce the impact of the scheme from the vantage points of concern namely the Copper Trail.

The scheme’s impact will now be localised to areas immediately surrounding the site and not farther afield. A proposal of this scale will inevitably generate some detrimental effects and harm. However, these effects are localised and do not extend beyond the immediate area and harm generated would not be across the wider Landscape Character Area of North West Anglesey.

As such, while it is anticipated that there will be some detrimental effects as a result of the proposed development, the harm experienced has been mitigated somewhat by the removal of the 2 fields from the proposed site. Furthermore, the level of localised harm does not outweigh the positive contributions of this renewable development on a more strategic level.

In terms of the impact on the A5025, the Applicant has stated that:

*“The proposal will not have any significant detrimental impact on motorists. Whilst the development may be fleetingly visible to some motorists, depending on their speed of travel, the development would only be in their field of view momentarily and would be competing with more dominant and readily discernible development in terms of the Rhyd-y-Groes wind farm. Consequently, the glimpses of the solar farm will not be sufficient to detract from the overall character of the area and the experience of travelling through the landscape.”*

There is agreement that the effects of the array are local and do not extend to the wider landscape of the AONB.

In addition, the scheme has been considered in terms of its cumulative and in-combination impacts with the Rhyd-y-Groes windfarm and consented repowering scheme. The statutory consultee NRW and the Council’s landscape officers have confirmed that unacceptable impacts are unlikely. Enhancements to the site will however be secured through condition in accordance with the Ecological Enhancement and Management Plan for Proposed North Anglesey Solar Project prepared by Adonis Ecology.

### **Glint and Glare**

The PV cells are designed to absorb light and are therefore dark in colour and do not reflect much light. To minimise nuisance from glint effects further additional treatment is commonly added to the surface of PV cells to scatter reflected light in a nonspecular manner.

The Applicant has provided a glint and glare study which demonstrates that there will be no unacceptable impacts on residential amenity. The MOD has no safeguarding objections. Nevertheless, a condition is proposed that a strategy to deal with any complaint of glint and glare is prepared and can be implemented.

## Ecology

The application is supported by an Extended Phase 1 Habitat Survey providing an assessment of habitats and their amounts, species, impact assessment, mitigation and cumulative impacts (with windfarm)

The assessment showed that whilst there were no significant impacts, as part of the scheme additional planting and ecology corridors are proposed. These improvements will enhance biodiversity at the site.

The details have been assessed by NRW and the Council's Ecological Officer and no objections have been raised. In addition, in-combination impacts with the consented Rhyd-y-Groes repowering scheme have been considered and no unacceptable impacts in principle arise. However, ecological safeguards, mitigation and enhancements to the site are proposed in the Ecological Enhancement and Management Plan and the Landscape Management Plan for Proposed North Anglesey Solar Project (Adonis Ecology) and additional measures are proposed by NRW in relation to water voles and hares for example which are included in the proposed conditions.

## Historic Environment

Cadw has identified 2 scheduled monuments which have the potential for being affected by the proposals;

Pen-y-Morwyd Round Barrow 1 km north east  
Werthyr Standing stone 1.1km north east

The impact on these they identify as being moderate and slight but suggested that the Council should undertake cumulative assessment of the impacts of the development on these sites in combination with impacts from the *Rhyd-y-Groes* windfarm development. Having since reviewed the submitted information, Cadw no longer considers such an assessment necessary and considers the information contained within the ES alongside the submitted supporting information to be sufficient. Additionally, Cadw do not consider the impact on Parys Mountain objectionable.

Extensive assessment has taken place over the site and areas of high potential for the discovery of archaeological assets identified, these are contained in the Southeast area of the site and could include a large enclosure associated with smaller sub enclosures, likely pits and field enclosures these may represent a late prehistoric or Roman settlement.

### Mitigation:

The Applicants propose the following (which is considered acceptable);

**Southeast area of the site** – in light of the possible archaeological resource (identified by a series of curvilinear anomalies by geophysical survey and which also features as cropmarks on aerial photographs), and the probable date and coherence of the remains, the heritage value of this site is predicted to be high. To mitigate any potential major adverse impact, the southeast area will **be excluded** from the proposed development. Given the likely sensitivity of the remains in the southeast area, trenching should be avoided because the adverse effects of trenching, even if limited, is likely to alter any buried deposits far more significantly than the use of concrete shoe mountings

**Northwest area of the site** - characterised by possible field systems and enclosures which cannot be dated with any precision, but appear to be agricultural in origin and so represent an archaeological resource of possible medium value. To mitigate any potential minor adverse impact, the area should be subject to an appropriately worded condition on any grant of planning permission to investigate and record any matters of archaeological interest over the areas of highest impact (in line with the approved written scheme of investigation [WSI]). This would reduce any residual archaeological effects to negligible.

The Applicant states;

*“It is not disputed by the Applicant that further archaeological investigation is required prior to the commencement of development on site.*

*The question is when this investigation is to take place.*

*It is however considered that the extensive appraisal work undertaken both pre- and post-submission of the application, provides a sufficiently detailed understanding of the archaeological resource at the site to allow the application to be positively determined subject to a condition requiring the completion of investigation – an entirely appropriate and well-established approach in planning decisions”*

A “Written scheme of investigation” (WSI) has been prepared and agreed with GAPS (As a post decision document).

The WSI provides an archaeological management plan designed to ensure the appropriate protection and investigation of archaeological remains in advance of construction works in respect of the installation of the PV-solar array.

The WSI proposes a programme of archaeological works that would consist of a staged approach. In summary, this would consist of:

- i. **Evaluation Phase** – this would be carried out post-determination, but pre-construction, in order to identify, characterise and record the potential archaeological features identified by the geophysical survey, if present. The evaluation phase would also test other areas in order to establish the archaeological potential of these areas. All necessary recording and survey control would be carried out during this phase to provide a record of any archaeological finds and features recovered during this phase
- ii. **Mitigation and Monitoring Phase** – subject to the results of the evaluation phase, areas of archaeological sensitivity could be identified that may be harmed by groundworks associated with the construction of the development. The works associated with this would take place during the preconstruction and construction phase of the development. All necessary recording and survey control would be carried out during this phase to provide a record of any archaeological finds and features identified during this phase and will comply with the standards set out in the WSI.
- iii. **Post-Excavation Phase** – A typescript report would be prepared immediately pre-construction and construction phase works are complete. This would include a full written description and interpretation of the results, including specialist reports and the arrangements for the publication and dissemination of results. The site archive would be lodged with Oriel Ynys Môn.

In respect of conditioning the required works the below planning context is of relevance;

GAPS are commissioned by the Council to provide development management advice. However, it is the LPA who must make the decision on the application in line with Section 38(6) of the 2004 Act. It is not uncommon for planning applications to be approved by an LPA without the full support of all internal Council consultees and departments.

In this instance it should be noted that GAPS have agreed that a suitably worded condition could be applied to this application. This condition considered appropriate and is included within the recommended conditions at the end of this report.

Furthermore, the conditioning approach is justified and supported by Welsh Government Practice Guidance entitled *Planning Implications of Renewable and Low Carbon Energy* (February 2011). This is designed to support LPAs in dealing with applications for renewable and low carbon energy development in Wales. It is a main source of detailed planning guidance on solar farms provided by the Welsh Government.

The Appendix to the Practice Guidance clearly identifies that trial trenching may be required before construction (as opposed to before determination). PPW states:

*“Planning permission cannot be granted subject to conditions which specifically require works on land outside the application site and outside the control of the Applicant. However, it is possible for local planning authorities to grant permission subject to a condition that development should not be commenced or occupied until some obstacle to the development has been overcome.”<sup>8</sup>*

Additionally Counsels legal opinion has been sought by the Applicants and this clearly outlines that conditioning is the appropriate approach and that a refusal would put the LPA in a position where it had acted unreasonably.

## **Agriculture**

PPW seeks to promote diversification in the rural economy by accommodating both traditional rural industries and new enterprises. National policy requires that the best and most versatile (BMV) agricultural land (i.e. Grades 1, 2 and 3A of the Defra Agricultural Land Classification System) should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable.

As the application site is classed as Grade 3b of the Agricultural Land Classification (ALC) of England and Wales, it is not BMV land and therefore the application site is not of such a quality that any particular weight should be given to preserving the site for arable agricultural use – the site will continue to be used for the grazing of sheep in any event. Furthermore, these proposals would not have any adverse impact upon agricultural activity surrounding the site whilst it is operational. Lastly, it should be remembered that these proposals also do not constitute a permanent loss of agricultural land, since the ground will not be surfaced and nor will any permanent structures be erected upon the site. It will therefore be possible to remediate the land for agricultural purposes after the solar farm is no longer in use.

No objection has been raised by WG in respect of the uptake of agricultural land.

## **Hydrology and Flood Risk**

A site investigation by the Applicant’s consultants as part of the ES revealed that the majority of the site lies within Zone A as per the Welsh Government development advice maps, with a small proportion adjacent the river Wygyr in zone C2. It was suggested by the consultants that no panels be placed within the C2 zone or a limited Flood Consequence Assessment (FCA) produced to demonstrate flood risks can be managed and that the proposals do not increase flood risk to third party landowners.

Accordingly, a Flood Consequence Assessment has been prepared to outline the sources of flood risk to the site, measures to manage flood risk and justification for developing the site.

The FCA anticipates that the construction phase is likely to be the main source of potential effects to the current hydrological regime/water quality/flood risk. Construction best practice measures/mitigation will be operation during the period of construction. All details of best practice will be based on current guidance produced by CIRIA and the E.A./NRW which cover good construction techniques and pollution prevent and control measures. The proposed measures will be detailed within the Construction Environmental Management Plan (CEMP), the detail of which can be attached as a condition to planning permission.

The completed development as designed should present minimal risk of impacts to the hydrological environment. The current proposal is to maintain the status quo in terms of site drainage, it is not proposed to install additional drainage infrastructure, so there would be no on-going maintenance requirements. It is understood that currently the landowners/farm managers undertake little if any works in relation to maintaining subterranean field drains and boundary field drains and therefore no active management of the drains is proposed.

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<sup>8</sup> Planning Policy Wales, Edition 9 (November 2016), para 3.5.4

## Welsh Language

The Applicant has commented

“The development of a solar farm at the proposed site is not anticipated to have a significant impact on the Welsh Language. However, the IACC’s SPG on *Planning and the Welsh Language* (2007) requires all major applications to be accompanied by a Language Statement. Guidance on the content of Language Statements is included at Appendix 3 of the SPG. However, energy developments do not sit well within any of these categories. Category 4 relates to ‘Infrastructure’, but appears to be concerned with transport infrastructure, given that it seeks to establish whether the proposal would enhance accessibility to the language sensitive area.

Four questions are provided under the general considerations heading (5.1-5.4) of Appendix 3 of the SPG, which are each addressed below:

*5.1 Are there appropriate local services such as shops, residential/community facilities to serve the development?*

- Once operational, the site will be monitored remotely through the use of CCTV and only visited for occasional maintenance. Therefore, there will not be any employees requiring local services. Construction will last approximately 6-9 months; during this time workers will make use of facilities in the nearby settlements of Cemaes Bay and Amlwch.

*5.2 Will the proposal create new opportunities to promote the language and local initiatives in the community?*

- The lack of residents or significant numbers of employees resulting from the development means there is no tangible opportunity to meet this objective. Local employment will be sought during construction wherever possible.

*5.3 How will the development promote the use of the language in the community?*

- The nature of the development means that there is no opportunity to promote the use of the Welsh language. It is considered that the proposal would have a neutral impact on the use of the language.

*5.4 What are the proposed mitigation measures?*

- Given that the development would have no impact on the use of the Welsh language, no mitigation measures are required.

Notwithstanding this, the Applicant has confirmed that all construction and operational signage associated with the proposed development will be bilingual.

## Residential Amenity

A residential impact assessment has been submitted with the application.

It is accepted that there are dwellings near the proposed solar array. However, an assessment has been made and those properties visited. Landscaping is proposed to screen some of the impact and whilst the array will be viewed from parts of the properties effected, it is not considered that the proposals will cause such undue harm to residential amenity so as to warrant refusing the application.

In addition, concerns were expressed regarding potential noise from the site. Whilst the panels themselves are silent, CPRW raised concerns about the in combination impacts of the development with the Rhyd-y-Groes windfarm.

Whilst the EHO has no concerns regarding noise from the panels themselves or 'reflected' noise, some concern was expressed regarding potential noise from inverters. In his comments, the EHO has recommended a noise mitigation scheme. This scheme, which forms a planning condition would address these prior concerns and allow for the Applicant to undertake further investigation to maximise noise benefits highlighted in the submitted Noise Assessment Report (September 2017).

## Highways

Construction is anticipated to be completed in a single construction phase lasting approximately 6 – 9 months. A Construction Traffic Management Plan (CTMP) will be provided for the duration of the construction phase detailing routes, signage and controls of traffic etc. Following construction of the proposed development, the site will be monitored remotely. As such, the site will not be tended to on a regular basis, unless repairs/maintenance is required. Consequently, any traffic movements associated with the site will be minimal. Upon completion of the development, the only access to the site will be from maintenance vehicles, which is anticipated to occur twice year. The proposed life of the development is 30 years, after which all apparatus will be removed and the land reinstated and reverted to agriculture, as a single decommissioning operation over a period of 6 – 9 months. The proposed development will not result in a significant impact on existing traffic conditions. As such, it is considered that the proposed development is acceptable to Highways subject to the production and agreement of a CTMP.

## Effect on tourism

It is accepted that the scheme covers a large area of land.

However, the impact of this on the appearance and character of the locality can be directly related to the impact on tourism i.e. if the scheme can be seen from many vantage points, public rights of way etc. and have a negative impact on that character, then it could be argued that this impact would have a negative impact on tourists enjoyment of their visit to Anglesey.

It should be noted that as identified in the "Landscape and visual " section of this report views of the array will be limited and localised and not considered to have an unacceptably negative impact on the appearance and character of this part of the Anglesey landscape.

The Applicant has provided a copy of a report entitled 'The Impact of Renewable Energy Farms on Visitors to Cornwall', prepared for 'Good Energy' by 'South West Research Company Ltd' in November 2013.

The report documents the results of a research exercise undertaken between the 1st and 30th August 2013. Face to face surveys were conducted with over 1000 people at 6 different holiday locations in Cornwall – these included Padstow, Perranporth, Tintagel/Trebarwith, Widemouth Bay, Newquay and Penzance.

The research found that the vast majority (80%) of visitors to Cornwall had a positive attitude towards renewable energy with just 6% having a negative attitude towards it. In terms of solar farms specifically, the following key findings emerged:

- 75% of respondents were in favour of solar farms as a means of generating power, and only 9% had a negative attitude towards them;
- 71% of those visitors who were aware of the presence solar farms in Cornwall said that their presence had no impact on their visit to the County, 22% said that they had a positive impact, and only 7% said they had a negative impact.

Significantly, 94% of visitors said that the presence of renewable energy generators would make no difference to future visits to the County, and a further 4% said that their presence would make them more likely to visit again in the future.

Objectors however consider this report to carry limited weight, stating that the report "was paid for by Good Energy Ltd., a company that boasts it produces electricity from 100% renewable sources. So the report can hardly be described as independent. Produced in 2013 it surveys just over 1000 visitors to Cornwall regarding the impact of Renewable Energy Farms (i.e. wind and solar) on

visitors to the county... however it omits the caveat contained in the Key Findings of the report as follows:

*"...the survey focused on visitors' attitudes in response to existing wind and solar farms and therefore no firm conclusions can be drawn as to how these might change with further developments in the future. In other words attitudes from visitors to further developments, i.e. additional to existing schemes, could turn NEGATIVE".*

The application has been considered by the Tourism Section and it is not considered that on balance, negative impacts will occur. In particular, the visual impacts of the turbines and repowering scheme are likely to extend further afield than the proposed solar array. It is not considered that the landscape will be industrialised to such an extent as to warrant refusal. NRW supports the view in relation to landscape impacts.

## **7. Conclusion**

Planning policies in Wales encourage the provision of green energy sources, specifically in this case PPW and TAN 8: Renewable Energy, which states that:

*"other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation areas vista, proposals for appropriately designed solar thermal and PV systems should be supported."*

Whilst the exact rate of generation is challenged, it is accepted that the PV installation will make a substantial contribution towards sustainable energy resources for the whole country. The Minister for the Environment and Rural Affairs has confirmed in a letter to the Applicant (dated 7<sup>th</sup> August 2017) that:

*"The issue of demonstrating need for renewable energy has never been highlighted as a material consideration in the planning process and the over-riding imperatives to produce more renewable energy to reduce the impact of climate change and meet our decarbonisation targets are crucial in this regard."*

Whilst acknowledging the general encouragement for renewable energy developments, planning applications must be determined in accordance with the LDP unless material consideration indicate otherwise, including taking into account the potential for harm. In terms of the main potential effects these are summarised as follows;

### **- Landscape and visual**

Following the removal of the 2 fields to the south east the impact of the scheme has been reduced and whilst acknowledging that there will be detrimental impacts these will be localised and not widespread. Overall therefore, the scheme preserves the status-quo.

### **- Glint and glare**

Technical solutions ensure that this is not problematic but a condition is proposed.

### **- Ecology**

The Extended Phase 1 survey did not identify any significant impact and neither NRW or the Councils Ecological Officer object to the scheme. The scheme is anticipated to enhance biodiversity at the site.

### **- Historic Environment**

It is considered that with the contentious field removed from the scheme and the inclusion of a condition requiring investigation prior to the commencement of works (in line with a management plan that GAPS has confirmed as being appropriate), archaeological assets can be protected/ recorded in an appropriate manner.



- **Agriculture**

The site comprises grade 3b land and its use for the solar array has not been objected to by the WG Sheep will continue to graze on the site.

- **Hydrology and Flood Risk**

A flood consequence assessment has been submitted with the application as a small portion of the site is within a C2 zone it should however be noted that this is not high risk development. As such NRW do not object to the scheme.

- **Residential amenity**

A residential impact assessment has been submitted with the application which does not identify undue harm to residential amenities.

Notwithstanding this, properties have been visited and the impact judged, taking into account proposed landscaping/screening, orientation of the dwellings and intervening topography.

Whist dwellings will be able to see some solar panels, and in one instance in close proximity (on boundary) which will change the views and outlook from those properties. It is not considered that this would amount to such harm as to warrant refusing the application.

- **Effect on tourism**

With the impact on the landscape being considered acceptable and impacts localised and not widespread it is considered that the scheme would not harm public viewpoints to such an extent as to render the Island unattractive to tourists.

Planning policies in Wales and the UK as a whole encourage the provision of green energy sources. It is accepted that the PV installation will make a substantial contribution towards sustainable energy resources for the whole country.

The Welsh Government's Climate Change Strategy for Wales (2010) has set a target for Wales to reduce its emissions of greenhouses gases by 40% by 2020 compared to 1990 data. The latest available figures (Welsh Government Sustainable Development and Climate Change Annual Report 2015) show that only a 11.9% reduction from 1990 levels has been achieved.

In addition, consideration has been given to this application in respect of the Well-being of Future Generations Act 2015. In assessing the proposals, it has been found that it – to a lesser or greater degree - meets and does not conflict with the aims of the seven well-being goals as follows:

**A prosperous Wales.** The proposed development represents commitment to low carbon industry and skilled jobs, including construction jobs, supply chain opportunities and specialist operational support.

**A resilient Wales.** The proposed development is a clean renewable energy which counts towards Governmental targets for the replacement of fossil fuels; contributing to improved ecosystems and energy security.

**A healthier Wales.** The proposed development will count towards a reduction on reliance on fossil fuels thereby having a direct impact on the transition to improved air quality.

**A more equal Wales.** The proposed development has employment and supply chain opportunities which will allow people to fulfil their potential.

**A Wales of cohesive communities.** The proposed development offers direct financial community benefits which contribute to the viability and vibrancy of growing communities.

**A Wales of vibrant culture and thriving Welsh language.** The proposed development will provide economic and employment benefits in an area of Wales which fundamentally adopts and preserves Welsh culture and language.

**A globally responsible Wales.** The proposed development will contribute positively to overcoming global climate change through less reliance on fossil fuels.

Having regard to the policy support discussed in this report, other material considerations along with the assessment of the impacts listed above in mind that it is considered that the application should be approved.

## **8. Recommendation and Conditions**

**Permit**, subject to conditions listed below with authority delegated to the Head of Planning to add, amend or delete conditions as necessary.

**(01) The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.**

Reason: To comply with the requirements of the Town and Country Planning Act 1990.

**(02) This permission shall expire no later than 30 years from the Operational Date. Within 12 months of the expiration of the permission, all elements of the development at and above ground level shall be removed and the land restored in accordance with a written scheme and timetable for restoration which shall be submitted to and approved in writing by the local planning authority prior to these works being carried out. The restoration of the site shall be completed in accordance with the agreed details.**

Reason: To define the scope of the permission and to ensure a satisfactory appearance upon cessation of the development.

**(03) The development hereby permitted shall be carried out in accordance with the following approved plans:**

**North Anglesey Solar Project – RL2 (090217) Application Site Boundary (Ref: BGVA/CRC/NASP/RL3)**

**'Indicative Layout Plan (14 Feb 17)';**

**'Landscape & Mitigation Strategy' (Ref: 15035.101 Rev.I);**

**Ecological Enhancement Management Plan (Adonis Ecology 23 February 2016) as amended by condition 04;**

**'Ref: FRAMES 01' (17.11.15);**

**'Ref: TRACK 1' (17.11.15)**

**unless otherwise required to be approved under the terms of this permission and as thence permitted.**

Reason: For the avoidance of doubt.

**(04) Notwithstanding the requirements of condition (02), prior to the commencement of the development final details of the layout of the site, including**

**panel details;**

**CCTV cameras and their supporting structures;**

**Lighting and their supporting structures;**

**Fencing;**

**The location, construction and reinstatement of site / storage compounds;**

shall be submitted to and approved in writing by the Local Planning Authority. The layout of the site shall be informed by the Ecological Enhancement and Management Plan for Proposed North Anglesey Solar Project (Adonis Ecology project no.9736 dated 23<sup>rd</sup> February 2016). Notwithstanding the said Ecological Enhancement Management Plan, no development shall be located within 10m of any watercourse and any fencing shall be placed a minimum of 30cm above ground level for 5m lengths at field corners. The development shall be carried out in accordance with the details approved under this condition and the site shall be managed in accordance with the Ecological Enhancement and Management Plan for Proposed North Anglesey Solar Project (Adonis Ecology project no.9736 dated 23<sup>rd</sup> February 2016) for the lifetime of the development.

Reason: To define scope of permission and to safeguard protected species and mitigate the impacts of the development.

**(05) During operation, the site shall not be illuminated by artificial lighting during hours of darkness.**

Reason: To ensure that the development does not have a detrimental impact on the character of the locality and to safeguard protected species.

**(06) No development shall take place until details of the materials to be used in the construction of the external surfaces of the structures comprising the primary substation, inverter stations and battery storage units hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: In the interests of amenity.

**(07) Prior to the commencement of any works a site-wide Construction Environmental Management Plan (including a full Construction Traffic Management Plan based on the principles established in the draft Construction Traffic Management Statement (Ref: 16028/Rev B) dated February 2017) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following matters:**

- a full signage schedule for the construction traffic, pedestrians and other users of the site,
- hours and days of operation during construction and the management and operation of construction and delivery vehicles
- the parking of vehicles for site operative and visitors
- the loading and unloading of plant and materials
- the routes means of access for construction traffic
- details of the location, design and implementation of two additional passing bays for construction traffic
- Piling methods (if employed)
- Earthworks;
- Hoardings to the site,
- details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated
- Waste management and disposal and material re use,
- Prevention of mud / debris being deposited on public highway / wheel washing facilities;
- Protection of the amenities of nearby residential occupiers
- the storage of plant and materials used in constructing the development and hazardous material storage and removal.
- A system for the management of complaints from local residents
- Emergency Containment Procedures;
- Reasonable Avoidance Measures for Water Voles.

The approved Construction Environmental Management Plan (and Construction Traffic Management Plan) shall be implemented accordingly and adhered to for the duration of the construction of the development.

Reason: In the interests of traffic and road safety.

**(08) No development shall commence until full details of the location, height, length and breadth of the proposed landscaping bund, including cross section drawings and full details of proposed planting works, timing of works and management and maintenance proposals for the lifetime of the development to mitigate visual impacts on the property known as Buarth Y Foel have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter proceed in accordance with the approved details.**

Reason: in the interests of residential amenity

**(09) The solar panels hereby approved shall at no time exceed 3m in height.**

Reason: To define the scope of this permission.

**(10) No development shall commence until a scheme for the alleviation of glint and/ or glare from the development at any affected residential property or highway is submitted to and approved in writing by the Local Planning Authority. The scheme shall detail measures taken to investigate complaints; the assessment methodology to be used to assess incidence of glint and/or glare at the receptor point; the mitigation timetable and reporting mechanism to demonstrate effective alleviation and adherence to the said scheme. The development shall proceed in accordance with the details as approved.**

Reason: In the interests of the amenities of the locality.

**(11A) No development shall commence until the programme of archaeological work set out in the Written Scheme of Investigation dated 4th October 2016 (Document Ref: NAS16 v.1.5) has been implemented and completed.**

**(11B) A detailed report on the archaeological work set out in the Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority within twelve months of the completion of the archaeological fieldwork or the completion of the development, whichever is the sooner.**

Reasons:

(11A) To ensure the implementation of an appropriate programme of archaeological investigation in accordance with the requirements of Planning Policy Wales 2016 and Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology.

(11B) To ensure that the work will comply with Management of Archaeological Projects (MAP2) and the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA).

**(12) No structures shall be included on the fields identified as "No solar panels to be developed in this area" on the approved site boundary plan 'North Anglesey Solar Project - Application Site Boundary (Ref: BGVA/CRC/NASP/RL3)'; 'Indicative Layout Plan (14 Feb 17).**

Reason: To define the scope of this permission

**(13) The date when electricity from the development is first exported to the local electricity grid network, hereafter known as the "Operational Date", shall be notified in writing to the Local Planning Authority within 28 days after its occurrence.**

Reason: To define the scope of the permission and establish the commencement date for the 30 year operational life of the solar farm.

**(14) If, as a result of events or conditions within its control, and after the operational date, the solar farm hereby permitted fails for a continuous period of 12 months to produce electricity for supply to the local electricity grid network, then, a scheme for the decommissioning and removal of the panels and any other ancillary equipment, shall be**

**submitted to and agreed in writing by the Local Planning Authority within three months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 12 months of the date of its agreement by the Local Planning Authority.**

Reason: To ensure removal of redundant equipment in the interests of amenity and protection of the local environment.

**(15) Notwithstanding the submitted information, the Applicant shall submit in writing a site-wide drainage scheme which has been designed to ensure that no surface water drainage shall be allowed to connect to the public sewerage network. This drainage scheme shall be submitted to, and approved in writing, by the planning authority prior to the commencement of construction works on site.**

Reason: To ensure that the drainage layout is sufficient to support the development hereby approved and in the interests of protecting the assets of Welsh Water.

**(16) Prior to the commencement of any works which break ground within the site, the applicant shall submit for the written approval of the planning authority a Written Scheme of Investigation in relation to archaeological ground investigation works. This Written Scheme of Investigation shall provide a methodology, a timetable in relation to construction and phasing of the development and any mitigation proposed.**

Reason: In the interests of archaeological preservation and to ensure the appropriate construction of the development in relation to archaeological receptors.

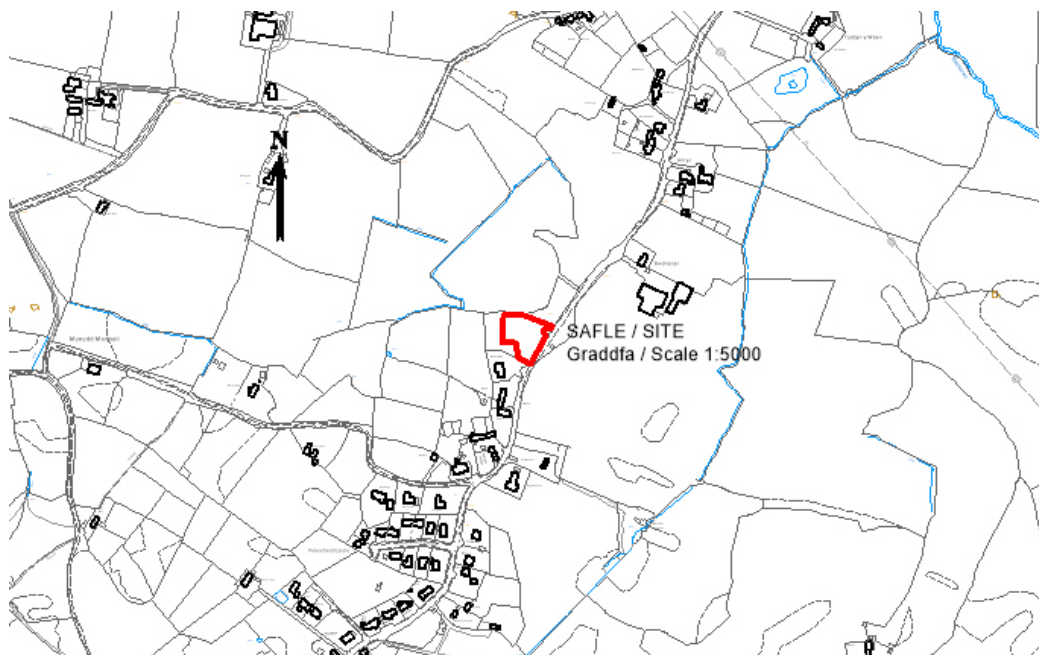
Rhif y Cais: **38C180F/VAR** Application Number

Ymgeisydd Applicant

**Mr Thomas Roberts**

**Cais o dan Adran 73 i ddiwygio amod (02) o ganiatâd cynllunio rhif 38C180D (cais amlinellol ar gyfer codi annedd a chreu mynedfa newydd) er mwyn caniatáu ymestyn yr amser i gyflwyno cais materion a gadwyd yn ôl yn / Application under Section 73 for the variation of condition (02) of planning permission reference 38C180D (outline application for the erection of a dwelling and vehicular access) so as to allow an extension of time to submit a reserved matters application at**

**Gilfach Glyd, Mynydd Mechell**



**Planning Committee: 01/11/2017**

**Report of Head of Regulation and Economic Development Service (GJ)**

**Recommendation:**

Refuse

**Reason for Reporting to Committee:**

The application is presented to the Planning and Orders Committee at the request of the Local Member.

At its meeting held on the 4<sup>th</sup> October, 2017 committee members recommended that a site visit should take place. The site visit took place on the 18<sup>th</sup> October and the members are now familiar with the site and its settings.

### **1. Proposal and Site**

Application under Section 73 for the variation of condition (02) of planning permission reference 38C180D (outline application for the erection of a dwelling and vehicular access) so as to allow an extension of time to submit a reserved matters application at Gilfach Glyd, Mynydd Mechell.

### **2. Key Issue(s)**

The key issue is whether the proposal can be supported by national and local policies.

### **3. Main Policies**

#### **Joint Local Development Plan**

PCYFF1 – Development Boundaries

PCYFF2 – Development Criteria

PCYFF3 – Design and Place Shaping

#### **Technical Advice Note 6 – Planning for Sustainable Rural Communities**

### **4. Response to Consultation and Publicity**

**Community Council** – No response

**Local Member (Llinos Medi)** – Request that the application is called in to the planning committee for consideration.

**Local Member (Kenneth Hughes)** – No response

**Local Member (John Griffith)** – No response

Site notices was placed near the site and neighbouring properties were notified by letter. The application was also advertised in the local newspaper as the development is contrary to planning policies. The expiry date for receiving representations was the 27/9/17. At the time of writing the report no letters were received.

### **5. Relevant Planning History**

38C180D – Outline application for the erection of a dwelling – 2/5/13 – Approval

## 6. Main Planning Considerations

**Previous planning permission** - A previous planning application was approved under application reference 38C180D (Outline application for the erection of a dwelling) approved on the 2/5/13. The applicant was required to submit a reserved matters application by the 2/5/16; however no application was submitted. The applicant is out of time to submit a reserved matters application in accordance with the conditions of the outline consent. The application has been made under Section 73 is in effect an application for a new planning permission and must be determined in accordance with prevailing policies, in this case, the Joint Local Development Plan.

### Policy Considerations

**Joint Local Development Plan** - Policy PCYFF1 The Joint Local Development Plan states that proposals outside development boundaries will be resisted unless they are in accordance with specific policies of the plan or national planning policies or that the proposal demonstrates that its location in the countryside is essential.

Technical Advice Note 6 states that development in open countryside must be fully justified by reference to robust supporting evidence that there is a need for the dwelling for a rural enterprise.

The land in question is located in the open countryside therefore is contrary to Policy PCYFF1 of the Joint Local Development Plan. No evidence has been provided to justify the need for a dwelling in this location in accordance with the requirement of TAN 6.

### Joint Local Development Plan Housing Supply - Units with Planning Permission

Table 15 'Component of Housing Supply' within the Adopted Plan presents a snapshot, (based on the information available following the 'informal' housing land availability study undertaken in April 2015 (the study's base date)) of how various components of the housing supply could deliver the housing requirement. It presents background information not policy. Your attention is drawn to the fact that the table takes account of the 10% slippage allowance applied. The indicative supply of land for housing is greater than the requirement (7,184) in order to deal with scenarios that, for example, allocated sites do not yield as many units as expected or that some sites do not come forward as anticipated. Alternative sites need to be policy compliant. Table 15 does note that at April 2015 there were 2,748 units with the benefit of planning permission which if implemented within the lifetime of their permissions were expected to contribute towards the Plan's housing provision. A review of the whole land bank in the Plan area reveals that there was a total of 3,526 units with the benefit of planning permission at April 2015.

Based on an application of the Plan's Settlement Strategy as set out in Policy PS 17, Appendix 5 of the Adopted Plan gives a breakdown of the indicative number of units (including the 10% slippage allowance) apportioned to each individual settlement in the hierarchy and an anticipated indicative contribution from the open countryside for both Ynys Môn and Gwynedd. Similar to Table 15 (at paragraph 6.4.13), the various tables in Appendix 5 provide a snapshot of the situation in relation to the various components of supply as it stood in April 2015.

It should be noted however that Table 15 in Appendix 5 refers to the number of units unlikely to be developed during the Plan period in individual settlements and further more on the basis of past expiry rates seen on Ynys Môn an assumption that 50 units with planning permission in Clusters and 120 in the open countryside were considered as being unlikely to be completed. This calculation was presented to the Inspector in response to an action point arising from a Hearing in the Examination

Paragraph 4.26 of the Inspector's Report commented upon the high level of permissions currently available due to the previous permissive policies on Ynys Môn and that a proportion of these units will not be delivered which would help ensure that the housing and spatial strategies within the Plan would not be undermined:

"4.26. Reference to the latest figures in Table 18a reveals that the level of completions and commitments in the open countryside is greater than the total provision. This is explained by the



permissive policies presently in operation in Anglesey. Based on an analysis of past trends the Councils anticipate that a significant proportion of the permissions will not be developed and any renewal would be assessed against a new policy context. Monitoring will be necessary in order to ensure that the overall housing strategy is not compromised.” (Note: Table 18a is now Table 15 in the Adopted Plan).

In conclusion therefore whilst the vast majority of units with current planning permission in the Plan area if implemented within the lifetime of their permissions would contribute towards the Plan's overall housing provision an assumption has been made that a proportion of these which do not comply with the Plan's Housing strategy will not be implemented since a renewal application would not be supported under the Plan's policies.

This site in Mynydd Mechell is such an example since this site now lies in the open countryside, is not within a settlement identified within the Plan's settlement hierarchy and the proposal doesn't align with Policy PCYFf 1, Policy PCYFF 2 or Policy PS 17.

**Adjacent residential properties** - Neighbouring properties have been notified of the development. The expiry date to receive representations being 27/9/17. At the time of writing the report no objections were received.

## **7. Conclusion**

Having considered the above and all other material considerations my recommendation is that the application should be refused as the site is located in an open countryside location and no supporting evidence has been provided with the application in relation to the requirements of TAN 6.

Having considered the above and all other material considerations the recommendation is one of refusal.

## **8. Recommendation**

### **Refuse**

(01) The Local Planning Authority considers that the proposal would amount to the erection of a new dwelling in the countryside for which no long term need is known to exist for the purposes of a rural enterprise; the development would therefore be contrary to Policy PCYFF1 of the Joint Local Development Plan and the advice contained within Planning Policy Wales, 2016 (9th Edition) and Technical Advice Note Planning for Sustainable Rural Communities.

7.3

Gweddill y Ceisiadau

Remainder Applications

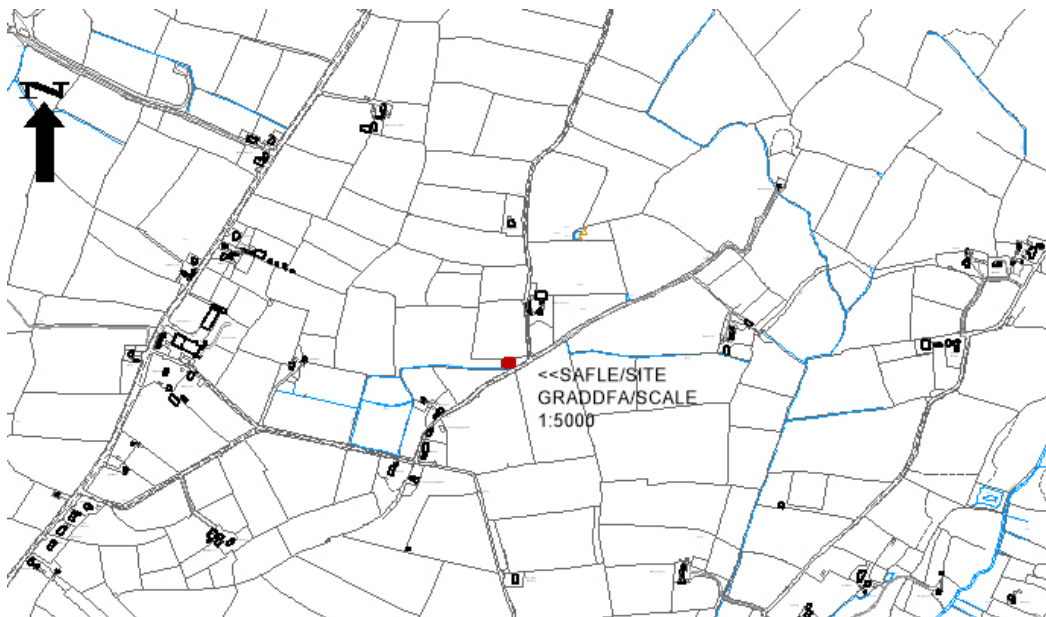
Rhif y Cais: **45C482** Application Number

Ymgeisydd Applicant

**Vodafone Limited**

**Cais llawn i godi twr monopol 20m o uchder ynghyd ag offer cysylltiedig ar dir i'r gogledd ddwyrain o / Full application for the erection of a 20m high monopole tower with associated equipment on land north east of**

**Cae Gors, Niwbwrch/Newborough**



**Planning Committee: 01/11/2017**

**Report of Head of Regulation and Economic Development Service (DPJ)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The planning application has been called to the planning committee by Councillor Bryan Owen as Local Member.

**1. Proposal and Site**

The application site is located in the countryside location with the nearest settlements being Dwyran to the south east and Newborough to the south west.

The application site is within a narrow agricultural field in close proximity the public highway which comprises a rural lane leading to the B4421 to the west between Llangaffo and Newborough and the A5025 at Dwyran. The site is well screened by existing trees and vegetation and is only visible from a field access to the agricultural land, which is on a corner of the highway.

The nearest residential properties are located in proximity at Caeau-brychion to the north east and Cae'r Gors to the south west, but there are also other residential properties in the vicinity of the proposed development.

The application was originally made for a mast of 21 metres in height of a lattice type design, but this was subsequently amended to a monopole design and the height was reduced to 20 metres. At ground level there will be equipment cabinets set in an enclosure of 5 metres by 5 metres surrounded by a 1.2 metre high timber post and rail fence.

Additional information was also submitted with the planning application in relation to ecological matters and a hydrogeological assessment which considered the potential impacts on a private water supply in proximity.

**2. Key Issue(s)**

- Principle of the development particularly having regard to landscape considerations.
- Impact on the residential amenity of occupants of the existing dwellings.
- Impact of ecological interests.
- Impact on private water supplies.

**3. Main Policies**

**Anglesey and Gwynedd Joint Local Development Plan (2017)**

Strategic Policy PS 3: Information and Communication Technology

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and Place Shaping

PCYFF 4: Design and Landscaping

PS19: Conserving and where Appropriate Enhancing the Natural Environment

AMG 1: Area of Outstanding Natural Beauty Management Plans

AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character

AMG 5: Local Biodiversity Conservation

**Planning Policy Wales Edition 9 (2016) "PPW"**

## **Technical Advice Note 5 Nature Conservation and Planning (2009) “TAN 5”**

## **Technical Advice Note 19 Telecommunications (2002) “TAN 19”**

### **4. Response to Consultation and Publicity**

**Rhosyr Community Council** – Objection as the area is ecologically sensitive due to bats, Great Crested Newts “GCN” and red squirrels being present. Surveys are therefore required.

There is a lot of local objection by residents. There is the visual aspect of the mast as well as being situated at the end of a 6ft ditch and there are considerations in relation to the water table and flood plain. Cae Gors has a well water source and the mast is situated on land adjacent, how will this affect the well on the property?

Would the proposal open up the area to other companies wanting to situate their mast in the area?

At the time of writing the community council is being re-consulted on the amended proposal and additional information described earlier in the report.

**Councillor Bryan Owen** – Called to the planning committee on the grounds of design and the effect on the environment. At the time of writing both local members are being re-consulted on the amended proposal and additional information

**Councillor Peter Rogers** – No observations.

**Highway Authority** – No response to date

**Drainage Section** – No response to date

**Public Rights of Way Officer** – Comments awaited at the time of writing.

**Built Environment (Landscape)** – Has provided description of the context and an assessment of the Landscape Character Area “LCA”, Landmap, Area of Outstanding Natural Beauty “AONB” Management Plan and consequent landscape and Visual Effects of the Proposed Development which includes consideration of the alternate sites and views from Public Rights of Way “PROW”, key conclusions reached are:

- Six alternative sites noted along the B4419 at the same and slightly greater AOD would be closer to views and due to the proximity to the B4419 would be visually more prominent from here. There is no indication that they would result in any other landscape or visual effects.
- It is not considered that the proposal would affect any AONB Features or Special Qualities.
- No landscape features are proposed to be removed to facilitate the proposal.
- No significant effects on landscape character are likely; however due to height of the mast, it will not successfully harmonise with landform and landscape. Development at the base of the mast will not be visible to wider views.
- Visual effects will be greatest from the A4080 in the direction Penlon to Dwyran where there would be medium duration views of the upper portions of the mast. From the B4419 views will be of shorter duration and more frequently interrupted by roadside vegetation and development.

In terms of mitigation it is indicated that the use of grey as proposed will mitigate the visual impacts of the proposed development.

**Built Environment (Heritage)** - The subject land is located in a semi remote rural setting and is not within the setting of any designated cultural heritage assets. Indicated that an alternate design to a lattice tower would reduce adverse impact on the rural area.

**Environmental Services** - In view of the conclusions provided in the Hydrology report undertaken by Geo Smart dated 20/9/17 no further observations.

**Ecological and Environmental Adviser** – The Preliminary Ecological Appraisal (Biome Consulting 19.09.17) found that the trees near the site were not suitable for bats and it was concluded that no further work was required, subject to conditions in relation Reasonable Avoidance Measures “RAM’s” and a Construction Environmental Management Plan “CEMP”. Environmental enhancements were requested and it was agreed that planting a hedge around the perimeter of the base station would achieve this.

The Ecological and Environmental Advisor assessed objections received and concluded that the proposal would not impact on the bat roost indicated in the objections received to be in proximity to the development, unless some kind of adverse impact on a flight path were identified. At the time of writing the objector has been invited to submit the bat survey to which they refer.

Similar to the above no impacts were identified in relation to Greater Crested Newts subject to pollution prevention measures but the objector has also been invited to submit any survey information that they hold.

**Natural Resources Wales “NRW”** – Having assessed the Preliminary Ecological Appraisal (Biome Consulting 19.09.17) consider that the proposed development represents a low risk for protected species and are satisfied subject to the RAM’s being implemented. Also do not consider that the development is likely to be detrimental to the maintenance of the population of bats, otters and great crested newts at a favourable conservation status in its natural range. NRW confirm that they have assessed objection letter dated Ms J Roberts and that the objections are dealt with in their aforementioned comments.

In relation to the issue of the private water supply NRW have confirmed that as the private water supply is outside the Source Protection Zone of 50 metres (if supply used for human consumption) that they have no comments on the issue but have advised as regards the relevant guidance for pollution prevention to be adhered to. No comments are made on flooding as the application site is outside of the flood zones defined in their Development Advice Maps.

**Arqiva** – No observations at the time of writing.

### **Response from members of the public**

The proposal was advertised through the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. Amended plans and additional information was received in relation to the proposal in September 2017 and these details were re-advertised. This process was undertaken twice as the description used in the first consultation did not make clear that there were amendments and additional information made with the application and the notification period expires on 03.11.17 following the planning committee.

At the time of writing 7 objections were received on the following grounds:

- Inadequate visibility at the vehicular access due to the access being on a ninety degree bend opposite a private way.
- Impact of plant and machinery required to erect maintain the mast on the country lanes.
- Visual impact.
- Mast is 100 meters from “Cae Gors” and 106 meters from “Caeau Brychion”. The proposal would impact on residential outlook and amenity of these properties. There are properties in the vicinity which it is indicated will also be affected. One letter asks why the mast cannot be moved so that it is not so close to people’s homes.
- Lattice design out of character with the location.
- Proposals would jeopardise the writer’s plans for the conversion of outbuildings to a holiday use.
- Noise would impact on the environment and residents.
- Contended that the applicant has not adequately investigated alternative sites which were both available and suitable.

- There is a school less than half a mile from the development and camp site which includes a children's play area. National guidance indicates that masts should not be sited in location where children are exposed.
- Health impacts due to the proximity to local residences in terms of radiation, 5g and so on are described in detail having regards to statutory and other provision.
- Contended that if officers indicate that health concerns are not valid that this contradicts a ruling that High Court, Yasmin Skelt v First Secretary of State, 3 Bridges District Council and Orange (Sept 2003) and a Court of appeal ruling that genuine public fear and concern is material planning consideration.
- A recent ecological survey at Caeau Brychion, 106 meters from the proposed installation concluded that both sonar and pipistrelle bats were roosting in trees in the immediate area of the installation and the nearby lane. To approve the application would be detrimental to the bats in both the short and long term.
- Microwave/electromagnetic radiation from base stations can impact on wildlife notably bats and bees.
- Impact on GCN.
- Community council has not had an opportunity to respond.
- A report commissioned by the council indicated the sensitivity of the area and the impact that structures such as that being applied for can have on the locality.
- Site on the edge of the AONB.
- Visual impact on recreational users of the area including Public Rights of Way "PROW".

One communication received supporting the planning application on the grounds that lack of current mobile coverage in the area.

## 5. Relevant Planning History

No material planning history.

## 6. Main Planning Considerations

**Principle** – The application site is outside the settlement boundary defined in the JLDP. Policy PCYFF 1 states that in such areas development will be resisted unless it is in accordance with specific policies in the JLDP or national planning policies or that the proposal demonstrates that its location in the countryside is essential.

Policy PS 3 states that the council will grant permission for infrastructure proposals such as mobile phone masts subject to appropriate safeguards and material national planning policies.

PPW recognises the social and economic importance of access to telecommunications and the guidance permits telecommunications developments in the countryside whilst placing considerable importance on keeping the number of masts and sites to a minimum via measures such as sharing consistent with the efficient operation of the network.

TAN 19 provides more detailed guidance in relation to the considerations described in PPW. In relation to environmental considerations TAN 19 explains that protection from visual intrusion and the implications for subsequent network development will be important considerations in determining planning applications. TAN 19 explains telecommunications may need particular heights and locations to work effectively but that these requirements pose challenges to policies for the protection of high quality landscapes; high priority should be given to protecting areas of particular environmental importance.

TAN 19 states that if the evidence regarding the consideration of alternative sites is not considered satisfactory the Local Planning Authority may be justified in refusing planning permission. The planning application is accompanied by a list of alternate sites assessment which were considered in the site selection process. The applicant has also confirmed that there are no existing masts in the area that can be shared and meet the applicant's technical requirements.

Objections have been received that the alternate sites assessment does not adequately investigate sites which were both available and suitable. These objections were forwarded to the applicant who

has reiterated their approach to pre-application enquiries which has taken into account both land ownership and technical considerations, further that given the time that has elapsed since this exercise the planning application should be considered on its individual merit.

All the alternate sites considered comprise greenfield locations but this is not unusual given that it is a rural area where there are a few previously developed sites. As detailed in the comments of the Built Environment (Landscape) section comments the alternate locations would be at the same or slightly higher Above Ordnance Datum "AOD" levels and closer to the B4419 which would be more visually prominent with no indication that they would reduce landscape or other visual effects. Therefore, given the rural location, topography and other considerations described in the comments of the Built Environment (Landscape) sections the alternative site assessment undertaken is considered satisfactory.

TAN 19 states that where it is agreed that the future sharing of a site/mast is desirable authorities should satisfy themselves that the site can accommodate any additional apparatus that would be required. It is material that the proposal is made for a mast which will be shared between Vodafone and Telefonica (commonly known as O2) and as such the proposal is already made for a mast sharing facility.

Given the policy considerations described above the principle of the development in this countryside location is acceptable, and the applicant has demonstrated that there are no preferable alternate sites. Further the policies acknowledge that the heights required for telecommunications development create challenges in terms of landscape protection and this is considered further below.

**Landscape** – TAN 19 states that high priority should be given to protecting areas of particular environmental importance. The application site is located in the countryside. The site is some 1.2 km from the Special Landscape Area "SLA" Malltraeth Marsh and Surrounds to the north. It is also located within around 0.8 km from the AONB to the south.

The comments of the Landscape Officer are reported in detail in the consultation section of the report, key conclusions are:

- It is not considered that the proposal would affect any AONB Features or Special Qualities.
- No significant effects on landscape character are likely; however due to height of the mast, it will not successfully harmonise with landform and landscape. Development at the base of the mast will not be visible to wider views.
- Visual effects will be greatest from the A4080 in the direction Penlon to Dwyran where there would be medium duration views of the upper portions of the mast. From the B4419 views will be of shorter duration and more frequently interrupted by roadside vegetation and development.

As explained above the landscape in the vicinity of the proposed development is not designated for landscape protection purposes. Further it is not considered that the proposed development will affect any SLA or AONB features or Special Qualities. Though the proposed development will be visible due to its height in the views described this will not result in significant impacts on the aforementioned landscape designations which lead to a recommendation of refusal.

TAN 19 states that in considering mast development careful consideration should be given to screening and planting. As per the comments of the Built Environment (Landscape) section the existing trees and hedges will provide a degree of screening particularly in the summer months. Whilst views of the base of the mast and the associated apparatus will more limited the applicant has confirmed that they are agreeable to a condition requiring landscaping around the base of the fence, this will have a positive impact in terms of biodiversity in accord with the comments of the Ecological and Environmental Adviser.

**Effect on Amenity** – Objections have been received on the grounds that the proposed development is too close to existing residential properties. Further that approval of the proposal will jeopardise proposal for a holiday development in proximity and that the proposed development is too close to a school.

In so far as health considerations are concerned PPW states that it is Welsh Governments view that if a development meets the International Commission on Non-Ionising Radiation Protection "ICNIRP" guidelines on limiting exposure on a precautionary basis then it should not be necessary for the local planning authority in assessing the application to consider further the health aspects and concerns about them. This planning application is accompanied by a certificate of compliance with "ICNIRP" guidelines and is therefore considered acceptable.

The objections received contending explaining that residents have a perceived public fear and concern is a material planning consideration and has been weighted in making the recommendation. Given, the clear unequivocal guidance in PPW in relation to health and concerns about telecommunications developments and there being no exceptional circumstances such as to justify departure from this policy these objections do not lead to recommendation of refusal.

PPW states that where a mast is to be installed on or near a school it is important that operators discuss the proposed development with the school, it does not preclude telecommunications from such locations. In this instance the proposed development is not considered to be near a school, with the nearest schools being around 0.7 miles away (as the crow flies) at Newborough and Dwyran. The new school at Newborough currently under construction is slightly further away.

In assessing the impact on residential amenity regard has been taken of the proximity, orientation of principal elevations, amenity area of existing dwellings adjacent and the proposed tourism development being referred to in the objections and it is not considered that the mast will have an unacceptable impact on the amenities of the occupants.

**Ecology** – Objections have been received from the community council and occupants of neighbouring properties on the grounds that the proposed development would have an unacceptable impact on protected species notably a bat roost and GCN but others are referred to.

Additional ecological information was requested in relation to ecological matters in accord with TAN 5. This has been assessed by the council's Ecological and Environmental Adviser and NRW who are content with the proposal subject to the conditions recommended notably requiring the implementation of the "RAM's" (measures to avoid harm to protected species) and a "CEMP" (in this instances measures to prevent construction works which could pollute ground and surface waters).

As explained above an ecological enhancement in the form of hedge planting around the perimeter of the development is proposed and has been conditioned in the recommendation below.

**Surface, Ground Water and Flooding** – Objections received also contend that the proposed development will impact on the water table, result in flooding due to the blocking of an adjacent ditch and impact on the private water supply of Cae Gors.

The submitted hydrological assessment explains that contamination theoretically could occur via spillage or contamination in the construction process, but that this could be mitigated via adherence to Guidance for Pollution of Prevention GPP5: 'Works and Maintenance In or Near Water', as recommended by NRW. Further it concludes that given the potential pathways to the private water supply in question it is unlikely that any construction impacts, or subsequent operational impacts could affect the private water supply given the hydrogeological setting. An informative has been recommended as detailed above but given the ecological considerations previously described a CEMP has also been recommended which will require that the applicant submits details of procedures for dealing with such contaminants and include safeguards which will need to be adhered to via planning condition to stop contamination occurring.

The Council's Environmental Health Sections raised no objections to the proposed development in terms of potential impacts of the private water supply. NRW similarly have not made any comments in relation to the private water supply given the distance of the development.



In relation to other considerations objected to in terms of the water table, flooding and blocking of ditches no objections are made by NRW. Comments of the council's Drainage Officer are awaited at the time of writing.

**Highway Safety** – The road leading to the application site is a narrow country lane. The access to the development is proposed from an existing field access which is located on a bend, opposite a private way which is also has a PROW running along it. Vehicular access to the development will be required in the construction phase and thereafter for the periodic maintenance/repair of the development. The comments of the highway authority are awaited at the time of writing.

**PROW** - The Built Environment (Landscape) section considered potential views of the development from PROW's and including the Wales coastal park. In essence whilst views may be available particularly in winter months none are deemed to be significant, it is therefore not considered that the proposed development will have an unacceptable impact on recreational users of the footpaths. The comments of the PROW officer are awaited at the time of writing but given that there are no physical impact and the nearest PROW is on the private track opposite the site it is not anticipated that there will be any material impacts.

**Other Matters Raised in Objections-** In terms of other matters raised in the objections no aviation warning light will be required on the mast due to its height and location. The applicant has confirmed that there will be no noise from the development and no objections have been raised by the council's Environmental Services. In terms of impacts on radio and television signals it is understood that there is a small possibility that this will be affected by the development, Arqiva have been consulted and any response will be reported verbally at the committee. In the event that there is an issue the applicant explains that a complaint can be made to Ofcom to resolve the matter under separate legislative provisions.

Lightning strikes are a technical consideration which do not result in any material planning considerations.

## 7. Conclusion

The proposed development is considered to align and meet the planning policy requirements described. Though the development will be visible as described this will not unacceptably affect any designate landscapes. In terms of health considerations, the proposal is in compliance with national policy requirements and there are no reasons to depart from these guidelines. Notwithstanding the objections received the additional information submitted demonstrates that the proposal is not likely to impact on protected species or private water supplies, mitigation measures have also been recommended as part of conditions. Other matters raised in objections have also been assessed and do not change the recommendation.

## 8. Recommendation

That planning permission is permitted subject to the planning conditions listed below (an any other conditions recommended by outstanding consultees) at the end of the publicity period on 03.11.17 and subject to outstanding consultation listed in the report not raising any material considerations which have not been assessed above.

**(01) The development hereby permitted shall be begun before the expiration of (five) years from the date of this permission.**

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990.

**(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the approved plans, and contained in the form of application and in any other documents accompanying such application as listed below, unless specified otherwise in any conditions of this planning permission:**

Drawing / Report	Reference / Revision	Date
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Site Location Maps	100 B	31.03.17
Proposed Site Plan	201 B	31.03.17
Proposed Site Elevation	301 B	31.03.17
GeoSmart Information - Hydrogeological Assessment	70144R1	20.09.17
Biome Consulting - Preliminary Ecological Appraisal		19.09.17

Reason: To ensure that the development is implemented in accord with the approved details.

**(03) All construction, maintenance and repair work(s) in connection with the development hereby approved shall proceed strictly and entirely in accord with the Reasonable Avoidance Measures in the Biome Consulting - Preliminary Ecological Appraisal (19.09.17).**

Reason: To safeguard any protected species present.

**(04) No development shall commence until a Construction Environmental Management Plan "CEMP" has been submitted to an approved in writing by the local planning authority. All construction, maintenance and repair work(s) in connection with the development hereby approved shall proceed strictly and entirely in accord with the CEMP approved under the provisions of this condition.**

Reason: To safeguard any protected species and to ensure that contamination does not occur ground and surface water.

**(05) Notwithstanding the details shown on drawing reference 201 Rev B no development shall take place until a scheme of landscaping and tree planting around the perimeter of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the proposed planting, including species, size and density. The approved new planting shall not be implemented not later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner.**

Reason: In the interest of the visual amenities of the locality and to secure an ecological enhancement.

**(06) Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.**

Reason: In the interest of the visual amenities of the locality.

### **Informatives**

All work(s) in connection with the development hereby approved shall be undertaken in accord with Guidance for Pollution of Prevention GPP5: 'Works and Maintenance In or Near Water', as recommended by Natural Resources Wales.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

7.4

Gweddill y Ceisiadau

Remainder Applications

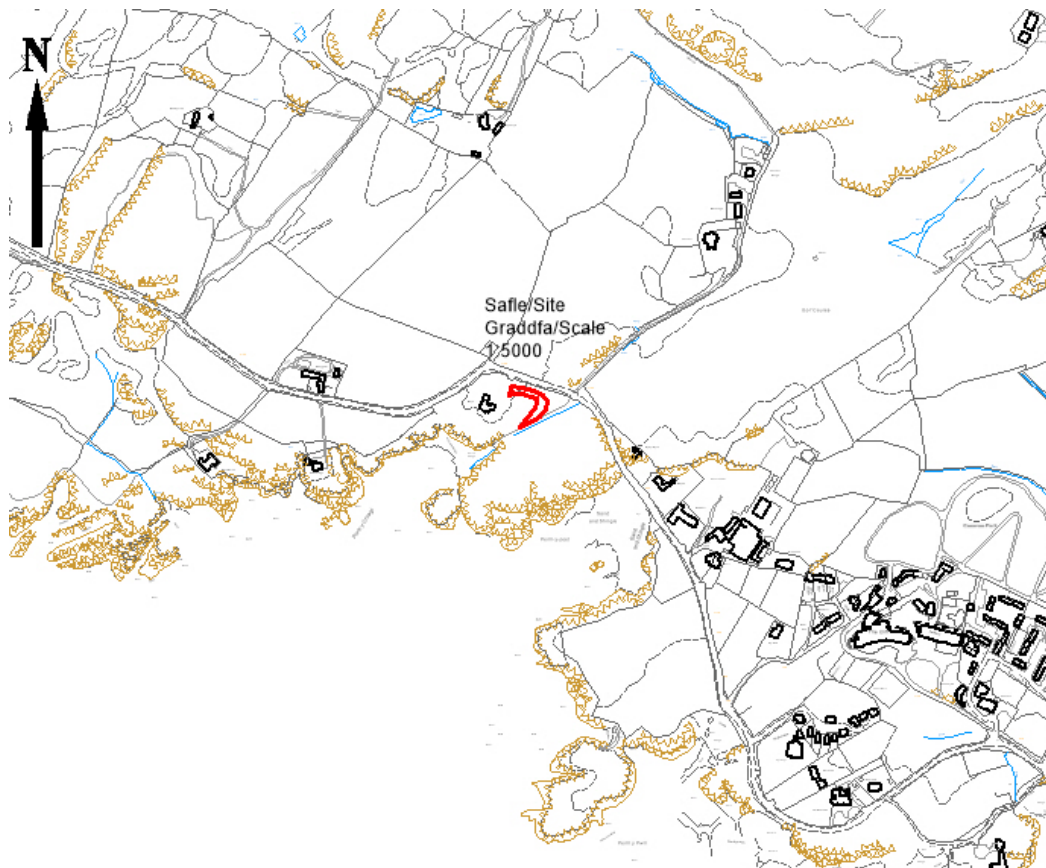
Rhif y Cais: **46C569A/ENF** Application Number

Ymgeisydd Applicant

**Mr Martin Poulter**

**Cais ôl-weithredol ar gyfer trac breifat ar dir ger / Retrospective application for the retention of a private track on land adjoining**

**Moryn, Bae Trearddur/Trearddur Bay**



## **Planning Committee: 01/11/2017**

### **Report of Head of Regulation and Economic Development Service (IWJ)**

#### **Recommendation:**

Permit

#### **Reason for Reporting to Committee:**

At the request of the Local Member – Councillor Trefor Lloyd Hughes.

At its meeting held on the 4<sup>th</sup> October, 2017 the Planning and Orders Committee resolved to visit the site before making its determination of the application. The site was visited on the 18<sup>th</sup> October, 2017 and Members will now be familiar with the site and its setting.

#### **1. Proposal and Site**

The proposal is for the retention of a private vehicular track. Since work has previously been carried out at the site the application is submitted as a retrospective application.

The application is submitted at the request of the Local Planning Authority and in accordance with Welsh Government advice following an enforcement investigation into the matter.

The application site is situated in a coastal and rural location approximately 1.5km north west of Treaddur Bay.

The proposed track is approximately 3 metres wide and approximately 85 metres in length with associated earthworks, to provide vehicular movement from the existing dwelling to an existing unmetalled track leading from the public highway to the beach at Porth y Corwgl.

The works entails the removal of rock outcrop and erection of embankments against the cliff side by materials used from such works. The track will have crushed slate as surfacing.

#### **2. Key Issue(s)**

The key issues are whether or not the development is acceptable in terms of its impact upon the amenities of the area, neighbouring properties and upon the character and appearance of the area.

#### **3. Main Policies**

##### **Joint Local Development Plan (JLDP)**

PCYFF1 – Development Boundaries

PCYFF 2 – Development Criteria

PCYFF3 – Design and Place Shaping

PCYFF 4 – Design and Landscaping

AMG1 – Area of Outstanding Natural Beauty Management Plans

PS19 - Conserving and where Appropriate Enhancing the Natural Environment

AMG3 - Protecting and Enhancing Features and Qualities that there are Distinctive to the Local Landscape Character

AMG4 – Coastal Protection

AMG5 – Local Biodiversity Conservation

AMG6 – Protecting Sites of Regional or Local Significance

##### **Planning Policy Wales (9<sup>th</sup> Edition)**

##### **Technical Advice Note 5: Conservation and Planning**

##### **Technical Advice Notes 12: Design**

#### **4. Response to Consultation and Publicity**

**Councillor Trefor Lloyd Hughes**– Request that the application be referred to the Planning Committee for determination. Concerns regarding work being carried out adjoining the sea and use made of other land.

**Councillor Jeffery M Evans** - No response at time of writing report.

**Councillor Dafydd Rhys Thomas** - No response at time of writing report.

**Community Council** – No response

**Ecological and Environmental Advisor** – The Authority's Advisor is supportive of the application subject to a suitable management plan which would cover the lifetime of the development. Such a plan would bring a long-term biodiversity benefit for the Local Wildlife Site.

**Natural Resources for Wales** – No Objection

**Footpath Officer** – There is no public rights of way shown on our Definitive Map at this location however a topographic path exists from Lôn Isallt to the beach south of Moryn. No objection to the planning application. Officer has suggested that a condition be attached to any permission ensuring that no fencing be erected which would not interfere with the un – metalled track on the adjoining unregistered land.

**Landscape Officer** – The proposal has minor local effects on the AONB landscape and will not alter any of the key characteristics of local landscape.

**AONB Officer** –The AONB Management Plan has been highlighted.

**Built Environment** – Supportive of the application on the basis that both landscape and ecological considerations can be addressed.

**Local Highways Authority** – No comments regarding the application.

#### **Response to publicity:**

The proposal was advertised with the posting of notifications to adjacent properties. A site notice was also displayed near the application site.

One letter of representations was received as a result of the publicity afforded to the application. The main points raised are summarised below:

- No public rights of way from the land owned by the applicant and has no public right of way over the beach and foreshore at high or low tide. The applicant has no rights with respect to the sea bed.
- There is no need for another beach in the locality and its marine life should not be disturbed.
- An application for a Marine Licence has been submitted.
- Applicant has carried out works to a rocky outcrop which becomes visible at low tide and has unlawfully destroyed marine habitat.
- The beach is a small public beach with access via a rights of way from the footpath crossing from the clifftop either side. It is only accessible by foot and is free of vehicular activity. The proposed access ramp will cross the rights of way and create an unsafe and unpoliced private vehicular access.
- The proposed vehicular access will reduce the public right of way and area in which the public may use for bathing and social / leisure activity
- The proposed carving out of a boating channel will harm and or destroy marine life which have enjoyed un-spoilt and undisturbed habitat.

- The proposed Marine license is unnecessary due to the already established and well policed County Council boat launching and recovery facility at Trearddur Bay, within half a mile of this beach.
- The secluded beach sits adjacent to a SSSI and AONB which is very often visited by sea mammals such as Seals, Porpoise and Dolphins.
- The sea bed and rocky outcrop is an undisturbed ground for crustaceans and rock adhering marine life.
- The proposed vehicular and boat access will disturb the public right of way and create a possible trespass issue. If Marine Licence is granted that will mean vehicles and boats will be “stored” and or “parked” on the beach and will affect the public rights of use for bathing and other leisure activities. There will be no means by which the Council or its representatives could police the activities in a secluded area such as this.
- The beach sits between Trearddur Bay and Porthdafarch which are hugely popular and are visited by huge numbers of public boat, surf, canoe and other activities. To introduce a further highly populated boating beach is unnecessary and will introduce further pressure to the fragile marine life that exists in the shallows of a beach and provides valuable feeding for the local bird population.

In response to the points raised, the Authority comments as follows:

- Land Registry documents suggest that the applicant owns the area of land within the application site. The applicant has a right of way over the existing track (adjoining the proposed track) leading from Lôn Isallt onto the beach.
- The application is submitted solely for the retention of a private vehicular track. Works to marine life will be considered as part of a Marine Licence under a separate legislation, outside the planning remit.
- Landscape visual impacts, including the AONB will be considered and discussed later within the report as part of the determination process. Ecological matters will also be considered as part of the application.
- The application will be considered on its planning merits, in line with all material considerations and local and national planning policies. Any works / activity which may occur outside the application site cannot be considered as part of the application.

## 5. Relevant Planning History

46C569 – Full application to replace two chamber septic tank with a package treatment plant – Granted 10/10/2016

## 6. Main Planning Considerations

**Landscape and Visual Effects:** The application site is located within the Area of Outstanding Natural Beauty (AONB). The site is on the coastal edge and slopes down from c.15m AOD to sea level. The craggy coastline here creates a large number of distinct minor inlets with localised views on land.

The site is also within Landscape Character Area 2 – Holy Island, of the Anglesey Landscape Character Update 2011, an area where the landscape character is predominately rural, wild, exposed and coastal.

Policy AMG 1 of the JLDP: (Area of Outstanding Beauty Management Plans) states that proposals within or affecting the setting and / or significant views into and out of the AONB must, where appropriate, have regard to the AONB Management Plans.

As part of the 2015 – 2020 AONB Management Plan, the Anglesey Seascape Character Assessment is used to help determine the likely impacts of marine developments on the special qualities and features of the AONB. All development proposals within and up to 2km adjacent to the AONB will be rigorously assessed to minimise inappropriate development which might damage the special qualities and features of the AONB or the integrity of European designated sites. All new developments and re-developments within and up to 2km adjacent to the AONB will be expected to

adopt the highest standard of design, materials and landscaping in order to enhance the special qualities and features of the AONB. Proposals of an appropriate scale and nature, embodying the principles of sustainable development, will be supported. The Management Plan also ensure that planning policies reflect the statutory duty of the Council to conserve and enhance the special qualities and features of the AONB.

Following undertaking of a site assessment together with a site inspection, it is considered that there are minor localised direct effects on AONB features and special qualities related to coastal landscape and the loss of an area of western gorse and heather. Spoil generated by the track has created prominent edges which extend the area of the track and do not relate well to surrounding vegetation or areas of rock outcrop. The proposed design and materials are considered appropriate to the sensitive area. The embankment also acts as a mitigation measure.

The area immediate to the site is largely gorse and heather and elements of the track as constructed are visible from Lôn Isallt coast road (also Wales Coast Path) but does not project above the current landform. It is also visible from land to the south which is not part of any footpath, but appears to be used informally. It is not visible from the Wales Coast Path south of Porth y Post where there are views towards the site and of the rugged coast in this location or on the approach to the site from the east.

It is not considered that the scale or nature of the development has more than negligible effects on other landscape receptors as identified above.

The proposal has minor local effects on the AONB landscape and will not alter any of the key characteristics of local landscape. Whilst the area the track will remain as implemented, the finish and edge (as per mitigation proposed) will become more vegetated, reducing long-term landscape effects. It is projected that within a period of approximately 5 years, residual landscape effects will be negligible.

Visual effects from public viewpoints are limited to brief oblique views, and the track is not visible from the pedestrian only section of the Wales Coast Path to the south.

**Biodiversity & Ecology:** The application site is part of the designated Local Wildlife Site (LWS) known as 'Afordir Bwth Corgwl-Bar', which comprises three, separate parts along the coast. The land comprises of a rocky coastland with a mosaic of coastal grassland and coastal heath with areas of bare rock.

Policy AMG6 of the JLDP states that proposal that are likely to cause direct or indirect significant harm to protected sites will be refused unless it can be proven that there is an overriding social, environmental and or economic need for the development, and that there is no other suitable site that would avoid having a detrimental impact on sites of local nature conservation value or local geological importance.

When development is granted, assurance will be required that there are appropriate mitigation measures in place. It will be possible to use planning conditions and / or obligations in order to safeguard the site's biodiversity and geological importance.

Given due consideration to the wording of the policy, it is considered there is no overriding need of such a development.

However, as part of the application a Habitat / Botanical survey was undertaken which established that the construction of the access trackway has resulted in the loss of an area of coastal grassland and maritime heath.

The Local Planning Authority requested that an Ecological Report and Mitigation Plan should be prepared and submitted as part of the application.

Following the submission of a Conservation Management Plan it was concluded that the overall eradication and conservation management plan will required a staggered approach, as the

eradication of the montbretia will remain a key priority to the conservation approach for the future of the site.

In summary, the Conservation Management plan has identified and proposed the following course of action:

The eradication, including treatment and control for the presence of on-site montbretia and; Long-term plan mitigating loss of habitat connected with the creation of the access trackway, with an overall conservation approach for the remainder of the wildlife site at Moryn.

An effective conservation plan can only be implemented once the montbretia eradication can be fully controlled in an effort to avoid any further conflict in achieving a successful conservation plan for the future of the site, and neighbouring sites.

Given the presence of part of the Local Wildlife Site over the application site, an approval could ensure that a suitable management plan for conservation interest be put in place at the site, bring long-term biodiversity benefits to the area.

It is considered a Conservation Management Plan could achieve this by conserving and enhancing certain quality and features of the AONB and the Lowlands Coastal Heath.

The submitted Conservation Management Plan is proposed to be carried out over a 5-year period. The implementation strategy will include the inspection of the Authority's Ecologist in order annually review and monitor the mitigation works.

However, in order that the proposal brings a long-term biodiversity benefit to the area is considered that an amended Conservation Management Plan should cover the lifetime of the development and demonstrate a way of dealing with any other invasive species.

In the event that the Local Authority issued a Planning Enforcement Notice in an effort to regularise the unauthorised works, such a Notice could only require that the land be reinstated to its previous condition without any mitigation measure such as a conservation management plan.

On balance, it is therefore considered that the approval of the application which would include an effective Conservation Management Plan covering the lifetime of the development would be more beneficial for the Local Wildlife Site than the issuing of a Planning Enforcement Notice.

**Amenity:** The impact the development might have upon the residential amenity upon the surrounding properties and area is a key issue in the determination of the current proposal.

There are no other residential properties within close proximity to the application site. It is therefore not considered that the proposal will have any adverse impact upon residential amenity.

**Land Ownership and Rights of Way:** The applicant owns the adjoining dwellinghouse known as Moryn together with the land in which the application is submitted. The applicant also owns a section of the beach which lies above the high tide water mark level.

The applicant has a right of way over the existing track (adjoining the proposed track) leading from Lôn Isallt onto the beach. The right of way entails the taking of boats to and from the foreshore and to take seaweed and gravel from the foreshore to the land.

**Highway Safety:** The applicant claims that the use of the existing track from the curtilage of Moryn would minimise the risk of vehicular movement in comparison to accessing the track from the public highway. This will be ensured through condition and is an additional gain obtained as part of an approval of the development.

## 7. Conclusion

Although it is considered there is no overriding need for the proposal in line with policy AMG6 of the JLDP, works proposed as part of the Conservation Management Plan will ensure that the proposal



will bring long term biodiversity benefit to the designated Local Wildlife Site which could not otherwise be secured.

Policy AMG 1 of the JLDP ensures that proposal within or affecting the setting and / or significant views into and out of the AONB must, where appropriate, have regard to the AONB Management Plan.

It is considered that the proposal has minor local effects on the AONB landscape and will not alter any of the key characteristics of local landscape.

Although the application entails the construction of a private track, given due consideration to all aspect of the application, it is considered that an adequately worded Conservation Management Plan would ensure that the proposal contributes towards conserving and enhancing certain special qualities and features of the AONB related to the Lowland Coastal Heath.

In addition, the application proposes that vehicles will manoeuvre from the curtilage of Moryn to the existing track (leading from Lon Isallt onto the beach at Porth y Corwgl) in which the applicant has a right of way.

The use of the proposed track will therefore minimise the risk of vehicular movement in comparison to accessing the track from the public highway. A condition has been attached to the recommendation which will relinquish the applicant's right to directly access the public highway from the beach.

On balance, having given detailed consideration to the professional consultees comments in the matter, the representations received and all other material planning considerations, it is not considered that the refusal of the application could be warranted. Moreover, it is not considered that it would be expedient or in the wider public interest that formal planning enforcement action should be instigated in this instance. It is therefore my recommendation that the application be approved.

## 8. Recommendation

To **permit** the application subject to receipt of a finalised conservation management plan, subject to the following conditions:

**(01) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted below under planning application reference 46C569A/ENF.**

Drawing/ Document Number	Date Received	Plan Description
3070/12	19/12/2016	Proposed Site Plan
3070/13	19/12/2016	Proposed Plan
3070/11	19/12/2016	Location Plan
3070/14	19/12/2016	Cross Section
3070/11	18/09/2017	Richards Moorehead & Laing Ltd: Eradication plan for Montbretia and conservation management plan for wildlife site: Revision 1

Reason: For the avoidance of doubt.

**(02) All works in connection with the development hereby approved shall proceed strictly and entirely in accordance with the Management Plan (Richards Moorehead & Laing Ltd: Eradication plan for Montbretia and Conservation Management plan for wildlife site: Revision 1 reference number 3070/11) throughout the lifetime of the development.**

Reason: In the interest of Ecology.

**(03) All access and exit to and from the public highway in using the Developer's private right of way to Porth y Corwgl shall be along the track marked between points A to B to C on drawing reference 3070/12. No access to or exit from the public highway shall be made using the point marked D on the same drawing.**

Reason: In the interest of highway safety.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the decision, providing that such changes do not affect the nature or go to the heart of the permission/ development.

7.5

Gweddill y Ceisiadau

Remainder Applications

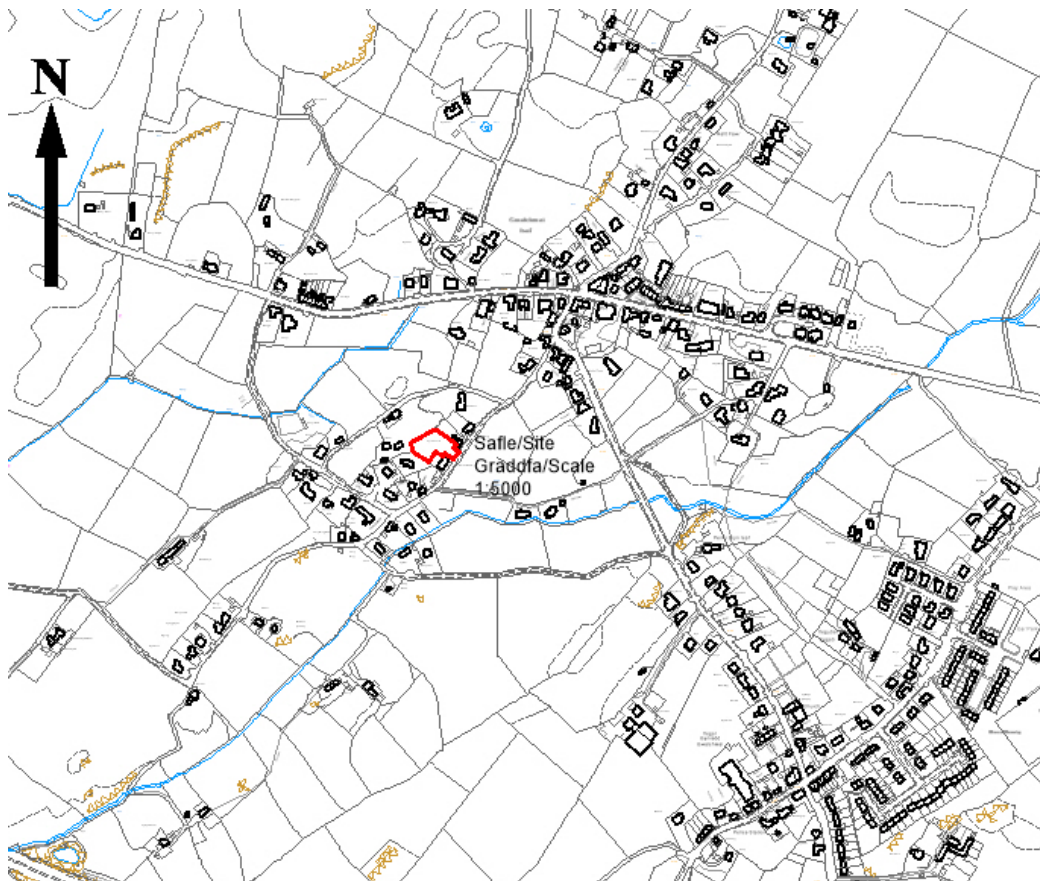
Rhif y Cais: **48C202A** Application Number

Ymgeisydd Applicant

**Mrs Llinos Davies**

**Cais llawn ar gyfer codi annedd ar dir ger / Full application for the erection of a dwelling on land adjacent to**

**Penrallt Bach, Gwalchmai**



## **Planning Committee: 01/11/2017**

### **Report of Head of Regulation and Economic Development Service (DPJ)**

#### **Recommendation:**

Refuse

#### **Reason for Reporting to Committee:**

The planning application has been called to the planning committee by Councillor Bob Parry as Local Member in relation to the design and site.

It was resolved at the October 2017 Planning Committee to convene a site visit and this was held on 18.10.17.

#### **1. Proposal and Site**

The application site comprises an agricultural field of around 0.12 hectares in size located within a grouping of dwellings located to the south west of Gwalchmai. The field is served by an existing field entrance located between two residential properties one of which is within the ownership of the applicant. Both of these properties comprise traditional single storey cottages and have their frontages in close proximity to the public highway. Both these existing properties also have to varying degrees ground floor windows at the rear facing the application site. The agricultural field comprising the application site extends to the rear of these properties, there are existing hedges and trees along the field boundaries to the north, west and south.

The proposal is a full planning application for a two storey dormer type dwelling, the whole of the agricultural field would form the residential curtilage of this dwelling. The proposed dwelling would be set back within the field such that it is behind the two existing residential properties described in the preceding paragraph. Access would be via a new private access arrangement in the same position as the existing agricultural field access with a drive and turning area leading to the property within the site.

#### **2. Key Issue(s)**

Effect of the proposed development on the amenities of the area.

Impact on the residential amenity of occupants of the existing dwellings either side.

#### **3. Main Policies**

##### **Anglesey and Gwynedd Joint Local Development Plan (2017)**

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and Place Shaping

PCYFF 4: Design

TAI 3: Housing in Service Villages

AMG 3: Protecting and Enhancing Features and Qualities Distinct to the Local Landscape Area.

##### **Planning Policy Wales Edition 9 (2016)**

##### **Technical Advice Note 12 Design (2016)**

##### **Isle of Anglesey Council Supplementary Planning Guidance: Design in the Urban and Rural Built Environment (2008)**

#### **4. Response to Consultation and Publicity**

**Community Council** – No response to date

**Councillor Bob Parry** – Called to the planning committee on the grounds of design and siting.

**Councillor Dylan Rees** – No observations.

**Councillor Nicola Roberts** – No observations.

**Highway Authority** – No objections subject to conditions and it has been confirmed that it is understood that it is not possible to require the applicant to provide a car parking space for the existing residential property at Tyn Lon Bach in connection with the development being applied for.

**Drainage Section** – No response to date

**Built Environment (Landscape)** – Have considered the impact of the proposed dwelling on a tree on the northern boundary of the application site and concluded that whilst the proposal may affect the roots, given existing signs of disease on the tree and the fact that it is not prominent a Tree Preservation Order “TPO” is not justified and its loss would not have a significant adverse impact on the character of the natural landscape. New planting shown on the proposed site plan is indicative only and does not contain any detail.

**Welsh Water** – Conditional permission.

Response from members of the public

The proposal was advertised through the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of representations is the 11.09.17.

One representation has been received from the owner of Tyn Lon Bach which states that they have no objections development, further that they consider that the proposal would remove an unsightly piece of land that has not been used productively in the last 17 years. In addition, they consider that the design of the proposal is in keeping with other adjacent houses that are set back on the same building line such as “Plas Cerri”. It is further confirmed that the writer supports the fact that the dwelling will be occupied by a local family, has no objections on overlooking grounds and that the construction of the dwelling will provide local employment.

The writer indicates that if the proposal provides off-street parking for “Tyn Lon Bach” (which is unclear from the plans) that this will help the free flow of traffic along the public highway.

#### **5. Relevant Planning History**

48C202: Full application for the erection of a dwelling together with the construction of a vehicular access, withdrawn 16.03.17.

#### **6. Main Planning Considerations**

The application site is within the settlement boundary defined in the JLDP and the principle of residential development for one dwelling accords with policy TAI 3.

**Effect on Amenity** - The application site is situated in an elevated position to that of the neighbouring properties. The two immediate properties adjacent are single storey cottages fronting the highway.

The proposal involves the erection of a large two storey dormer type dwelling in the rear of the field. Due to the siting and two storey scale it is considered that the proposed dwelling would result in dominant feature which would result in insensitive infilling to the detriment of the amenity of locality.

**Effect on Amenity** – Access to the proposed dwelling will be located between Tyn Lon Bach and Penrallt Bach. The proposed access drive is in close proximity to Penrallt Bach and car parking area is in close proximity to the rear of Tyn Lon Bach. The proposed dwelling and its garden area will be to the rear of these existing properties.

Tyn Lon Bach has one window in the rear elevation on the boundary with the application site, there are also a further three windows on a rear extension in close proximity to the boundary and facing the application site. Tyn Lon Bach also has its rear amenity in close proximity to the northern elevation of the proposed dwelling.

In terms of impacts on Tyn Lon Bach traffic movements and general activity from the proposed dwelling will have an impact on the living conditions given the close proximity to the rear elevation of this dwelling. Fencing could mitigate these impacts but given that the existing windows are on and in close proximity to the boundary with the application site such mitigation could also impact on outlook and loss of light.

The proposed front elevation of the proposed dwelling is around 16 meters from the rear elevation of Tyn Lon Bach on a front to back basis. As explained previously there is window on the boundary with the application site in this rear elevation which will directly face the front elevation of the proposed dwelling. The rear extension of Tyn Lon Bach is closer at less than 10 meters. The SPG Design indicates that there should be a distance of 21 meters between front and rear elevations but that this may be increased if a development is higher than the existing dwelling. Given these considerations the relationship and proximity of the existing and proposed dwelling is considered unsatisfactory by virtue of the siting behind and too close to the rear elevation of Tyn Lon Bach.

There is a window in the northern elevation of the proposed dwelling facing the rear garden of Tyn Lon Bach, which is indicated to be obscurely glazed on the plans. A condition obscurely glazing this window would mitigate overlooking, but the need for this window is questioned given that a further window is also proposed on the rear elevation of this bedroom.

Whilst Penrallt Bach is within the applicant's ownership it is still material to consider the impacts on residential amenity given that ownership can change in the future. The proposed residential curtilage of the proposed dwelling extends around the rear of Penrallt Bach, and is at a higher level. The corner of the proposed two dwelling is also located in close proximity to the rear curtilage of Penrallt Bach. All in all this creates an unsatisfactory relationship with the potential for overlooking, disturbance and the impacts on the outlook from the rear garden of having a large two storey dwelling in close proximity.

Given the considerations described above it is considered that the proposed dwelling will have an unacceptable impact on the residential amenity of the existing dwellings because of its proximity and its siting to the rear which will result in general disturbance, overlooking and impacts on the outlook from the respective properties.

The planning application comprises a resubmission of planning application 48C202 which was subject to a committee site visit and was withdrawn prior to consideration at the March 2017 Planning Committee. The recommendation to the planning committee was one of refusal on the grounds that the proposal would unacceptably affect the amenities of the neighbouring properties and the amenities of the area. The proposal subject to this report is identical to that considered under planning application 48C202.

**Highway Safety** – No objections are raised by the council's highways section. As explained it is not possible to insist that car parking provision for the existing dwelling at "Tyn Lon Bach" is provided as part of the development being applied for.

**Landscape** – The council's Landscape Officer has considered the impact of the development on a tree on the northern boundary of the application site. Whilst the proposed development may impact on the health of the tree no objections are raised for the reasons described.

## 7. Conclusion

The proposed development is considered unacceptable on the grounds of amenity and residential amenity primarily due to its siting, two storey scale, relationship and proximity to the existing dwellings.

## 8. Recommendation

That planning permission is **refused** on the following grounds:

(01) The siting and two storey scale of the proposed dwelling would result in dominant feature which would result in insensitive infilling to the detriment of the amenity of locality. This would be contrary to the provisions of policies PCYFF 3 of the Anglesey and Gwynedd Joint Local Development Plan (2017) and Planning Policy Wales Edition 9 (2016).

(02) The siting and scale of the proposed dwelling would have an unacceptable impact on the residential amenity of the existing dwellings at Tyn Lon Bach and Penrallt Bach because of its proximity and relationship with the rear of these dwellings which will result general disturbance, overlooking and impacts on the outlook from the respective properties. This would be contrary to the provisions of the Isle of Anglesey Council Supplementary Planning Guidance: Design in the Urban and Rural Built Environment (2008) and Planning Policy Wales Edition 9 (2016).