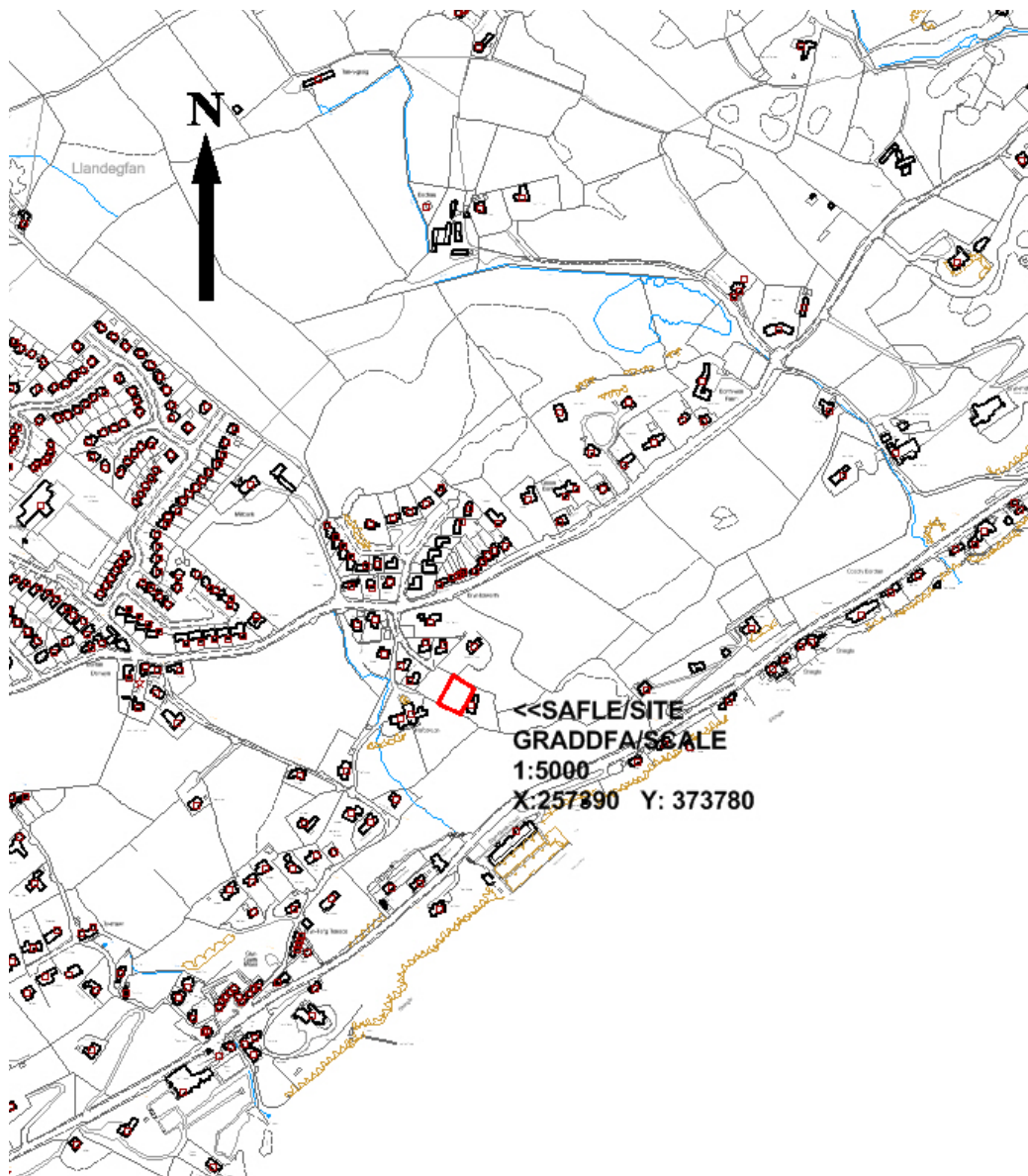


Rhif y Cais: **17C44M/MIN** Application Number

Ymgeisydd Applicant

Mr Dylan Jones

Mân newidiadau i gynllun sydd wedi ei ganiatáu yn flaenorol o dan caniatâd cynllunio 17C44J i amrwyo amod (10) er mwyn galluogi cyflwyno manylion o sgrin i'r balaconi cyn bod neb yn bwy yn yr annedd yn / Minor amendments to scheme previously approved under planning permission 17C44J to vary condition (10) so as to allow for the submission of the details of the balcony screening prior to occupation of the dwelling at

6 Gerddi Hafod Lon, Llandegfan

Planning Committee: 04/02/2015

Report of Head of Planning Service (JBR)

Recommendation:

Permit

Reason for Reporting to Committee:

The application was deferred at the last committee meeting in order for members to visit the site. The visit took place in the 18th February 2015 and those members in attendance will now be familiar with the site and its surroundings.

1. Proposal and Site

The proposal is an application under Section 96A of the Town and Country Planning Act 1990 for a non-material amendment to scheme previously approved under planning permission reference 17C44J for the erection of a dwelling.

The application site comprises a plot with planning permission for the erection of a dwelling in the village of Llandegfan.

2. Key Issue(s)

Whether or not the proposed changes will have a material effect on the approved development.

3. Main Policies

Ynys Mon Local Plan

1 - General Policy

42 - Design

49 - Defined Settlement

Gwynedd Structure Plan

A2 – New housing development

D29 - Design

Stopped Unitary Development Plan

GP1 – Development Control Guidance

GP2 – Design

HP4 - Villages

4. Response to Consultation and Publicity

Councillor Lewis Davies – Request that the application be referred to the Planning and Orders Committee for determination.

Councillor Alwyn Rowlands – No response received at time of writing report.

Councillor Carwyn Jones – Objection received raising concerns regarding the balcony to which

response was sent clarifying the precise nature of the application. A copy of the letter will be included in the letters pack.

Community Council – No response received at time of writing report.

Drainage – Comments received, however given the nature of the application, consultation with drainage was not considered necessary as drainage will not be effected by the proposed change.

Response to publicity.

One letter received, the content of which is summarised below. A full copy can be found in the letters pack:

- Objection to any kind of balcony on the basis that no other properties have balconies.
- The balcony is at second storey level (first floor) and is approximately 2m from the neighbours' boundary, directly overlooking the garden and kitchen.
- That any screen should be for privacy rather than to provide a view and should not therefore be constructed of any material which is, transparent, translucent, slatted or reflective.
- That any screen should be of a solid, non-transparent, non-translucent, non-reflective material and be constructed to a height of 1.8m.

5. Relevant Planning History

17C44J – Full application for the erection of a dwelling at Gerddi Hafod Lon, Llandegfan
Granted – 18.7.14

6. Main Planning Considerations

This is an application under Section 96A of the Town and Country Planning Act 1990 for a non-material amendment to scheme previously approved under planning permission reference 17C44J for the erection of a dwelling.

As an application made under Section 96A of the Town and Country Planning Act 1990 it is not an application for planning permission.

Planning permission was granted for the erection of a dwelling on the site and which included the provision of a balcony on the 18th July 2014 under planning permission reference 17C44J.

Condition (10) of the permission stated that 'No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of a screen for the balcony noted A-B on the attached plan. The said scheme shall include details of the timing of the work. The screen shall thereafter be erected in accordance with the details as agreed and any replacement shall be of the same design as that approved, and shall be retained in perpetuity. If the privacy screen requires to be changed for whatever reasons, the replacement shall be of the same height and design and in the same position unless otherwise agreed in writing by the Local Planning Authority.'

The development has commenced on the construction of the dwelling, without first having submitted to and obtained the Local Planning Authority's approval with regard to the details of the balcony screen contrary to the requirements of the condition.

This application is therefore seeking an amendment to the requirements of the condition so as to

allow for the submission of the relevant details prior to any occupation of the dwelling, and is not an assessment of the merits of the application for the erection of a dwelling or indeed the provision of a balcony.

In assessing and determining the application for the dwelling, there was no fundamental objection to the provision of the balcony as shown on the submitted plans, nor to the 1.1m height of the railing, in addition, no objections were received to the application from any neighbouring properties nor was the application called-in for determination by the Planning and Orders Committee by any of the three Local Members for the area. Nevertheless, a condition was imposed requiring that details of the materials to be used in the construction of the balcony screen be submitted for the Local Planning Authority's written approval in order that the materials used were acceptable and minimised the potential for overlooking and loss of privacy to neighbouring properties.

Such issues are not considered likely to arise until the dwelling is completed and occupied and it is in fact considered that the requirement that such details be submitted prior to the commencement of any works is unreasonable and unduly restrictive and does not meet all of the 6 tests for conditions set out in Circular 11/95: Use of Conditions in Planning Permission.

An amendment to the wording of the condition, so as to allow for the screen details to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling is therefore considered reasonable and acceptable and will not result in a material change to the scheme previously approved.

7. Conclusion

Having considered the above and all material considerations it is considered that the proposed amendment to the wording of the condition to allow the relevant details to be submitted prior to occupation of the dwelling is deemed to be non-material as the intended purpose of the condition remains in place. It is therefore recommended that the application should be approved under Section 96A of the Town and Country Planning Act 1990.

8. Recommendation

To permit the application and amend the wording of condition (10) on planning permission reference 17C44J under Section 96A of the Town and Country Planning Act 1990, in order that condition (10) now reads as follows.

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.

(10) Prior to the occupation of the dwelling a scheme shall be submitted to and approved in writing by the Local Planning Authority for the provision of a screen for the balcony noted A-B on the attached plan. The screen shall thereafter be erected in accordance with the details agreed prior to the occupation of the dwelling and shall be retained in perpetuity. Should the privacy screen require to be replaced for any reasons, the replacement shall be of the same height and design and in the same position unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development is in the interests of amenity.

This decision should be read in conjunction with the remaining conditions imposed on planning permission reference 17C44J.

9. Other Relevant Policies

Planning Guidance: Approving non-material amendments to an Existing Planning Permission.

Circular 11/95: Use of Conditions in Planning Permission.

Planning Policy Wales (Edition 7)

Technical Advice Note 12 – Design

Technical Advice Note 9 – Enforcement of Planning Control

SPG – Design Guide for the Urban and Rural Environment.

10. Other Non-Material Issues Raised

Both the letters received from the objector and Councillor Carwyn Jones raise objections to the provision of a balcony. It is therefore reiterated that the balcony has been granted approval under planning permission reference 17C44J. This application is merely seeking an amendment to the wording of condition (10) of that permission so as to allow further time for the submission of the screen details and is not an assessment of the merits of the provision of a balcony.

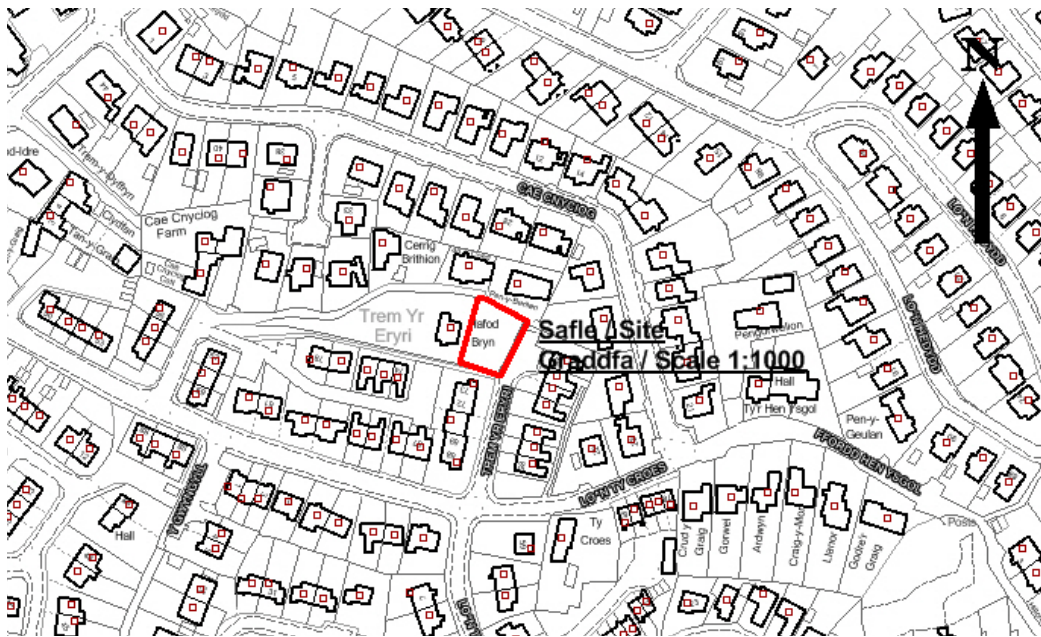
Rhif y Cais: **31C419A** Application Number

Ymgeisydd Applicant

Rev Owen Evans

Cais amlinellol gyda holl faterion wedi eu cadw yn ôl ar gyfer codi 2 annedd ar dir yn / Outline application with all matters reserved for the erection of 2 dwellings on land at

Hafod y Bryn, Llanfairpwll



Planning Committee: 04/03/2015

Report of Head of Planning Service (NJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The application has been call-in by Cllr Mummery for a Committee decision. At its meeting held on 4th February 2015 the Members resolved to undertake a site visit prior to determining the application. The site was visited on 18th February and the members will be familiar with the site and its setting.

1. Proposal and Site

The application site forms part of the dwelling at Hafod y Bryn, Llanfairpwll. The proposal is an outline application with all matters reserved for the erection of two two-storey dwellings and the creation of a vehicular access onto the turning head at Trem Eryri. Engineering works in raising the level of the garden will be undertaken to provide a level access to the site.

2. Key Issue(s)

Highway safety and residential amenity.

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General Policy

Policy 5 – Design

Policy 48 – Housing Development Criteria

Policy 49 – Defined Settlements

Gwynedd Structure Plan

Policy A2 – Housing Land

Policy A3 – Scale and Phasing of New Housing Development

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy HP3 – Main and Secondary Centres

Planning Policy Wales (Edition 7)

Technical Advice Note 12 Design

SPG – Design Guide for the Urban and Rural Environment

4. Response to Consultation and Publicity

Response to Consultation

Town Council- No reply at the time of writing

Cllr Mummery – requests that the application be determined by the Planning and Orders Committee due to local concerns and will request a site visit

Cllr Meirion Jones – no reply at the time of writing

Cllr Jim Evans – no reply at the time of writing

Highways Authority – suggested conditions

Dwr Cymru-Welsh Water – No reply at the time of writing

Drainage Section- additional details requested

Response to Publicity

The application has been publicised by personal notification and site notice with an expiry date for receipt of representations of 23rd January 2015. At the time of writing, 11 letters of objection had been received. Objections are based on:

The cul de sac at Trem Eryri is narrow and cannot accommodate additional traffic;

The dwelling at Hafod y Bryn is already served by an access and the development should utilise this access rather than Trem Eryri;

The proposal will impact upon the privacy and amenity of adjoining residents;

The proposal is an overdevelopment and an example of 'garden-grabbing';

The development would be higher than and out of scale with existing development.

5. Relevant Planning History

31C419 Outline application for the erection of 2 dwellings with all matters reserved on land adjacent to Hafod y Bryn, Llanfairpwll – refused 29/10/14

6. Main Planning Considerations

Principle of the Development: The application is an outline application for the erection of 2 dwellings within part of the garden area of Hafod y Bryn. The site is centrally located within Llanfairpwll which is a defined settlement under Policy 49 of the Local Plan. In accordance with national planning policy, the use of vacant sites in urban areas can contribute to the availability of housing. The principle of the development in housing policy terms is acceptable.

Highways Impacts: A previous application on the site was refused due to concerns regarding visibility at the junction of the Trem Eryri estate. This matter has been resolved to the satisfaction of the Highway Authority but is now raised in relation to the use of the junction. Strong local objection has been raised that the proposed access to the plots will be taken off the cul de sac at Trem Eryri. Concerns are expressed that the road is narrow and congested; a disabled parking space is allocated on the estate road and refuse collection vehicles and other vehicles have to mount the pavement to gain access. The additional traffic generated by two dwelling is considered by objectors to create unacceptable highway safety concerns and the site should be served by the existing access at Hafod y Bryn. The scheme has however been fully assessed by the Highway Authority which raises no objection subject to conditions. The authority must consider the application as presented to it - the access serving the dwelling at Hafod y Bryn is not proposed in the application as an access for the plots. Additional information has been sought in relation to the ownership land at the end of the cul de

sac. The layout has been clarified by the agent to show that both the proposed pedestrian and vehicular access points will exit onto the public highway. The use of car parking spaces at the end of the cul de sac will not be compromised. The Highway Authority had suggested that a 1.5m wide footway be provided along the frontage of the application site to join with existing footways on the estate. However, as the road is a cul de sac with allocated parking spaces at its termination and given the high level of concern regarding the narrow width of the estate road, it is considered that the provision of a short length of footway would impinge on the space available to manoeuvre and park. Omission of a footway in this location is not considered to compromise pedestrian safety to such an extent as to warrant refusal of planning permission and the Highway Authority has withdrawn the request. Given the additional details sought for clarification of the access details, conditions are proposed in relation to the details received rather than leaving access as a reserved matter.

Residential and General Amenity: Concerns are raised that the proposals represent an overdevelopment of the site and that the scheme will result in overlooking and loss of privacy to existing dwellings. The site falls away from the estate road and it is proposed to raise garden levels at Hafod y Bryn in order to bring the proposed access closer to existing levels at Trem Eryri. It is proposed that the dwellings will have a finished floor level of 98.02 compared to 96.48 at Hafod y Bryn (a difference of 1.54m) and compared to 99.62 at 79 Trem Eryri (a difference of 1.6m). Rather than dominate the estate, the proposal will represent a gradual step up from Hafod y Bryn to the development site and up again to existing dwellings at Trem Eryri. The section drawing submitted is based on a dwelling with a ridge height of 7m (a ridge height of between 7 and 8m is proposed in the DAS). The ridge height at 7m would, if projected, be equivalent to the eaves level of 79 Trem Eryri. At 8m to ridge, the proposed dwellings would remain almost 2m lower than the ridge of 79 Trem Eryri. There is an approximate distance of 20m between the proposed dwellings and the existing dwellings directly opposite then at Trem Eryri and it is not considered that privacy and amenity will be compromised to such an extent as to lead to refusal of planning permission, in particular given relative levels. The proposed dwellings are sited closer to the rear garden area of Hafod y Bryn itself but additional information supplied by the agent demonstrates that additional planting within that property's garden area as well as a boundary fence would overcome concerns. Subject to detailed design in the placing of windows, no excessive overlooking should occur to the flats at Trem Eryri or to the dwellings at Pen y Berllan (10.5m at closest to the side elevation of plot 1) and Tan y Coed (11.5m at closest to the corner of plot 1) to the north of the site which are separated from the site by existing trees and hedges which are to be retained.

Drainage: The drainage section has requested additional details in relation to surface water disposal. These details were awaited at the time of writing but it is anticipated that suitable conditions can be imposed.

7. Conclusion

The site is located within a densely developed part of the defined settlement of Llanfairpwll. It is considered that the site can accommodate the proposed development. The application has been fully considered by the Highway Authority in the light of objections received but a conditional approval is recommended. Drainage details are awaited and any permission will not be issued until this matter is resolved.

8. Recommendation

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.

To **permit** the application subject to the following conditions, and any additional conditions required to deal with drainage:

(01) The approval of the Council shall be obtained before any development is commenced to the following reserved matters viz. the layout, scale, appearance of the building and the landscaping of the site.

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

(02) Application for approval of the reserved matters hereinbefore referred to shall be made not later than the expiration of three years beginning with the date of this permission.

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

(03) The development to which this permission relates shall be begun not later than whichever is the later of the following dates namely: - (a) the expiration of five years from the date of this permission or (b) the expiration of two years from the final approval of the said reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

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

(04) The access shall be completed in accordance with drawing number 2225:14:3c submitted on 20th January 2015 under application reference number 31C419A.

Reason: In the interest of highway safety.

(05) No development shall take place until trade descriptions of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development.

Reason: To ensure the satisfactory appearance of the development

(06) Full details of all fencing, walling or other means of enclosure or demarcation shall be submitted to and approved in writing by the local planning authority before any work on the site is commenced.

Reason: To ensure the satisfactory appearance of the development and in the interests of amenity

(07) The provisions of Classes A, B, C, D, E and F of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (Wales) Order 2013 (or any Order revoking or re-enacting that Order) are hereby excluded.

Reason: In the interests of amenity

(08) Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

(09) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise approved in writing by the local planning authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

(10) Land drainage run-off shall not be permitted to discharge either directly or indirectly into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

(11) The car parking accommodation and turning area shall be completed in full accordance with the details as may be approved before the use hereby permitted is commenced and thereafter retained solely for those purposes.

Reason: To comply with the requirements of the Highway Authority.

(12) The access shall be constructed with its gradient not exceeding 1 in 20 from the first 5m back from the nearside edge of the adjoining carriageway

Reason: In the interests of amenity

(13) The boundary wall / hedge/ fence or any new boundary erected fronting the highway shall at no time be higher than 1m above the level of the adjoining county road carriageway along the whole length of the site's boundary with the adjoining highway and nothing exceeding this height erected within 2m of the said boundary.

Reason: to safeguard visibility at the access.

(14) The finished floor level of the proposed dwellings shall be no higher than the levels indicated on drawing 2225:14:4B submitted on 20th January 2015 under planning reference 31C419A.

Reason: To define the scope of this permission and in the interests of amenity

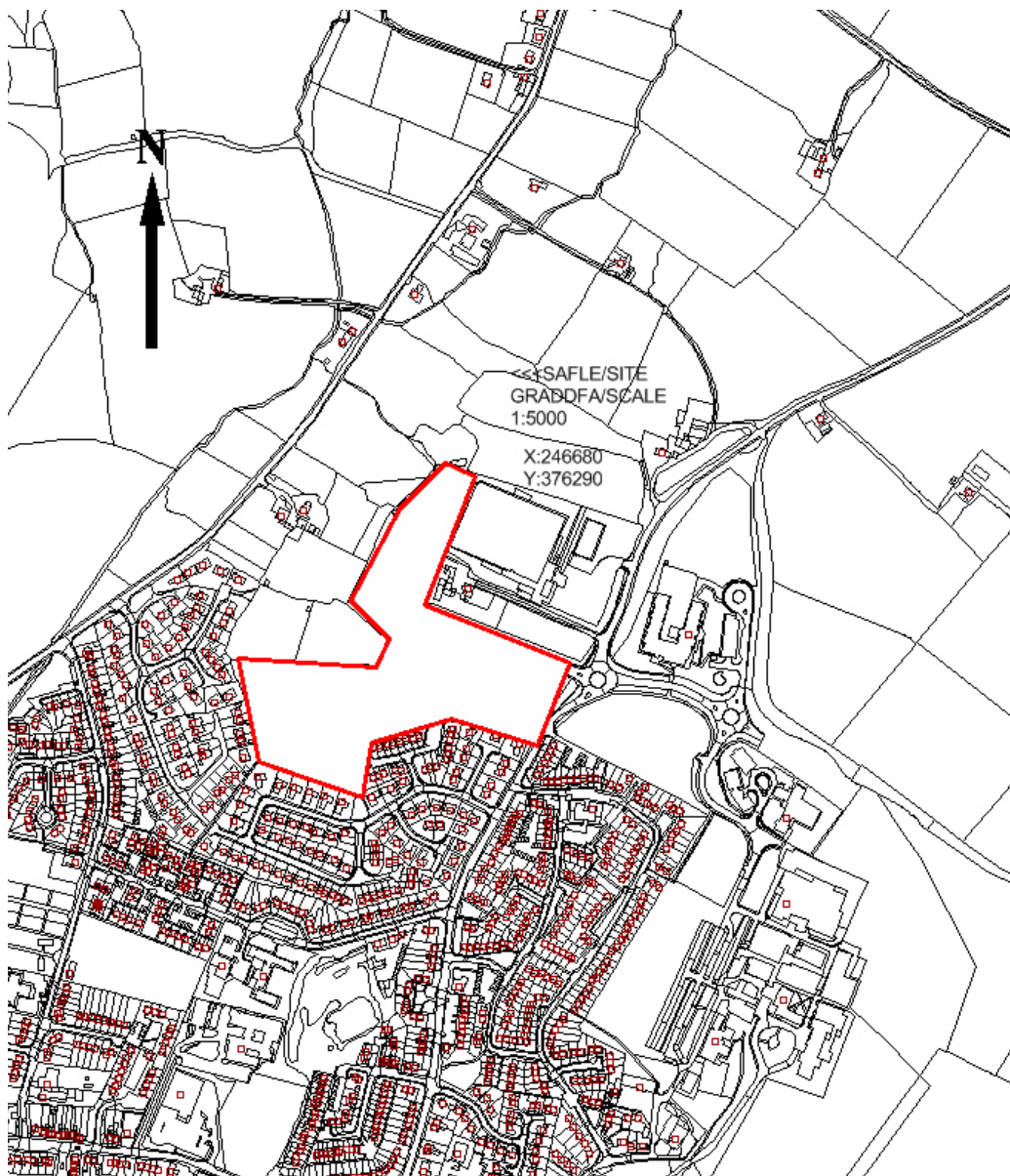
Rhif y Cais: **34C553A** Application Number

Ymgeisydd Applicant

St Malo (Llangefni) Ltd

Cais amlinellol ar gyfer datblygiad trigiannol yn cynnwys cyfleuster gofal ychwanegol, priffordd a rhwydwaith cysylltiol yn/Outline application for residential development including extra care facility, highway and associated infrastructure at

Ty'n Coed, Llangefni



Planning Committee: 04/03/2015

Report of Head of Planning Service (MTD)

Recommendation:

Permit

Reason for Reporting to Committee:

The application is reported to the Planning Committee because it has been advertised as a departure from the development plan, and is being recommended for approval.

Members will recall visiting the site in the 21st August, 2013.

1. Proposal and Site

The application relates to an area of approximately 5.34 hectares of agricultural land to the north of Llangefni between the B5110 (leading to Brynteg) & B5108 (leading to Talwrn). There are residential properties at Bro Ednyfed abutting the southern boundary of the application site. To the east on the opposite side of Talwrn Road members may be aware of the recently constructed school and extension to the Coleg Menai campus, and associated facilities.

The application is made in outline form, with all details reserved for further consideration. The proposal entails two elements which are distinguished in the assessment of this application below:

Residential Development

The residential part of the proposal encompasses approximately 4.5 hectares. The supporting statement with the application states that 138 dwellings developed in three phases could be accommodated on this area.

Extra care facility

The extra care facility encompasses approximately 0.84 hectares on the south eastern corner of the application site abutting Bro Ednyfed, and is shaded grey on the plan accompanying this report. Indicative layout plans of a 50 unit extra care facility with ancillary parking and on site resident facilities accompany this application. The facility would provide independent housing for elderly residents, whilst also providing support, communal leisure and retail facilities.

Access to the above development would be via the relatively recently constructed roundabout on Talwrn Road, which currently serves the development to the east.

2. Key Issue(s)

* Adequacy of existing residential land supply.

* Compliance of the respective proposals with development plan and other material policy considerations.

3. Main Policies

Gwynedd Structure Plan

- A1 (Distribution of Housing Development)
- A2 (Housing Land Location)
- A3 (Scale & Phasing of Housing Development)
- A6 (New Dwellings in the Open Countryside)
- A9 (Affordable Housing)
- A10 (Sheltered Housing & Residential Homes for the Elderly)
- FF15 Pedestrian & Disables Access

Ynys Môn Local Plan

- 47 (Housing Requirements)
- 48 (Housing Development Criteria)
- 49 (Defined Settlements)
- 53 (Housing in the Countryside)

Stopped Anglesey Unitary Development Plan

- HP1 (5 Year Supply)
- HP2 (Housing Density)
- HP3 (New Housing Development – Main & Secondary Centres)
- HP6 (Dwellings in the Open Countryside)
- HP7 (Affordable Housing)
- HP11 (Residential & Nursing Homes)
- TR9 (Walking, Cycling & Horse Riding)

Technical Advice Note (Wales) 1 Joint Land Availability Studies (2006)

Supplementary Planning Guidance “Nursing Homes & Homes for the Elderly” (July 1988)

Interim Planning Policy Large Sites Feb 2011

Planning Policy Wales, 7th Edition

Supplementary Planning Guidance: Design_Guide for the Urban and Rural Environment

4. Response to Consultation and Publicity

The Local Members: No observations received.

Town Council: Comments in respect of number of houses and that any permission should be the subject of a Section 106 Agreement.

Highways: Conditional permission.

Public Rights of Way: No objections.

Drainage: Conditional permission requiring a Sustainable Urban Drainage System (SuDS) in respect of surface water drainage.

Housing & Social Services Department: No objections subject to affordable housing provision in respect of both the residential and extra care facility. No support is offered for the extra care facility and it is questioned whether other sites may be available.

Environmental Services: No objections subject to conditions in respect of working hours during

construction. Also noted that the development is close to a sporting facility which can give rise to complaints of noise nuisance in the future, to which little or no amelioration measures can be applied retrospectively.

Welsh Water: No objections subject to conditions

National Resources Wales: Conditional permission and require details of the implementation of the great crested newt mitigation strategy.

Welsh Language Board: Observations made on submitted Welsh Language Assessment; no objections.

Education: Require contribution from developer of £863,872 this figure reflects the calculated additional costs which would be imposed as a consequence of additional demand for child education.

GAPS: Require a survey to be carried out. However, as this has only been requested at this late stage it is considered appropriate and reasonable to request this by way of condition or prior to release of any consent.

5. Relevant Planning History

34C553/SCR - Screening opinion for residential development including extra care facility, highway and associated infrastructure. Environmental Impact Assessment not required - 28.02.07.

6. Main Planning Considerations

Principle of Residential Development

Having regard to the provisions of section 38(6) of the 2004 Act, determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan for Anglesey comprises the approved Gwynedd Structure Plan (approved November 1993) and the adopted Anglesey Local Plan (adopted December 1996). Other material policy considerations include the Stopped Anglesey Unitary Development Plan, National and other Planning Guidance listed in the relevant section of this file.

Policy A1 of the Gwynedd Structure states sufficient land (including that with planning consent) will be made available for housing to allow for the development of some 9,070 additional dwellings in Gwynedd during the plan period 1991 to 2006, Anglesey's distribution was 3,170.

Policy A2 of the Gwynedd Structure Plan states housing land to meet the requirements of policy 1 will be located within, or on the edge of, existing settlements at a scale which reflects the settlements existing population as a proportion of the total population of the relevant district. Policy A3 of the Gwynedd Structure Plan is also relevant and states that the scale and phasing of new housing development will be expected to take account of the listed criteria.

Policy 47 of the adopted Anglesey Local Plan states enough land (including land with planning permission) will be made available for the provision of some 2150 new dwellings during the period 1991-2001.

Llangefni is identified as a defined settlement under the provisions of policy 49 of the Anglesey Local Plan and the application site lies outside this settlement boundary, this is why the application has been advertised as a departure from the provisions of the development plan.

On 1st December 2005 the County Council voted to implement the transitional arrangements set out in the LDP Wales regulations and to "stop work" on the Ynys Mon Unitary Development Plan (UDP).

The deposit plan of 2001, as amended by the Inspector's report, remains a material planning consideration carrying weight commensurate to the stage it reached. Llangefni is identified as a Main Centre under the provisions of policy HP3 of the Stopped Anglesey Unitary Development Plan "Stopped UDP" and the application site lies outside this settlement boundary.

In February 2011 the Council adopted an Interim planning Policy for large sites immediately adjacent to the development boundaries of main centres. This policy was to ensure that sufficient housing land was made available to maintain a 5 year land supply until the Joint Local Development Plan is adopted. This policy can be used to consider applications for 50 or more residential units immediately adjacent to Llangefni.

Given the process undertaken to prepare the policy, its adoption via Council resolution and its main purpose, namely; to try to facilitate development that could enable the LPA to maintain a statutory 5 year supply of land, it is considered that the interim Policy can be afforded weight as a material planning consideration.

The latest published Joint Housing Land Availability Study shows a 5.4 year land supply. This is above the need for a 5 year land supply although it should be recognised that 5 year supply is a minimum requirement. A significant upturn in the completion rate over the next year to 18 months could result in the land supply falling below the minimum 5 year supply and thereby leaving the Council open to applications in potentially less sustainable locations being approved.

The planning support statement refers to National Policies that support the development of this site in sustainability terms. These were part of the justification for an interim policy that is applicable to main centres on the island since these are the most sustainable locations for large housing proposals. The statement addresses the the individual criteria within the interim policy.

It is considered that the granting of permission in this instance would assist the council in maintaining a 5 year supply of land until the Joint Local Development Plan is adopted.

Principle of the Extra Care Facility

There are different policies applicable to the extra care facility element of the application contained in Policies A10 of the Gwynedd Structure Plan, HP11 of the Stopped Anglesey Unitary Development Plan the Isle of Anglesey Council Supplementary Planning Guidance "Nursing Homes & Homes for the Elderly" (July 1988). These development plan and other material policy considerations do not require that such developments are located within settlement boundaries, in the same way as housing developments.

Policy A10 of the Gwynedd Structure Plan states that such developments will be permitted subject to the following material criterion:

1. Level of provision.
2. Effects on the locality.
3. Siting.

Policy HP11 of the "Stopped UDP" repeats the considerations set out in Policy A10 of the Structure Plan, with the exception of the first point above - 'Levels of Provision'.

Analysis of demographic changes shows that the older population is going to increase at an accelerating rate, and the provision of specialist care services will have to expand to meet increasing levels of need. This aspect of the application is also supported by the council's Housing & Social Services Department.

The effects of the proposal on the locality and the acceptability of the siting of an extra care facility are assessed in detailed considerations below.

Siting of the Development

Development plan and other material policy considerations detailed above require facilities of this type to be sited within reasonable safe walking distance of the ordinary amenities of community life. The application site is located on the north eastern outskirts of Llangefni and limited facilities are available in this locality including a shop within walking distance.

Effect on Amenities

Policy 1 of the Ynys Mon Local Plan and GP 1 of the Stopped Ynys Mon Unitary Development Plan relate the effect on residential amenities and pollution and nuisance problems will be assessed in determining planning applications. The effect on property values is not in this instance a material consideration. It is not considered that the proposals would unacceptably affect the outlook from the adjacent properties. The proposed dwellings can be sited a sufficient distance away from boundaries to prevent any unacceptable overlooking. For the reasons described is not considered that the proposals will unacceptably affect the amenities of any adjacent properties. A condition has been recommended to be attached to any permission granted so as to restrict construction times and distances of development from the boundary with Bro Ednyfed. Issues in relation to noise nuisance during construction are subject to separate legislative provisions.

Objections have also been received on the basis that the adjacent football field may unacceptably affect the amenities of occupants of this development. This factor is also acknowledged by the council's Environmental Services Section. Having weighted the distance between the existing and proposed developments and the frequency of disturbance, it is not a factor which could be attributed such weight so as to refuse planning permission.

Objections have also been received from residents in respect of existing and anticipated drainage problems, and this is considered below.

Flooding & Drainage

Foul sewerage is proposed to be discharged to the public sewer. Welsh Water initially objected to the development are now recommending approval subject to a requirement that the developer fund any improvements works necessary to facilitate the development.

Many concerns were expressed by residents of Bro Ednyfed in respect of surface water flooding. Members of the Planning Committee who attended the site visit also noted that the part of the application site that they viewed poorly drained, and raised a number of questions about the existing and proposed surface water drainage arrangements. As this is an outline planning permission it is necessary to establish in principle that surface water can be discharged from the development satisfactorily.

These issues have been investigated in detail by officers and Natural Resources Wales, who have statutory responsibility for this matter. The following principles have been established:

1. There are outlets on the application site into which surface water can be discharged from the development.
2. There are a number of engineering solutions for surface water disposal, but it would not comply with circular advice to require a detailed scheme at the outline planning application

- stage as these are matters appropriately dealt with via a planning condition.
3. Any scheme to be submitted under conditions will need to take account of:
 - the geology and topography and existing drainage arrangements, to ensure that amongst other considerations that there is no detrimental impact of residential properties in the locality.
 - Any scheme to be submitted under conditions should also be of a sustainable drainage approach to surface water management (SUDS). This involves using techniques such as soak ways and permeable surfaces, ponds and wetlands.
 - NRW will require that surface water runoff rates from the development will not exceed 1 in a 100 years.

Whilst residents of Bro Ednyfed may have experienced problems of flooding in their garden, this is not a reason for withholding planning permission. Members are urged to adhere to the condition below which will ensure that the development can proceed in an acceptable manner.

7. Recommendation

*The Head of Planning Service to **Permit** the application subject to an agreement under section 106 of The Town and Country Planning Act 1990 (as amended) containing the following provisions:*

- **A percentage of extra care units to comprise affordable housing units.**
- **A percentage of the new dwellings to comprise affordable housing units.**
- **No development shall commence until a report investigating the feasibility and costs of including the extra care facility as a pick-up/drop off point in the local Llangefni bus service to the town centre has been submitted to and approved in writing by the local planning authority. Any identified funding requirements in the provision of such a service shall be borne by the developer in the duration of the use of the development hereby approved.**
- **A contribution of funds to the Education Authority**
- **The age sector for which the extra care facility is to be provided**
- **A contribution of funds to Welsh Water as necessary**

That delegated powers are granted to the Head of Service to resolve matters relating to the requirements of Natural Resources Wales in respect of Great Crested Newts prior to the release of any permission.

Conditions recommended to be attached to any planning permission granted

(01) The development hereby permitted shall be begun not later than whichever is the later of the following dates:

i) The expiration of five years from the date of this permission.

ii) The expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To prevent the accumulation of planning permission: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990.

(02) Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of

Section 92(2) of the Town and Country Planning Act 1990.

(03) Approval of the details of the appearance to include floor plans, layout; scale and access thereto and the landscaping of the site (hereafter called 'the reserved matters') shall be obtained in writing from the Local Planning Authority before the development is commenced.

Reason: The application is for outline planning permission.

(04) The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition (01) above shall include details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land. The building(s) shall be constructed with slabs at levels that have been approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development

(05) The Extra Care development shall only be used as an Extra Care Facility for housing Elderly occupants under the provisions Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking or re-enacting that Order. The gross floor area, number of extra care units and use(s) of any ancillary leisure, retail or other facilities to be incorporated in the development shall be specified for approval in writing by the Local Planning Authority under the provisions of condition (03). Thereafter the approved floor area, number of extra care unit and use(s) shall be strictly adhered to unless written approvals for any variations are obtained from the local planning authority.

Reason: To define the scope of this permission.

(06) The details to be submitted shall illustrate the development sited and designed so that no window shall overlook an existing habitable room window at a distance of less than 21 meters, and no residential curtilage at a distance of less than 10 meters.

Reason: To safeguard the amenities of adjacent properties at Bro Ednyfed.

(07) The details to be submitted for the approval in writing of the Local Planning Authority in accordance with condition (01) above shall include a scheme of landscaping and tree planting for the site which provides for the retention of the existing trees. The landscaping scheme shall show the proposed planting including species, size and density and distinguish the trees to be retained showing their species spread and maturity together with measures for their protection in the course of development. The approved new planting shall be implemented not later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner. The approved protection measures shall be implemented prior to the commencement of development.

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

(08) 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.

(09) No development shall take place (unless otherwise approved in writing by the Local

Planning Authority) until full details of a scheme indicating all of the proposed means of enclosure around and within the site whether by means of walls, fences or hedges has been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed, erected or planted prior to the occupation of the development hereby approved.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority.

(10) The development hereby permitted shall be roofed with natural Welsh heather blue, heather red or heather grey mineral slates, unless alternative natural mineral slates of equivalent colour, texture and weathering characteristics are approved in writing by the Local Planning Authority.

Reason To ensure a satisfactory appearance of the development.

(11) No development shall take place until the samples or trade description of the materials and colours proposed to be used on external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development.

Reason: To ensure a satisfactory appearance to the development.

(12) Before any development commences, plans shall be submitted and approved by the Local Planning Authority showing details of the following reserved matters:

(i) the proposed layout and typical construction details based on ground investigation information to verify its adequacy.

(ii) longitudinal and cross section through the roads illustrating the proposed road levels relative to the existing ground levels and proposed buildings' finished floor levels.

(iii) the surface water drainage and means of disposal including the position of gullies, pipe diameters, design data and outfall.

(iv) the location and the type of street lighting furniture

(v) pedestrian and cycle routes including provision to safeguard the existing Public Footpaths which crosses the site.

(vi) scheme for parking, garaging and manoeuvring and the loading and unloading of vehicles which shall accord with the Isle of Anglesey Council Supplementary Planning Guidance 'Parking Standards' (2008) (or any subsequent amendment or policy document as may be approved in writing by the Local Planning Authority).

(vii) the extent and location of provision for refuse collection and recycling facilities.

(viii) bicycle storage area including rack specification and design.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the development

(13) The hours of operation for all contractors for the duration of the development hereby approved shall unless otherwise agreed in writing by the local planning authority be limited to: 7.30am to 6.00pm on Mondays to Fridays. 7.30 am to 1.00pm on Saturdays No work shall be carried out on Sundays and Bank Holidays.

Reason In the interests of the amenities of neighbouring properties.

(14) The development shall not be occupied until all essential off-site public sewerage improvement works, identified within the modelling assessment report (Report No. RS3156-07-0A or any alternate report as maybe subsequently approved in writing by the Local Planning Authority) has been completed and fully operational and written confirmation of such has been obtained from the Local Planning Authority.

Reason: To protect the integrity of the public sewerage system and prevention of pollution to the environment.

(15) No development shall commence until a “scheme” for foul, surface and land drainage of the development has been submitted to and approved in writing by the local planning authority. The “approved scheme” shall be completed and operational before any of the dwellings hereby approved are occupied. The “scheme” to be submitted shall show foul drainage being connected to the public sewerage system and in accord with the provisions of condition (14).

Reason In order to ensure that the development is adequately drained.

(16) Prior to the submission of the “scheme” under condition (15) above, written confirmation shall be obtained from the Local Planning authority that:

- a) An assessment into the potential for disposing of surface water by means of sustainable drainage systems (“SuDS scheme”) and**
- b) the results of this assessment have been submitted to the local planning authority.**

If the assessment under the provisions of b) above demonstrates that there is potential for disposing of surface water by means of a “SuDS scheme”, the “scheme” to be submitted pursuant to condition (15) above shall incorporate such provision. Where a “SuDS scheme” is to be implemented, the submitted “SuDS scheme” shall:

i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the development and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) Specify the responsibilities of each party for the implementation of the “SuDS scheme”, together with a timetable for that implementation; and

iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or other arrangements to secure the operation of the scheme throughout its lifetime.

Reason To ensure that the principles set out in Technical Advice Note 15: Development and Flood Risk has been satisfactorily undertaken.

(17) The housing development shall take place in accordance with a phased scheme of development (hereinafter called the schedule of development) to be submitted to and agreed in writing with the local planning authority prior to the commencement of any development on

the site. No dwellings comprised in any subsequent phase shall be commenced before the works to construct the dwellings comprised in the previous phase are substantially physically completed.

Reason: For the avoidance of doubt and in the interests of amenity.

(18) An Archaeological Survey to the requirements of Gwynedd Archaeological Planning Service should be carried out prior to the commencement of any works.

Reason: To ensure any archaeological remains are preserved and recorded.

Informatives

This decision notice relates solely to the Town and Country Planning Act 1990 (as amended) and does not purport to grant any approval, which may be required under any separate European or UK legislation in relation to protected species. Under the Wildlife & Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994, it is an offence to disturb a bat in its place of shelter, to kill or injure a bat or to damage, destroy or prevent access to its roosting site, whether or not the roost is occupied at the time. If evidence of use by bats is found a licence may be required from the Welsh Assembly Government (Countryside Division) before any development can proceed. The applicant is advised to contact: Welsh Government, Cathays Park, Cardiff, CF10 2NQ, telephone 02920 823363.

The decision notice must be read in conjunction with the terms of the legal agreement of the (date). You are advised to satisfy yourself that you have all relevant documentation.

8. Other Relevant Policies

Gwynedd Structure Plan

D3 Landscape Conservation Area
D4 Location, Siting & Design
D20 Foul Effluent
D28 Natural Mineral Slate
D29 High Standard of Design
FF11 Traffic Generation
FF12 Parking Provision

Ynys Mon Local Plan

1 General
31 Landscape
32 Landscape
42 Design
26 Car Parking
28 Tidal Inundation & Flooding

Stopped Anglesey Unitary Development Plan

GP1 Development Control Guidance
GP2 Design
EN1 Landscape Character
SG4 Foul Sewage Disposal
SG6 Surface Water Run Off
TR10 Parking Standards

Isle of Anglesey County Council Parking Standards (2008)

Supplementary Planning Guidance Planning & the Welsh Language

Ministerial Interim Planning Policy Statement (MIPPS) 01/2006 – Housing

Ministerial Interim Planning Policy Statement (MIPPS) 01/2008 - on Good Design

Technical Advice Note 5 (Wales) Nature Conservation and Planning

Technical Advice Note 12 (Wales) Design

Technical Advice Note 18 (Wales) Transport

Technical Advice Note 20 (Wales) The Welsh Language-Unitary Development Plans and Planning Control

Supplementary Planning Guidance on Affordable Housing

9. Other Responses to Consultation and Publicity

160 letters and a petition signed by 85 people received objecting to the planning application on the following grounds:

Need for housing development of this scale in Llangefni;
Greenfield site;
Need for extra care facility;
Health and safety of location for existing residents adjacent and occupants of extra care facility;

Effect of development on Plas Penlan Nursing Home;
Development not in compliance with planning policies and outside of settlement boundary of Llangefni;
Effect on residential amenities of adjacent existing residential properties;
Effect of Llangefni football ground on the amenities of occupants of the proposed dwellings;
Flooding;
Overdevelopment;
Traffic;
Precedent for further development;
Sewerage infrastructure inadequate;
Development of this scale should be to the west of Llangefni;
Police and ambulances are cutting services in Llangefni thus making development unsustainable;

Part of hedgerow shown as being on the application site is actually in Bro Ednyfed;
No details in respect of the public footpath which traverses the application site;
Effect on views;
Lack of information on the extra care facility, particularly having regard to the re-located school opposite;
Impact of a development of this scale on school provision;
Demographic and Welsh Language considerations;
Electricity supply problems already at Bro Ednyfed;

Affordable housing;
No information regarding loss of existing trees;

Planning Committee requested to refuse the application;
Increased anti-social and criminal activity from public footpath crossing application site.

One letter received from the Assembly Member for Anglesey expressing the following concerns of constituent:

Affordable housing – Houses will be too high in comparison with relatively low wages locally.
Local Services - Additional pressure on existing local services – doctor and dentist surgeries, waste collection, schools, shops and so on.

Lack of demand for houses - There are empty houses in Llangefni and others under construction.

It is requested that constituents concerns are considered in determining the application.

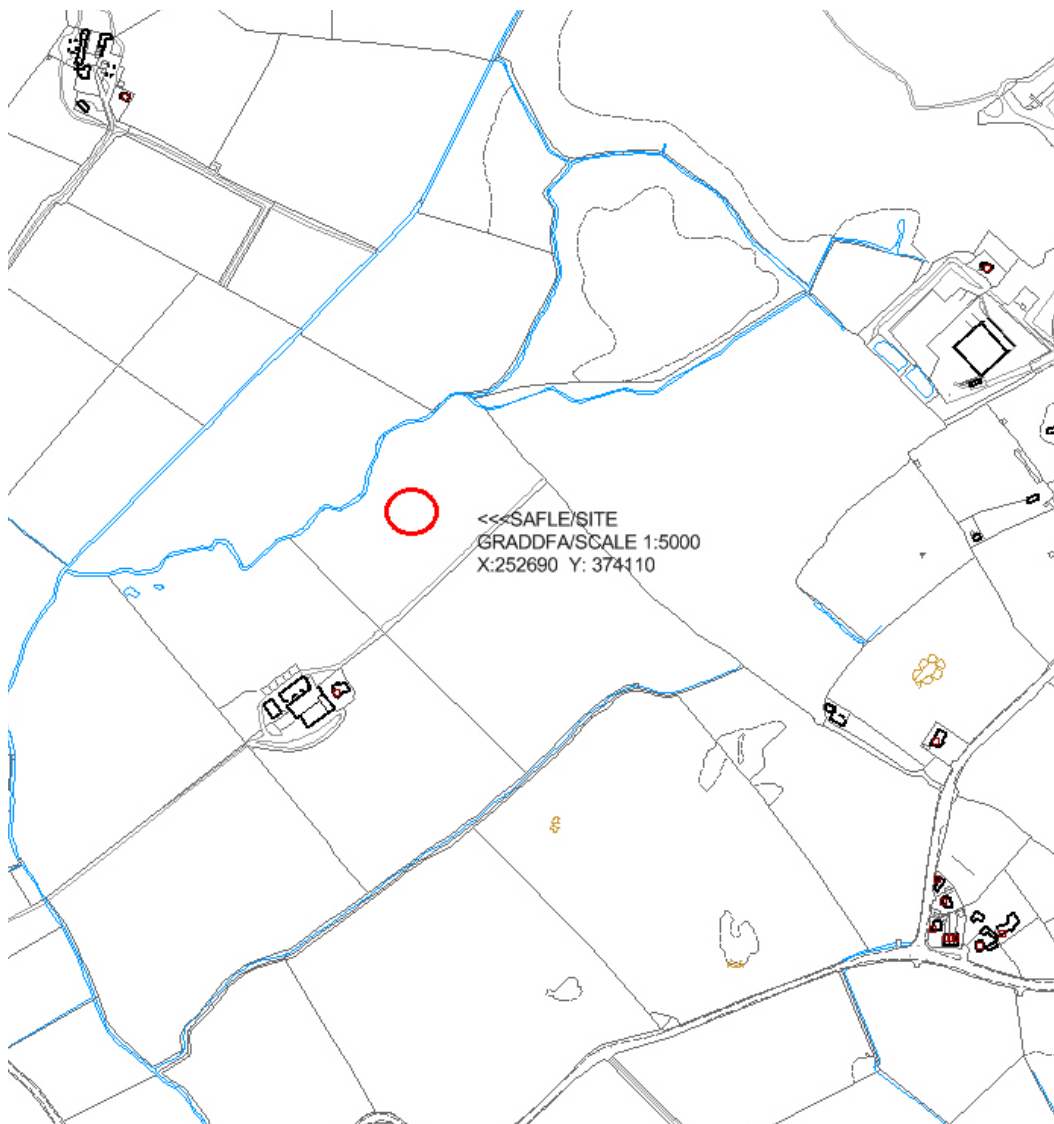
Rhif y Cais: **41C66G/RE** Application Number

Ymgeisydd Applicant

JM & EW Foulkes

Cais llawn ar gyfer codi un twrbin wynt gyda uchder hwb hyd at uchafswm o 24.8m, diamedr rotor hyd at uchafswm o 19.2m a uchder blaen unionsyth hyd at uchafswm o 34.5m, creu trac fynedfa ynghyd a chodi cabinet storio offer ar dir yn / Full application for the erection of one wind turbine with a maximum hub height of up to 24.8m, rotor diameter of up to 19.2m and a maximum upright vertical tip height of up to 34.5m, the construction of an access track together with the erection of an equipment housing cabinet on land at

Marchynys, Penmynydd



Planning Committee: 04/03/2015

Report of Head of Planning Service (NJ)

Recommendation:

Refuse

Reason for Reporting to Committee:

The application is reported to the Committee as it has been decided that delegated powers will not be used in connection with wind turbine developments.

At its meeting held on 4th February 2015 the Members resolved to undertake a site visit prior to determining the application. The site and its environs were visited on 18th February 2015.

1. Proposal and Site

The application site comprises an agricultural field used for grazing. The site is accessed off the B5420 along the existing farm track.

The application is made for one wind turbine with a maximum height to the tip of the blade of up to 34.5 meters, maximum height to hub of up to 24.8 meters and a maximum rotor diameter of up to 19.2 meters. The maximum rated power of the turbine being applied for is 50kw. The development includes a permanent access track and switchgear housing cabinet (given as 1.75 x 1.0 m x 1.8m in the submitted drawings but assessed as being 4m x 2.6m x 2.4m in the submitted LVIA). The objective of the proposed development is to support the continued viability of the farm business by providing electricity to offset the current energy use and to reduce carbon footprint; any excess produced will be exported to the grid. The height of the proposed structure compares with 106m height for the BBC mast at Llanddona and some 40m height for the Penmynydd mast.

The planning application is supported by the following details:

- Planning Statement
- Landscape and visual impact assessment;
- Noise Performance Test Results ;
- Construction Traffic Management Plan

2. Key Issue(s)

- Principle of the development
- Landscape and Visual Impact
- Residential Amenity and Noise
- Ecology

3. Main Policies

Gwynedd Structure Plan

C7 Renewable Energy

D1 AONB

D3 Landscape Conservation Area

D22 Listed Buildings

Ynys Mon Local Plan

1 General

30 Landscape
31 Landscape
32 Landscape
35 Nature Conservation
41 Listed Buildings
45 Renewable Energy

Stopped Ynys Mon Unitary Development Plan

GP1 Development Control Guidance
EP 18 Renewable Energy
EN1 Landscape Character
EN2 Area of Outstanding Natural Beauty
EN4 Biodiversity
EN13 Conservation of Buildings

Planning Policy Wales Edition 7

Technical Advice Note 5 Planning and Nature Conservation (2009)

Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010).

Technical Advice Note 8 Planning for Renewable Energy (2005)

Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas

Practice Guidance: Planning for Renewable and Low Carbon Energy - A Toolkit for Planners, Welsh Assembly Government (2010)

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

Supplementary Planning Guidance: Onshore Wind Energy (January 2013).

Natural England Technical Information Note TIN051 (Bats and Inshore Wind Turbines) Interim Guidance

Natural England Technical Information Note TIN059 (Bats and Single Large Wind Turbines) Interim Guidance

4. Response to Consultation and Publicity

Councillor M Jones: No reply at the time of writing

Cllr A W Mummery: No reply at the time of writing

Cllr J Evans: No reply at the time of writing

Penmynydd and Star Community Council: Objection – the proposal would dominate the area, and would be a substantial visual intrusion and would harm the natural character of landscape character area 12 which is a key buffer to the Menai Straights. The LANDMAP description suggests a high level of uniformity without significant landmarks rather than being used in a derogatory sense. The introduction of such a notable feature in the landscape would reduce the area's effectiveness as a buffer and would reduce its sensitivity to further change.

The proposal would cause an unacceptable visual intrusion to the wider landscape, would be visible from the AONB, National Park, the mainland and several other areas on the Island. In addition it would introduce an alien feature into an unspoilt area.

The proposed location is within a landscape of value with significant rural features which deserve special regard. According to the Countryside Council for Wales, in terms of historic landscape, the area where this turbine is proposed is considered special and demonstrates Anglesey's development as a rural area. The negative impacts of the turbine would affect this special area and a number of listed and historic areas, including the Marquis Column which is a historic feature in the area. The north of the Island already has a number of large and medium sized turbines and the proposed site would begin a southward movement into the largest rural area in the south east of the Island, an area which up to date has remained free of large scale turbines.

Snowdonia National Park Authority: No reply at the time of writing

Environmental and Ecological Advisor: The blade tips are well over 50m from features likely to be used by bats. I also note that the surrounding grassland is improved. NRW's comments in relation to bats will be important for this case

Drainage Section: comments for construction phase

Arqiva: No objection

Gwynedd Archaeological Planning Service: The proposed turbine is a considerable reduction from the originally proposed scheme (41C66E) for which archaeological assessment was considered necessary. Following the reduction of turbine height and the non-progression of other wind energy schemes within the Penmynydd/Braint valley area, the potential for cumulative impact and impact upon the settings of archaeological sites is also reduced. It is not considered that specific archaeological assessment would be a proportionate or reasonable requirement for the present proposals. However, the location of the proposed development is unchanged and, as noted in previous correspondence, falls within a landscape with an extensive and diverse archaeological resource. Since the site is not known to have been previously developed, there is a potential for presently unknown archaeology to be exposed and disturbed or destroyed by groundworks associated with the proposed scheme.

In the light of these comments and in accordance with national planning guidance (*Planning Policy Wales 2014*) and Welsh Office Circular 60/96 (*Planning and the Historic Environment: Archaeology*), it is recommended that, should planning consent be granted, the planning authority should require that appropriate mitigation is undertaken. In order to secure such a scheme, it is recommended that the following condition be attached:

No development (including any groundworks or site clearance) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the archaeological advisors to the Local Planning Authority. The development shall subsequently be carried out and all archaeological work completed in strict accordance with the approved specification.

Reasons: 1) To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2014 and Welsh Office Circular 60/96 *Planning and the Historic Environment: Archaeology*.

2) 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).

This is expected to entail a formal programme of archaeological observation and recording, commonly known as an archaeological watching brief, on intrusive ground works (including topsoil stripping for crane pads, site compound etc), together with sufficient desk-based research to enable informed interpretation.

Dwr Cymru-Welsh Water: Comments for construction phase

Highways : Traffic Management Plan required to be agreed with the Highway Authority

Welsh Government – Highways: Does not issue a direction in respect of the application.

Built Environment and Landscape Section:

Background

The application is supported by a Landscape and Visual Impact Assessment (LVIA) prepared by the Ark Company Landscape Architects, updated in 2014 (from a 2011 assessment). The LVIA finishes at p.30 and therefore appears incomplete. The assessment material includes Roger Parry & Partners, 5km and 15km Zone of Theoretical Visibility (ZTV), maps to hub and blade tip, 6 undated photomontages and wireframes; and 6 viewpoint descriptions (within the LVIA).

The photomontages and LVIA are produced by separate authors and the LVIA does not indicate that the photomontages have been considered as part of the assessment: the viewpoint analysis is of the viewpoints within the LVIA text rather than the visualisations. Not all the figures referred to within the LVIA text have been received, e.g. Figure F7, F8 F10 and F11. 8. The locations for the viewpoint visualisations were not agreed with the LPA and while they represent a range of views within a local setting, they are on occasion affected by intervening vegetation and poor light conditions.

As stated in the LVIA the appraisal was originally carried out in accordance with methods and criteria set out within The Guidelines for Landscape and Visual Impact Assessment, 2nd edition (2002). In accordance with the Landscape Institute GLVIA 3 Statement of Clarification 1/13 10- 06-13, we have not used the term '*significant*' in assessing effects. We have referred to receptors as being of *high, medium or low* sensitivity; Magnitude of change as being *high, medium or low*, and Effects as being *substantial, moderate or slight*.

The LVIA assesses potential effects on the LANDMAP aspect areas, the Landscape Character Area and the AONB. It does not include a cumulative assessment.

Baseline

The site is within Landscape Character Area 12 '*which forms the inland buffer zone to the Menai Strait and reflects much of the typical, undulating landscape of Anglesey. The majority of the area consists of improved grassland interspersed with scattered areas of semi-natural habitat. In places hedgerows and hedgebanks form field boundaries and where rock outcrops exist stone walls are more typically field boundaries*'.

The Anglesey, Gwynedd and Snowdonia National Park Landscape Sensitivity and Capacity Assessment (dated March 2014), notes that in relation to wind energy the Overall Sensitivity is Medium-High and states that '*this medium scale, agricultural landscape has a gently rolling and undulating landform which is considered moderately sensitive to wind energy developments. The presence of major transport infrastructure and overhead lines locally reduces the sensitivity. The*

value of this landscape as a setting to the Anglesey AONB and Snowdonia National Park together with a number of sensitive receptors and a high cultural heritage value as recognised through a number of historic designations (such as Penmon Registered Historic Landscape and Registered Parks and Gardens) increases the overall sensitivity.

The Indicative Overall Capacity is noted as 'Within the AONB and SLAs (and all areas that contribute to their setting), there is typically no capacity for wind energy development (with the exception of very infrequent domestic scale, development which should relate well to existing settlement/buildings. Outside the AONB and SLAs it is considered there may be limited capacity for further micro to small scale well sited developments which could typically comprise single turbines up to 20 m to blade tip height.

Within the LCA area there are presently no medium to large wind turbines and none visible from the LCA. The telecommunication mast at Penmynydd and the 400kv electricity pylons that cross the Menai Strait at Llanfairpwll are both local detractors. Night-time lighting on the telecommunication mast at Penmynydd adds to its visual impact. The recycling and anaerobic digester buildings at Penhescyn are also visible in the immediate area.

Supplementary Planning Guidance

The Supplementary Planning Guidance: Onshore Wind Energy Development (Adopted January 2013) states that :-

- 'outside the AONB no turbine proposal should cause significant harm to the setting of the designated landscape or National Park'
- 'that the cumulative effect of wind turbines on individual areas should be taken into consideration when determining applications'.
- The evaluation will include 'the cumulative impact upon the AONB'.

It also notes that cumulative effects can arise from wind turbines in combination with existing infrastructure such as electricity pylons and masts and needs to consider cumulative effects on the LCA.

Planning Appeals:

We have also consulted the following Planning Appeal Decisions located in LCA 12:

- APP/L6805/A/12/2189266 Land at Ty Gwyn, Penmynydd (62 metres to tip)
- APP/L6805/A/12/2190208 Tre Ifan; Brynsiencyn (46.1 metres to tip);
- APP/L6805/A/14/2216790 Land south of Yr Orsedd, Llanddona (34.4 metres to tip),

In the appeal decision for Ty Gwyn (at c1.1km from site) it was noted by the Inspector that 'a turbine of the scale proposed in an area where no other medium to large turbines are easily visible would become a defining landscape element that would result in significant impacts well beyond 500m'. (The 500metres related to the applicants prediction of significant effects).

It was also noted that 'Landscape Character Area 12 serves an important function in providing an inland buffer to the Menai Straits. In visual and sensory terms, LANDMAP describes the landscape as pleasant but rather featureless and unremarkable. I take the use of the words 'featureless' and 'unremarkable' to indicate a relatively high degree of uniformity with little or no defining features of note, rather than being used in a derogatory manner. In introducing a defining element into such a landscape, the proposal would significantly reduce its quality as a buffer and decrease its sensitivity to further changes'.

In relation to Tre Ifan (c.7.6km distant) the Inspector noted that 'The proposal would have a visual effect over much of the south-western part of Anglesey Landscape Strategy LCA12 (East Central Anglesey). Within the essentially open pastoral countryside around the site I consider that this effect

would be major and adverse, where sensitive receptors are likely to include those seeking out the many notable archaeological monuments in the landscape, recreational users of local footpaths and rural lanes including the designated national cycle route passing nearby to the west, and holidaymakers staying in the area. Such receptors would be likely to be particularly conscious of the turbine as a jarring and unwelcome intrusion into this relatively undisturbed pastoral landscape with its rich archaeological heritage. In addition, due to its height and rotating blades the turbine would be a prominent, obtrusive and distracting feature that would significantly detract from the setting of this pastoral corner of Anglesey against the mountains of Snowdonia across the Menai Strait.

In the appeal decision for Yr Orsedd (c.5.6km distant) it was noted that in that case significant effects on the AONB were '*supported, however, by the detrimental effect on landscapes outside of the AONB; the appeal site itself is within a landscape character area which is identified as having value as a setting to the AONB. In my view the prominence and distracting nature of the proposed turbine would reduce that function notwithstanding the presence of the existing masts. I have described earlier the effects of the proposed turbine in conjunction with the existing masts and do not consider that there would be any significantly adverse cumulative impacts*'.

All appeal decisions note the potential adverse effects on the quality of the outlook on the mountainous Snowdonia backdrop enjoyed from LCA 12, and the potential weakening of the buffer qualities of LCA 12. All decisions note the advice of TAN8, quoted here from the Ty Gwyn decision '*TAN 8 also acknowledges that there is a case for avoiding a situation where wind turbines are spread throughout the whole of a county. The northern part of the island already has a number of large and medium sized wind turbines and the proposal would represent a southward extension into the largest landscape character area in the south eastern part of Anglesey which currently only has one small turbine (up to 20m blade tip)*'.

Landscape and Visual Effects

AONB

The Roger Parry & Partners ZTV maps do not display the AONB boundaries (or other designations), which is located some 2.2km from the site. Within the 5km radius ZTV map, the ZTV appears to overlap the AONB south of the A4080 (Brynsiencyn Rd). It also appears to overlap a brief section of the A5025 near St. Tysilio. Further north it includes areas of the AONB north of the B5109 (east of Pentraeth). The 15km radius ZTV predicts visibility from an elevated portion of the AONB at Mynydd Bodafon c.10km from the site. It does not predict visibility of the turbine from the AONB at Red Wharf Bay. Due to distances in excess of 2.2km, we consider that a medium magnitude of change to this high sensitivity receptor would result in *moderate* effects. 6 photomontages by Roger Parry and Partners have been submitted - referred to here as RPPVPs. All are from within 3km of the site and analysis is contained within the images. The predicted effects are not stated. All images need to be viewed in the field. We consider that there are potentially substantial adverse visual effects from viewpoints 4 and 6 due to either proximity or sensitivity of the viewpoint.

RPP-VP 1 – 2.4km from the site. In the image the 33kv line is the prominent built feature in the view. The turbine blades are visible above the surrounding vegetation and break the skyline.

RPP-VP 2 - 2.7 km from the site. The turbine is visible to the fore and above of the 400kv pylons. The complete structure is visible.

RPP-VP 3 - 1.3 km from the site. The image includes the substantial tree cover visible from this view point. The turbine tips approach the horizon of the ridge Anglesey landscape to its rear, but not the mountain landscape beyond.

RPP-VP 4 – This taken from c.690 metres. The turbine is the dominant built feature in the image.

RPP-VP 5 – c. 2km from the site. At this point the pylons are dominant in the image with the turbine located to their rear.

RPP-VP 6 – Taken from a public footpath 1.4km from site. The whole turbine is visible among the 400kv pylons and lines.

A further 6 viewpoint descriptions (not photomontages) are contained within the LVIA produced by the Ark Company, referred to here as ACVPs. 17 viewpoints are noted in p23 of the LVIA but the first six only are included. The descriptions below are from the LVIA text.

AC-VP1 – Views from the B5420 between the A5025/B5420 roundabout and Penmynydd 0.7–2km from site. Predicts direct and oblique views of significant portion of turbine with lower portion obscured by foreground topography and views partially filtered by intervening vegetation impact increasing with proximity. *Moderate adverse impact predicted*

AC-VP2 - Views from A5025 between Llanfair PG and Pentraeth. 2.2 to 2.8Km from site. Predicts partial direct / oblique view of upper portion of turbine with lower portion obscured by foreground topography and views filtered by intervening vegetation. *Slight / Moderate adverse impact predicted.*

AC-VP 3 - Views from A55 bypass to north side of Llanfair PG. 1.7 to 2.5Km from site Predicts partial oblique view of upper portion of turbine with lower portion obscured by foreground topography and views intermittently filtered by intervening vegetation. *Slight / Negligible adverse impact predicted.*

AC-VP4 - Views from B5420 roadside dwellings close to entrance to Marchynys Farm. 0.7Km from site. Predicts direct and oblique views of significant portion of turbine with lower portion obscured by foreground intervening vegetation but with no benefit from new buffer planting. *Substantial – Moderate adverse impact predicted.*

AC-VP 5 - Views from properties and rights of way south of the B5420 between Marchynys Farm and Penmynydd. 0.9 to 1.3km from site Predicts slightly oblique view of majority of structure with little intervening vegetation but not forming the dominant feature of the view with views of Snowdonia mountain range intact. *Moderate adverse impact predicted.*

AC-VP6 - Views from minor road, properties and right of way north and south of minor road between Marchynys and Neuadd Lwyd 0.7 to 1.0Km from site. Predicts closer views from Tyddyn and Maes Llwyn relatively direct and unobstructed. *Moderate adverse impact predicted.* More distant views from Bryn Eglwys, Ty Gwyn direct but filtered. *Moderate adverse impact predicted.*

The Ark Company LVIA predicts in Sections 7.11.1 and 7.6 – 7.8 that the proposed turbine would be a potentially significant feature up to 5km from the site where the full structure and visible and up to 2-3km where the upper blade and hub would be visible only. *Substantial - moderate effects are predicted in the LVIA for one viewpoint reflecting residential properties close to the site.*

Landscape Character Area.

Extracts from the Anglesey landscape Strategy update for LCA 12 are quoted in the LVIA text and above.

Relevant key issues in relation to visual effects include:

New development and management should ensure that:-

- *Visual impacts from and to main road/rail corridors are properly considered e.g: A55/A5.*
- *Mitigation measures reflect the wider landscape structure and that sites are not considered in isolation.*
- *LCA forms part of gateway into Anglesey, and it is important that the underlying character and quality are properly reflected.*

In terms of the visibility from the A55, the ZTV predicts views from the A55/A5152 intersection and the signposted visitor Viewpoint here. At 3.8km distant the turbine would potentially be visible to the left of the view to the rear of the line of 400kv pylons. Views are also predicted from the A55/Llanfairpwll bypass; however a combination of roadside embankments and vegetation make views from here unlikely. Views from the A55 intersection with the A5025 at the edge of the AONB (c.2.3km from site), are likely. The ZTV does not predict visibility from either bridge. Brief views are possible c.4km from the site on the approach to Pont Britannia from Gwynedd. Views from the A487 and A55 from off the island are not predicted. Longer duration views are predicted from the A5025 (see Roger Parry Partners Viewpoints 1 and 2). On leaving Four Crosses views (where unobstructed by roadside vegetation) would be oblique. On the approach to Four crosses, views would initially be less oblique with the turbine visible against the mountain backdrop to the right of the view. Distances from the A5025 to the site vary little between photomontages RPP- VP 1 and RPP-VP2 with the turbine becoming increasingly oblique in the view as one approaches Four Crosses. Considerable roadside vegetation obscures views towards the site.

We would therefore agree with the LVIA text assessment of effects (AC-VP2) being *slight/moderate* adverse. Effects from the main corridors and the 'gateway' to the island would therefore be slight/moderate adverse.

Public Rights of Way

There are three public footpaths to the southwest of the site. All commence within 850metres of the site from the Penymynydd Road (B5420). A footpath to the west of Neaudd Llwyn (RPP-VP3) is some 1.2 km from the site elevated in relation to the site.

Views towards the site would be possible when walking in a south easterly direction which is generally more elevated than the application site, and while they would be interrupted at points by intervening vegetation, some sections enjoy panoramic views in which the turbine would be visible.

AC-VP 5 assesses effects (quoted above), from a point where the turbine would be oblique to the view of Snowdonia. RPP-VP6 is from a public footpath to the east. Effects on footpaths will be commensurate with distance and the quality of existing views. Within a 1km radius there is potential for substantial adverse visual effects.

Cumulative Landscape and Visual Effects

Existing Structures

The 400kv pylons (c.1.7km distant at their closest point), and telecommunication mast at Penymynydd (c.1.5km distant) are prominent local structures, and the LCA.

There is currently a live application for 3 turbines 81metres to tip (referred to as Braint Windfam), planning ref: 41C125B/EIA/RE. The closest of these proposed turbines would be c.1 km from the site. An application for a 72 metre turbine at Ty Fry farm – planning ref: 41C124B (c.2.6 km from site) is subject to a Planning Appeal. This section has made recommendations of refusal on grounds of adverse Landscape and Visual Effects. The 60metre to tip anemometer mast (c.1.5 km from site), in the vicinity of the proposed Braint Wind Farm (temporary consent) is visible for distances of 2km radius.

National Grid have issued recent publicity indicating that, what is referred to as the orange route, is their preferred route for a new line to link Wylfa with Pentir. Text above quoted from the Yr Orsedd

appeal indicates that in that instance, no significant cumulative effects in relation to telecommunication masts (located in adjoining LCAs would result, as the proposed turbine would have affected alternative views: i.e. those enjoying the Snowdonia backdrop.

The Penymynydd telecommunication mast does not feature in RPP-VPs 2 and 3 which features the mountain backdrop most strongly. The 400kv pylons feature in the RPP-VP 6 (where mountain views are obscured by trees at Penhesgyn), with the proposed turbine (closer to the viewpoint), appearing to be of a greater tip height.

As noted above, no cumulative assessment or cumulative ZTVs have been received in order to consider the potential cumulative effects of live applications; however the site at Braint for which we have separate ZTVs, is sufficiently close to predict that within the 1km radius of the site, the three proposed turbines would also be a feature in the views. The ZTV map for Ty Fry indicates infrequent theoretical views from the B5420 from within 1km, and others receptors south of Marchynys. The ZTV also illustrates widespread theoretical views from the north - which would affect views such as those illustrated by RPP-VP6.

Recommendation.

Substantial adverse effects are we consider limited to a radius of 750m – 1km from the site. This includes receptors such as public footpaths, the B5420 road, and host Landscape Character Area. The need to protect even localised adverse effects is noted in previous appeal decisions for LCA 12 and in the 2014 Anglesey, Gwynedd and SNP - Landscape Capacity and Sensitivity Assessment. The proposed turbine is of a noticeably greater tip height than the height indicated as suitable in this Landscape Character Area. Existing local structures serve as detractors from the buffering qualities of this area, and a further locally prominent structure would harm the buffering, featureless and unremarkable qualities of LCA 12. It would increasingly punctuate the linear expanse of the Landscape Character Area and adversely affect the sensitivity of the area to further vertical structures.

Natural Resources Wales: Response awaited at the time of writing

MOD: No reply at the time of writing

Environmental Health Officer:

RSPB: No response at the time of writing

Response to Publicity

Approximately 277 letters have been received objecting to the planning application on the following grounds:

The proposal will dominate the landscape;

The proposal will constitute a major visual intrusion;

LANDMAP describes the landscape as pleasant and rather featureless – introducing such a defining element into such a landscape will reduce its quality as a buffer and decrease its sensitivity to further change;

The proposal will represent an alien industrial structure in a previously unspoilt landscape affecting the AONB and SNP;

There will be unacceptable cumulative impacts with other proposals leading to the area becoming a wind farm;

There will be negative impacts on the setting of listed buildings and in particular the Marquis' column – the historical landscape is classified as being of 'outstanding' value;

There will be significant landscape and visual amenity impacts;
The proposal will adversely impact the National Park and AONB;
Detrimental effect on tourism assets and the tourism economy;
Will set a precedent for further development;
National policies promoting the use of renewable resources must not be given primacy over local landscape policies;
Detrimental effects on protected species, wildlife and wetlands;
Particular detrimental impact on local bat populations;
Noise and shadow flicker effects;
health effects;
Archaeological implications and effects on listed buildings;
Other technologies exist which are more efficient than wind turbines;
The proposal is a southward extension of turbines into the largest landscape character area in the south eastern part of the Island which remains free of wind turbines of this size.

5. Relevant Planning History

41C66- Alterations and extensions to the dwelling at Marchynys – approved 19/3/92

41C66A – Erection of two agricultural sheds at Marchynys – approved 22/4/93

41C66B – Alterations and extension to the dwelling at Marchynys – approved 20/8/99

41C66C/SCR - Screening Opinion for the siting of a 50 meter high to hub, 500Kw wind turbine on land at Marchynys – EIA not required 28/7/11

41C66D – Prior approval for an agricultural shed – permitted development 31/1/12

41C66E - Full application for the erection of one 500kW wind turbine with a maximum hub height of up to 50m, rotor diameter of up to 54m, and a maximum upright vertical tip height of up to 78m together with associated infrastructure on land at Marchynys – withdrawn 8/12/14

41C66F/SCR - Application for screening opinion for the erection of one wind turbine with a maximum hub height of up to 24.8m and a maximum upright vertical tip height of up to 34.5m together with the installation of a control box and associated works on land at Marchynys – EIA not required 21/10/14

6. Main Planning Considerations

Principle of development

Policy C7 of the Gwynedd Structure Plan states:

“There will be a presumption in favour of renewable energy projects provided that the impacts upon the locality are acceptable to the local planning authority. Where applicable, the proposals should be supported by an environmental assessment.”

Policy 45 of the Ynys Mon Local Plan states:

“Renewable energy projects will be permitted where it can be clearly demonstrated that there will not be any unacceptable impact on

i. Landscape character, ii. Sites of international, national or local importance for nature conservation, iii. species which are of nature conservation importance iv. the standard of amenity enjoyed by the resident and tourist population and vi. Essential public services and communications.

Policy 8B- Energy Developments of the Stopped Ynys Mon Unitary Development Plan states:

“Applications for the development of renewable and non-renewable energy resources will be

permitted where it can be demonstrated that there will be no unacceptable adverse impact upon the environment. Preference will be given to the development of clean and renewable energy sources, but proposals for non-renewable energy projects will be permitted if they encourage the maximum use of energy efficiency within their design.

Planning Policy Wales was updated to Edition 7 in July 2014. In terms of section 12.8 Renewable and Low Carbon Energy of the revised Planning Policy Wales there are no significant changes.

Section 12.8.1 (Renewable and Low Carbon Energy) of Planning Policy Wales sets out targets and gives strong support for renewable energy projects in line with the Welsh Assembly Government's Energy Policy Statement (2010).

Planning Policy Wales at 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. At 50KW, the turbine subject to this report is categorised as "Sub Local Authority" in Planning Policy Wales which includes developments of between 50KW & 5MW (Figure 12.2). Table 3.1 of Practice Guidance – Planning Implications of Renewable and Low Carbon Energy states there are no rigid categories to describe the scale of individual wind turbines but that installations tend to fall within 4 main bandwidths. The turbine subject to this report would fall within the "Medium" category which is classed at heights of up to 65m to blade tip - but at 50kw it is at the lowest end of the spectrum, with 'Small' turbines being defined as between 1.5 and 50kw with a typical height of 20m to blade tip). As a "Sub Local Authority" or a "Medium" installation the scale of the turbine is acceptable in principle in policy terms in this location but there are also detailed considerations within the policy considerations to take into account. Paragraph 3.1.9 of the Guidance states that:

"Individual large and medium scale turbines can also be deployed as single machines but are more often used in groups to form part of a larger planning application in the form of a large scale wind farm. Wind farms tend to be located in more remote areas and directly supply power to the national grid i.e. they are not associated with a particular development".

Section 12.10.1 of PPW (Edition 7) reproduced below highlights matters that should be taken into account by the local planning authority in dealing with renewable and low carbon energy development and associated infrastructure. 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 i.e. grid connection and transportation network are also highlighted within this section as follows:

"12.10.1 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;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate

- change impacts give rise to additional impacts (see 4.5);
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal”

Technical Advice Note 8 Planning for Renewable Energy (2005) (paragraph 14) states the Assembly Government has a target of 4TWh of electricity per annum to be produced by renewable energy by 2010 and 7TWh by 2020. In order to meet these targets the Assembly Government has concluded that 800MW of additional installed capacity is required from onshore wind sources.

Paragraph 2.12 of TAN 8 states the Assembly Government expects local planning authorities to encourage, via their development plan policies and when considering individual planning applications, smaller community based wind farm schemes (generally less than 5 MW). The paragraph explains that local planning authorities could define “community based”. There are no policy definitions which can currently be used and weighted in this regard.

Section 2 of Technical Advice Note 6: Planning for Sustainable Rural Communities contains the following guidance:

“2.1.1 The planning system has a key role to play in supporting the delivery of sustainable rural communities. It can help to ensure that appropriate development takes place in the right place at the right time by making sufficient land available to provide homes and employment opportunities for local people, helping to sustain rural services. Simultaneously, the planning system must respond to the challenges posed by climate change, for example by accommodating the need for renewable energy generation. It must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces. The overall goal for the planning system is to support living and working rural communities in order that they are economically, socially and environmentally sustainable. Planning authorities should seek to strengthen rural communities by helping to ensure that existing residents can work and access services locally using low carbon travel and obtain a higher proportion of their energy needs from local renewable sources.”

In relation to farm diversification Technical Advice Note 6: Planning for Sustainable Rural Communities contains the following guidance:

3.7.2 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.

It is evident that the policies listed above provide a presumption in favour of renewable energy developments in meeting the identified targets for low carbon energy generation. The scale of the development classified as “Sub Local Authority” or “Medium” is acceptable in principle in this location. Weight can also be attributed to the benefits to the rural economy.

The Council’s adopted Supplementary Planning Guidance: ‘Wind Energy Development’ (1994) has been superseded by the Supplementary Planning Guidance: Onshore Wind Energy adopted in January 2013. This document is a material consideration in determining wind turbine applications. The Onshore Wind Energy SPG states that in relation to turbines over 20m to tip height, none should be located within 500m of a residential or tourism property, or closer than 20 x tip height, whichever is the greater; in relation to medium and large turbines, none should be located within 2km of the boundary of the AONB; cumulative impacts should be considered and the developer will be required to provide a bond to ensure satisfactory restoration of the site at the end of its operational life. A recent appeal decision has indicated in relation to these specific matters that “such a uniform approach disregards the specific locational characteristics and detail of each individual case”. The

application under consideration has been considered on its individual planning merits but with reference to other aspects of the SPG e.g. in relation to noise, where material weight is afforded to the document.

As detailed in the policies listed there are also other environmental and community considerations which need to be assessed, and these are considered below.

Landscape and Visual Impact

The application is supported by a Landscape and Visual Impact Assessment (LVIA) prepared by The Ark Company. The assessment includes a Zone of Theoretical Visibility Map (ZTV) together with photomontages, viewpoint photographs and wireframe images.

The proposed site is within Landscape Character Area 12 East Central Anglesey (LCA). The LCA, as described within the Anglesey Landscape Strategy Update 2011, forms the inland buffer zone to the Menai Strait and reflects much of the typical undulating landscape of Anglesey. LCA 12 is the third largest LCA on the island occupying an area of 100kms².

Key relevant issues for LCA 12 in terms of this proposal are: -

- the effects upon the coastal habitat and the need to have regard to the AONB Management Plan; the impact of development on settlement edges;
- the impact on transportation corridors and the character and quality of the gateway into Anglesey.

The Anglesey, Gwynedd and Snowdonia National Park Landscape Sensitivity and Capacity Assessment (dated March 2014), notes that in relation to wind energy the Overall Sensitivity is Medium-High and states that *'this medium scale, agricultural landscape has a gently rolling and undulating landform which is considered moderately sensitive to wind energy developments. The presence of major transport infrastructure and overhead lines locally reduces the sensitivity. The value of this landscape as a setting to the Anglesey AONB and Snowdonia National Park together with a number of sensitive receptors and a high cultural heritage value as recognised through a number of historic designations (such as Penmon Registered Historic Landscape and Registered Parks and Gardens) increases the overall sensitivity.*

The Indicative Overall Capacity is noted as 'Within the AONB and SLAs (and all areas that contribute to their setting), there is typically no capacity for wind energy development (with the exception of very infrequent domestic scale, development which should relate well to existing settlement/buildings. Outside the AONB and SLAs it is considered there may be limited capacity for further micro to small scale well sited developments which could typically comprise single turbines up to 20 m to blade tip height.

Within the LCA area there are presently no medium to large wind turbines and none visible from the LCA. Recent appeal decisions note the potential effects on the qualities of the outlook on the mountainous Snowdonia backdrop enjoyed from LCA 12 and the potential weakening of the buffer qualities of LCA 12 and note the advice in TAN 8 that 'there is a case for avoiding a situation where wind turbines are spread throughout the whole of a county'. The northern part of the Island has a number of large and medium sized turbines and the current proposal at Marchynys, in line with those dismissed at appeal, would represent a southward extension into the largest landscape character area in the south eastern part of Anglesey which currently only has one small turbine (20m blade tip at Llangaffo).

It is considered that substantial adverse effects would be limited to a radius of between 750m and 1km from the site and included receptors such as the public footpaths in the area and the B5420 as

well as LCA 12 itself. The need to protect the LCA even from localised adverse effects is noted in previous appeal decisions as well as in the 2014 Anglesey, Gwynedd and Snowdonia national Park Landscape Capacity and Sensitivity Assessment. The proposed turbine at Marchynys, at 34.5m to tip, is significantly higher than the 20m blade tip height for which the area is noted to have limited capacity. The development would harm the buffering, 'featureless and unremarkable' qualities of LCA12 and adversely affect its sensitivity to further vertical structures.

Cultural Heritage

Planning Policy Wales states as follows:

"6.5.9 Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to 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".

Similar advice is contained within Circular 60/96 Planning and the Historic Environment: Archaeology and Circular 61/96 in relation to Historic Buildings and Conservations Areas.

LANDMAP classifies the area as outstanding in terms of its historic / archaeological resource, generally held to be of national value.

A Cultural Heritage Assessment forms part of the Planning Statement and sets out the predicted impacts on scheduled ancient monuments and listed buildings within 2km of the application site. The assessment confirms that there are no scheduled ancient monuments within 2km of the site but that there are 6 grade II* and 9 grade II listed buildings within this distance. Of those considered, the grade II buildings at Braint farm complex, separately listed as 3 listed buildings, is described as being surrounded by mature vegetation which would obscure any potential views of the turbine. Where visible, the turbine would only occupy a limited arch of view and would not result in dominant or overbearing impacts and consequently there would be no significant harm to the setting of the listed buildings. The Council does not disagree with this assessment.

The Gwynedd Archaeological Planning Service is satisfied that a watching brief is appropriate and that no pre-determination archaeological assessment is required for this site.

In relation to physical impacts it is concluded that no known cultural heritage asses will be directly impacted in terms of being damaged or destroyed by the proposed development.

Ecology

The proposed turbine is located in excess of 50m from any landscape feature likely to be used by bats and in accordance with the advice contained within Natural England Technical Information Note TIN 059, no bat survey has been submitted. The agricultural fields at Marchynys comprise improved grassland used for grazing and silage production and are considered of low ecological value. The Council's Ecological Advisor raises no concerns but the response of Natural Resources Wales was awaited at the time of writing.

Noise

The application is supported by a noise performance test for the selected turbine. The Environmental Health Section noted, in responding to the screening opinion for this application, the potential for cumulative noise impacts in relation to application 41C125B/EIA/RE which is for 3 turbines at Cae Uchaf, Menai Bridge (the 'Braint Windfarm'). The Committee refused the application at Braint in a

recent Committee. Based on the Marchynys application in isolation, the Environmental Health Section is satisfied that the scheme can be accommodated in terms of noise impacts subject to standard conditions in accordance with ETSU guidance.

Residential Amenity

The application is accompanied by an assessment of the effects of the proposal on visual amenity.

Policy C7 of the Gwynedd Structure Plan supports renewable energy developments if the impact on the locality is acceptable. Policy 45 of the Ynys Mon Local Plan requires that renewable energy development does not have an unacceptable impact on “the standard of amenity enjoyed by the resident and tourist population”. Policy EP18 of the Stopped Ynys Mon Unitary Development Plan includes the same criterion but requires it not to have a significant adverse impact. Policies 1 and GP1 of the Ynys Mon Local Plan and the Stopped Ynys Mon Unitary Development Plan are also material in considering residential amenity.

Paragraph 12.8.14 of Planning Policy Wales (Edition 5) (November 2012) states that:

“...developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations...”

Annex D of TAN 8 lists factors which should typically be reviewed to identify “technically feasible areas” for the development of onshore wind energy schemes. At paragraph 3.4 it states “500M is currently considered a typical separation distance between a wind turbine and residential property to avoid unacceptable noise impacts, however when applied in a rigid manner it can lead to conservative results and so some flexibility is again advised”

The Council's Supplementary Planning Guidance Onshore Wind Energy (January 2013) stipulates that in relation to turbines of 20m to tip or more, none should be located within 500m of a residential or tourism property, or closer than 20 x tip height, whichever is the greater.

In a letter dated 5th February 2013 in response to a third party concern regarding the now adopted SPG, The Welsh Government's Chief Planning Officer confirmed:

‘The Welsh Government's planning policy and guidance does not specify a minimum distance between dwellings and wind turbines. It is our view that a rigid minimum separation distance could unnecessarily hinder the development of renewable energy projects in Wales. The Welsh Government opposed the Private Members' Bill ‘Wind Turbines (Minimum Distances from Residential Premises) Bill introduced into the House of Lords by Lord Reay, which sought to make provision for a minimum distance between wind turbines and residential premises according to the size of the wind turbine, which has subsequently failed to make it into statute. We consider that the issue of separation distances between residential premises and wind turbines is best determined locally on a case-by-case basis, taking on board locally sensitive issues such as topography and cumulative impacts, when decisions on planning applications are taken’.

The scheme as submitted is not located within 500m of any property - at closest it is some 580m from the nearest property at Maes Llwyn. That and 662m from Cae Gors. Applying the 20 x tip height requirement would prohibit erection of this turbine (34.5m tip height) within 690m of any property.

The 500m / 20x tip height buffer requirement has been dismissed as ‘arbitrary and mechanistic’ at appeal as it fails to take into account the particular circumstances prevailing at different sites. The

assessment here is based on the anticipated effects of the scheme on individual properties and does not apply the SPG buffer as a matter of course.

Officers have also considered decisions made by Planning Inspectors in relation to residential visual amenity. Such an analysis indicates that a common threshold criterion applied by Inspectors for assessing visual residential amenity is where the change in the view would affect the fundamental living conditions. Various terms are used to describe this threshold, e.g. 'overbearing', 'overwhelming', 'overpowering' or 'oppressive'.

Some of the closest properties to the proposed turbine are:

Property	Approximate Distance from Proposal
Maes Llwyn	580m
Bungalow near Tyddyn Isaf	660m
Parc Mawr	670m
Dwellings at junction of B5420 with Penhesgyn Road	670m
Minffordd	720m
Gwynndy	740m
Tyddyn Isa	760M

In assessing the residential impacts however, it is not considered that the proposal would be overbearing or overwhelming from any property such that use of those properties was restricted or their general enjoyment impinged upon to such an extent as to make them unbearable. Although some properties will have direct views of the proposed development which would be significant and prominent, the overall impact on the everyday enjoyment of those dwelling and their curtilages is not considered such as to warrant refusal of planning permission

Annex C of Planning Policy Wales provides advice on Shadow Flicker and Reflected light. Shadow flicker is only found to occur within properties up to 10 rotor diameters of a turbine and within 130 degrees either side of north at these latitudes in the UK. The shadow flicker assessment submitted with the application suggests that no properties will be affected. Annex C goes on to state turbines can also cause flashes of reflected light, which can be visible for some distances. The guidance states that reflected light can be mitigated by the choice of blade colour and a condition can be recommended on the colour to mitigate impacts.

Other Material Considerations

The effect of the development on tourism is a material consideration. The Isle of Anglesey Council commissioned research on "The Impact of Wind Turbines on Tourism" which has been weighted in making the recommendation below.

In terms of Health and Safety the proposals are not situated in proximity to any roads or buildings having regard to advice in Annex C, paragraphs 2.19 and 2.20 of "TAN 8".

The turbine is proposed to be delivered to site using the existing access to Marchynys via standard lorries in two loads (accommodating standard 40ft shipping containers). Two cranes will be used to hoist the turbine into place and other construction traffic will comprise smaller vehicles, excavation vehicles and concrete deliveries. The Highway Authority raises no concerns and requests that the developer agrees traffic management plan with them whilst the Welsh Government Transport arm confirms that it does not wish to issue a direction in relation to the proposals.

7. Conclusion

The policies listed above provide a presumption in favour of renewable energy developments subject to the considerations listed. As detailed in the policies there are also other environmental and community considerations which need to be assessed. A balance must be struck between the need for renewable energy and the contribution that would be made by this proposed development with other material considerations. Although the scheme would provide a good level of renewable energy and would assist the existing farming enterprise at Marchynys with a secure and accessible electricity supply for its own needs as well as assisting with farm diversification as an additional income stream, this would be at considerable cost to the local landscape character. As determined in the Ty Gwyn appeal, which related to a single turbine of 62m to tip, "In introducing a defining element into such a landscape, the proposal would significantly reduce its quality as a buffer and decrease its sensitivity to further changes". The smaller renewable energy contribution which would be made by the Marchynys scheme would not outweigh its substantial landscape and visual effects on an area characterised as a pleasant rural landscape with no 'distinct landmarks' – the assessment states that 'the siting of a moderately sized wind turbine within the wider receiving landscape would be a potentially disruptive feature in local terms' but considers that as there are other 'more highly valued and more visually distinctive locations on the island' this is 'not considered to be a highly sensitive issue'. As in the Ty Gwyn appeal, the proposal would represent a southward extension of wind turbine development into the largest landscape character area in the south eastern part of the island, again contrary to TAN8.

Having weighted the national planning policy context supporting renewable energy proposals against the particular characteristics of the proposed development, the scheme is considered to produce unacceptable effects in relation to landscape and visual impacts which cannot be satisfactorily mitigated.

8. Recommendation

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.

That planning permission is **refused** for the following reasons:

(01) The proposed development would result in substantial adverse landscape and visual effects and would produce significant changes to landscape character. The proposal represents a southward extension of turbines into Landscape Character Area 12 which is free of such structures. This would be contrary to the provisions of policies C7, D1, D3 of the Gwynedd Structure Plan, 1, 30, 31, 45 of the Ynys Mon Local Plan, EN1, EN2, GP1, EP18 of the Stopped Ynys Mon Unitary Development Plan, Planning Policy Wales (Edition 7), Technical Advice Note 8 and the Isle of Anglesey Council Supplementary Planning Guidance Onshore Wind Energy (2012).

9. Other Relevant Policies

Gwynedd Structure Plan

FF11 (Traffic)

D32 Landscaping Schemes

Ynys Mon Local Plan

32 (Landscape)

Stopped Anglesey Unitary Development Plan

TR3 (Highway Design)

EN14 (Tree Preservation Orders & Hedgerows)

EN16 (Landscape Features of Major Importance for Flora & Fauna)

Technical Advice Note 5 Nature Conservation and Planning (2009)

Technical Advice Note 11 Noise (1997)

Welsh Government Circular letter 01.04.09 Transportation Issues Arising From Wind Farms