

Rhif y Cais: **28LPA970A/CC/MIN** Application Number

Ymgeisydd Applicant

Head of Service (Economic)

Man newidiadau i gynllun sydd wedi ei ganiatau yn flaenoral o dan ganiatad cynllunio 28LPA970/CC yn / Minor amendments to scheme previously approved under 28LPA970/CC at

Beach Road, Rhosneigr



Planning Committee: 05/11/2014

Report of Head of Planning Service (AMG)

The application was made by the Council on Council owned land.

The original application entailed public realm improvements to the beach access which consisted of resurfacing, the construction of an access ramp, installation of street furniture and bollards. The proposed amendments entailed changes in the materials used for the surfacing of the proposed beach access and access ramp together with the re-positioning of tooting seats.

Given the relatively minor nature of the proposed amendments, it was not considered that the proposed changes would have a material impact on the scheme and the area. It was not considered that the proposed changes significantly altered the previously approved scheme.

Therefore the proposed alterations were deemed to be non-material and were consequently approved under Section 96A of the Town and Country Planning Act 1990.

The matter is therefore reported for information purposes only.

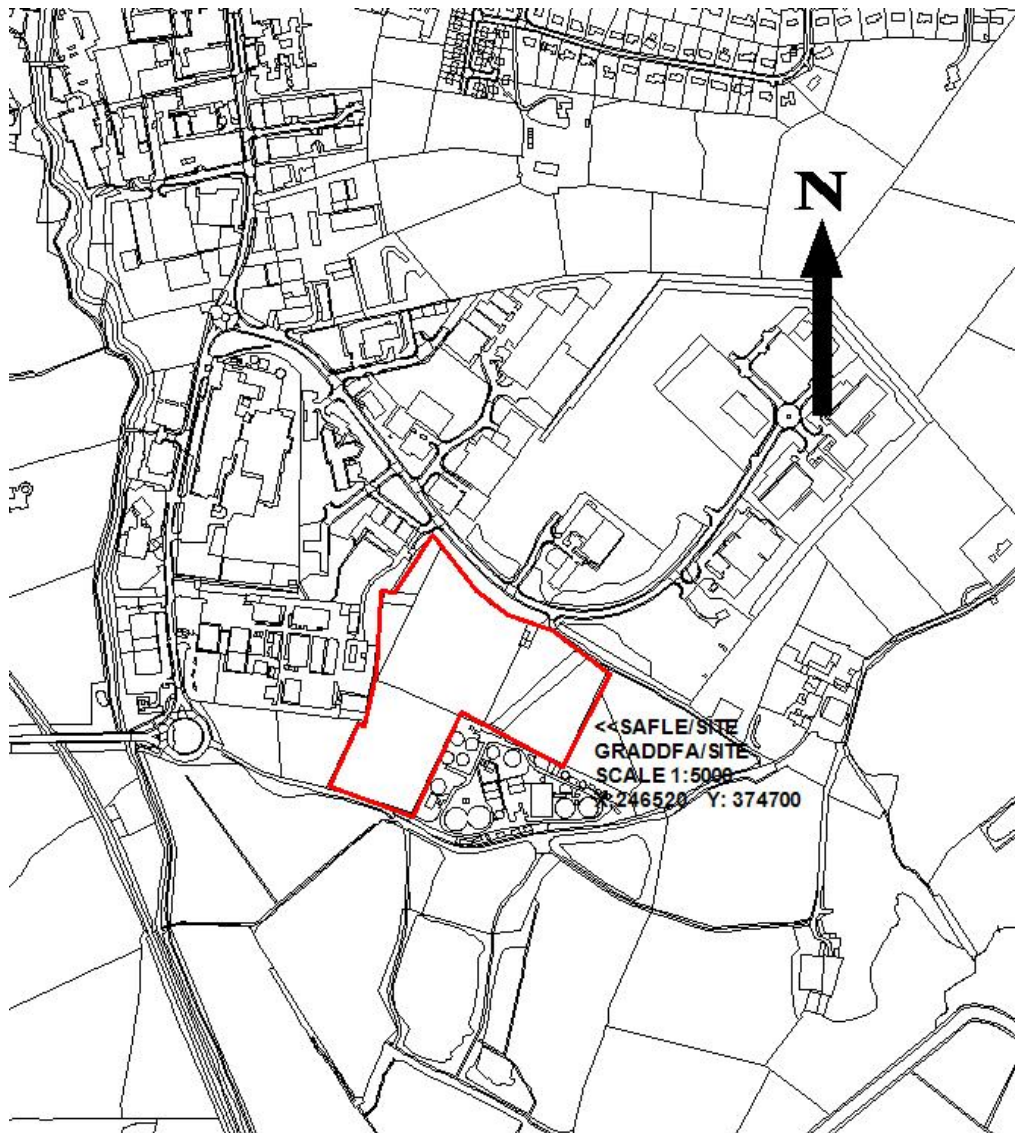
Rhif y Cais: **34C40Z/EIA/ECON** Application Number

Ymgeisydd Applicant

Mr. Paul Kellett

Codi Gwaith Ynni Biomas newydd yn cynnwys gwaith peledi pren, gwaith ynni biomas gwres cyfun, peiriannau tynnu rhisgl a naddu pren, iard storio coed ac adeiladu mynedfa newydd i gerbydau ar dir ger / Erection of a new Biomass Energy Plant comprising of a wood pellet plant, a biomass combined heat power plant, debarking and chipping plant, wood storage yard and construction of a new vehicle access on land adjacent to

Peboc, Industrial Estate, Llangefni



Planning Committee: 05/11/2014

Report of Head of Planning Service (RWW)

Reason for Reporting to Committee:

You are reminded of the Planning Committee's decision on 2nd May 2012 to refuse the above planning application for the following reasons :-

- Access and highways
- Air quality
- Noise
- Ecology
- Effect on the landscape
- Economic effect and Sustainability
- Proximity Principle

Following the refusal the applicant appealed against the Council's decision. In accordance with paragraph 3.11.2 Planning Policy Wales (Revision 6, February 2014) it was decided that this appeal decision would be of national interest so Welsh Government gave the Minister for Housing and Regeneration – Mr Carl Sargeant the power to determine the appeal. The appeal was the subject of a public inquiry which was held 24 – 31 January 2014 when it was decided to defend the Council's decision within the following areas :-

- The development would have a detrimental effect on the landscape and visual amenities of the area.
- The additional information which was presented for the appeal is insufficient to overcome the effects with regards to highways and noise.
- The negative cumulative effects in connection with highways, noise, air quality, visual affect and landscape which would result from the development as well as the distance of the development from any resource or market would make the development incongruous with proximity and sustainable development principles. The negative cumulative effect would also have a detrimental effect on the local economy.

On 15 August 2014 correspondence was received from the Housing and Regeneration Minister refusing the appeal and drawing attention to the following :-

- Any benefit to the local economy in the form of jobs and large investment would be eroded as a result of the presence of bad neighbour development arising from this development.
- The development would have a substantial detrimental effect on the landscape and on the visual amenities locally because of its size, scale and its elevated position on the outskirts of Llangefni.
- It is very likely that local amenities would be affected as a result of the unacceptable noise levels which would emanate from the proposed development.
- Even though the development would be likely to create high levels of particulates in the air and would have some effect on the risk to people's health, the levels would remain within national levels.
- The local road network would be able to accommodate the extra traffic levels that would be created by the development. Despite this the arrangements presented for the access to the

site remains hopeless.

- The sustainability principles of the development would be undermined with the need to carry material, waste and wood pellets over large distances on the road network. The development is also contrary to the waste hierarchy and the proximity principle which is a necessary part of the sustainable management of waste. As a result of this the Minister came to the simple conclusion – the development is located in the wrong place.
- Having considered the development. It is judged that the proposed development is contrary to national policies and the Development Plan especially the policies that are intended to safeguard the character and the appearance of an area and its amenities.

I attach the Minister's letter for the Committee's attention.

3. Under the provisions of the Government of Wales Act 2006 the power to determine appeals made under section 78 of the Town and Country Planning Act 1990 ("the 1990 Act") has been transferred to the Welsh Ministers and, in this case, this power is being exercised by me, the Minister for Housing and Regeneration.
4. The appeal was dealt with via a public inquiry held on 21-24 January and 28-31 January 2014 and a site visit was carried out on 30 January 2014. The Inspector's conclusions are set out in paragraphs 190-229 of his report, a copy of which is enclosed.
5. In the Inspector's view, although a number of matters are raised with regard to the proposed development, the main considerations in this appeal are:
 - the need for the development of a biomass renewable energy plant;
 - the economic benefits that would emanate from the development;
 - the sustainability of material supplies;
 - the landscape and visual impact of the proposed plant;
 - the effects on local air quality, and any associated effects on the health of local people;
 - the effects on the local noise environment and the amenity of nearby residents and neighbouring premises;
 - the adequacy of the proposed means of access to the site;
 - the effects of traffic on the local road network; and
 - whether or not the benefits of the proposed development would outweigh any detrimental impacts associated with the matters above.

I agree with the Inspector that these are the relevant issues.

6. The Inspector recommended that the appeal be dismissed and planning permission refused.

Inspector's Overall Conclusions

7. The Inspector, at paragraphs 223 to 228 of his Report, drew the following overall conclusions:

"In reaching my conclusions I have had regard to the Environmental Statement, the supplementary information submitted in respect of that Statement, and to all other environmental information submitted in connection with the appeal and the public inquiry.

The need for the expansion of renewable energy capacity to reduce carbon emissions and develop long-term sustainable energy supplies is strongly supported by national and development plan policy and carries considerable weight. These benefits are also supported by benefits to the local economy resulting from the introduction of new jobs and substantial capital investment, though these would be largely offset by the deterrent effect on other business potential resulting from the presence of the very large biomass plant which would be seen as a "bad neighbour". The inherent sustainability benefits of the plant would also be eroded by the need to transport the source materials and the manufactured wood pellets over long distances by road, a situation that leads to the simplistic conclusion that the plant would be in the wrong place.

The sourcing of such large quantities of materials in this region would also place great

stress on the markets, displacing existing customers and conflicting with the proximity principle and the waste hierarchy, which are important principles underlying sustainable waste management.

The plant would be significantly harmful to the local landscape and to visual amenity in the area due to its very substantial size and scale and its elevated location on the edge of the settlement, where it would harden that edge rather than allow the settlement to merge more gently into the surrounding countryside. It is also likely that unacceptable harm to amenity would be caused due to noise and disturbance emanating from the plant. Whilst it is possible these concerns may be overcome by substantial detailed design measures (and the EA/NRW has issued the environmental permit on this basis), the Appellant has failed to demonstrate appreciation of the tonal nature of noise generated from some of the plant and the harm to amenity associated with that in this location where background noise levels would be expected to be relatively low. The plant would also give rise to increased levels of fine particulate matter in the air, which would have a slight effect on risks to human health. However, as air quality levels would still be within the relevant national standards, I give this quite limited weight.

I have concluded above that the additional traffic could be accommodated by the local road network without unacceptable detriment to the safe and free flow of traffic. However, the arrangements for access to the site itself remain hopelessly unresolved. The latest proposals for the southern access (to be used by the main HGV traffic) are impractical and uncertain, and I consider them unlikely to be feasible. It would be possible to rely solely on the northern access but the practical and safety implications of this have not been properly explored. The matter might be resolved by use of a suitable planning condition and would not warrant refusal on its own account. However, the uncertainties involved serve to reinforce objections on other matters.

It is acknowledged that the renewable energy benefits carry considerable weight. However, I conclude that those and any other benefits would be substantially outweighed by the harmful effects of the development. The harm to the landscape and to visual amenity would be significant, and I consider this to be the critical factor in the assessment. The very substantial size and bulk of the plant could not be disguised by any mitigation measures and would be completely out of place in this location. The risks of harm to amenity due to noise and to health due to air pollution and the uncertainties concerning access to the site further reinforce this main factor. On balance, I conclude that the proposed development would conflict with development plan and national policies, particularly policies aimed at safeguarding the character and appearance of the area and amenity. Consequently, I conclude that the appeal should be dismissed."

The Inspector recommended that the appeal be dismissed and planning permission refused.

Conclusion

8. I offer no comment as to whether the biomass plant should be considered as a 'bad neighbour' development and, while it has been argued during this appeal that that is the case, I do not consider it to be a determinative issue in the consideration of the appeal.
9. I have noted the Inspector's comment that while the details of the northern access are unresolved, he considers that the suitability of the northern access might be resolved by the use of a suitable planning condition. While that may be the case, the issue of access to the site is fundamental to the proposed development and, in my view, one that should be resolved before planning permission is granted and not after.

10. The Inspector has concluded that the harm to the landscape and to visual amenity would be significant and that it is the critical factor in the assessment of the appeal. I accept that the effect of the proposed development on the landscape and visual amenity are significant material considerations in the assessment of this appeal but, in light of the range of issues arising from this proposed development, I do not consider that effect to be critical.
11. Subject to the above comments I agree with the Inspector's conclusions and accept his recommendation that the appeal be dismissed and outline planning permission refused.
- 12.1 have taken into account the environmental information as defined by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) in reaching my decision on this appeal.
- 13.1 have received no representations relating to the planning merits of the appeal since the inquiry closed.

FORMAL DECISION

14. For the reasons given above, and in exercise of the power referred to in paragraph 2 of this decision letter, I dismiss your client's appeal (APP/L6805/A/12/2183072) and hereby refuse planning permission for a biomass energy development and associated infrastructure consisting of a wood pellet plant, solid and liquid biomass combined heat and power plants, a wood storage yard and a debarking and chipping plant at Peboc, Llangefni Industrial Estate, Llangefni, Isle of Anglesey, LL777UX.
15. A copy of this letter has been sent to the Isle of Anglesey County Council and those who were entitled to appear at the public inquiry and did so.

Yours sincerely

A handwritten signature in black ink that reads "Carl Sargeant". The signature is written in a cursive, flowing style.

CARL SARGEANT AM

Minister for Housing and Regeneration, one of the Welsh Ministers. Enc:
Leaflets H and HC