



# Complete Agenda

Democratic Service  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

## PLANNING COMMITTEE

Date and Time

**1.00 pm, MONDAY, 16TH JANUARY, 2023**

**\*NOTE\***

**This meeting will be webcast**

[https://gwynedd.public-i.tv/core//en\\_GB/portal/home](https://gwynedd.public-i.tv/core//en_GB/portal/home)

Location

**Hybrid**

**Siambwr Dafydd Orwig, Council Offices, Caernarfon LL55 1SH  
and Virtually via Zoom**

Contact Point

**Lowri Haf Evans**

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(DISTRIBUTED 06/01/23)

## **PLANNING COMMITTEE**

### **MEMBERSHIP (15)**

#### **Plaid Cymru (9)**

##### Councillors

Elwyn Edwards  
Elin Hywel  
Huw Wyn Jones  
Edgar Wyn Owen  
Huw Rowlands

Delyth Lloyd Griffiths  
Gareth Tudor Jones  
Olaf Cai Larsen  
Gareth A Roberts

#### **Independent (5)**

##### Councillors

Louise Hughes  
Anne Lloyd-Jones  
Gruffydd Williams

Elwyn Jones  
John Pughe Roberts

#### **Lib/Lab (1)**

Councillor Gareth Coj Parry

## PROCEDURE FOR SPEAKING ON PLANNING APPLICATIONS IN THE PLANNING COMMITTEE

The Council has decided that third parties have the right to speak on planning applications at the Planning Committee. This leaflet outlines the normal operational arrangements for speaking at the committee.

1.	Report of the Planning Service on the planning application including a recommendation.	
2.	If an application has been received from a 3 <sup>rd</sup> party to speak the Chairman will invite the speaker to come forwards.	
3.	Objector or a representative of the objectors to address the committee.	3 minutes
4.	Applicant or a representative of the applicant(s) to address the committee.	3 minutes
5.	Local Member(s) to address the committee	10 minutes
6.	Committee Chairman to ask for a proposer and seconder for the planning application.	
7.	The committee to discuss the planning application	

## AGENDA

### 1. APOLOGIES

To accept any apologies for absence.

### 2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

To receive any declaration of personal interest and to note protocol matters.

### 3. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

### 4. MINUTES

5 - 20

The Chairman shall propose that the minutes of the previous meeting of this committee, held on, 28<sup>th</sup> November 2022 and 19<sup>th</sup> December 2022, be signed as a true record.

### 5. PLANNING APPLICATIONS

To submit the report of the Head of Environment Department.

#### 5.1. APPLICATION NO C21/1038/41/LL TY'N LÔN, AFONWEN, PWLLHELI, GWYNEDD, LL53 6TX 21 - 40

Establish a touring caravan site (19 unit) with toilet block and associated works

LOCAL MEMBER: Councillor Rhys Tudur

[Link to relevant background documents](#)

#### 5.2. APPLICATION NO C21/0493/09/AC PV SOLAR PARK AT MORFA CAMP SANDILANDS, TYWYN, LL36 9BH 41 - 59

Vary and remove conditions on planning permission C15/0662/09/LL

LOCAL MEMBER: Councillor John Pughe

[Link to relevant background documents](#)

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## PLANNING COMMITTEE 19-12-22

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### Present:

**Councillors:** Elwyn Edwards, Delyth Lloyd Griffiths, Elwyn Jones, Gareth T Jones, Anne Lloyd Jones, Edgar Owen, Gareth A Roberts, John Pughe Roberts, Huw Rowlands, Gareth Coj Parry and Gruffydd Williams

**Officers:** Gareth Jones (Assistant Head of Planning and the Environment), Iwan Evans (Head of Legal Services), Keira Sweenie (Planning Manager), Idwal Williams (Development Control Team Leader), Arwel Thomas (Development Control Officer) and Lowri Haf Evans (Democracy Services Officer).

**Others invited:** Councillor Kim Jones (Local Member)

### 1. APOLOGIES

Apologies were received from Councillors Louise Hughes, Elin Hywel, Huw Wyn Jones and Cai Larsen

### 2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

a) The following member declared that she was a local member in relation to the item noted:

- Councillor Kim Jones (not a member of this Planning Committee), in item 4.3 (C22/0239/15/LL) on the agenda

### 3. URGENT ITEMS

None to note

### 4. PLANNING APPLICATIONS

The Committee considered the following applications for development. Details of the applications were expanded upon and questions were answered in relation to the plans and policy aspects.

#### RESOLVED

#### 4.1 APPLICATION NUMBER C22/0874/16/LL PLOT C5, PARC BRYN CEGIN, LLANDYGAI, BANGOR, LL57 4LD

**Construction of a building to be used as a builders' merchant (sui generis use) and associated yard structures, loading areas, car park, landscaping proposals together with associated work.**

Attention was drawn to the late observations form.

- a) The Planning Manager highlighted that this was a full application to construct a building to be used by a builders' merchant (sui generis use) on the Bryn Cegin Strategic Regional Business Site which was approximately 1km to the south of the development boundary of the Bangor Sub-regional Centre, as defined by the Anglesey and Gwynedd Joint Local Development Plan (LDP).

The building's ground floor would include a retail area, trade counter, office, toilets, staff room/canteen and warehouse with a covered entrance to provide customer access.

The application was submitted to committee as it is defined as a major development due to its floor surface area.

It was reported that the 'builders' merchant' use was a unique use which did not fall under any specific class use and therefore the application was not entirely in line with policy CYF1. Policy CYF 5 was considered, which permitted land safeguarded for B1, B2 and B8 uses in special cases to be released for alternative uses. Although a builders' merchant was a unique use, it was also an appropriate use that could be expected on a business/industrial estate. It was noted that the site was vacant with plenty of opportunities for other B1, B2 and B8 businesses to develop on the site.

Due to the importance of the scheme in securing the development of an initial business on a strategically important site that had been empty for many years, it was considered that there was exceptional justification to grant the proposed development on the designated employment site in accordance with Policies PS13, CYF 1 and CYF 5 of the LDP.

In the context of general and residential amenities, the concerns of the Public Protection Service regarding noise disturbance that may arise from the site causing a nuisance for local residents were acknowledged. In response, a further explanation was provided by the applicant regarding the nature of the site's use. It was reiterated, that it had to be recognised that this was a designated industrial site and the site could be used for a much more intensive and noisy industrial use. By adhering to the opening hours and in considering the background noise and busy nature of the nearby roads and the proximity of the existing Llandygai industrial estate, it was not believed that this business was likely to create an additional significant detrimental impact. (It was noted there were regulations outside the planning field to manage noise that caused a consistent nuisance to local residents.)

In terms of transportation matters, and in light of receiving an amended site plan, the Transportation Unit did not have any objection to the plan and the development would use the road network designed for the industrial estate to accommodate transportation levels.

In terms of linguistic matters, it was considered, as the development offered an opportunity to retain existing jobs and create new suitable jobs for local people, offering them an opportunity to stay in their community, that the development could be positive for the situation of the Welsh language locally and the application was therefore consistent with the aims of policy PS 1.

It was not considered that the proposal was contrary to any material planning policy within the LDP and the proposed development was appropriate for the site and was likely to be of strategic importance to the county as a starting point for business developments on the site. It was not considered that the proposal was likely to cause any unacceptable detrimental impact to nearby residents or the community in general.

- b) Taking advantage of the right to speak, the applicant's agent noted the following observations:
- That the application to develop a plot on the Parc Bryn Cegin site in Bangor by constructing a building to be used as a builders' merchant was made by the local company, Huws Gray.
  - That the company had expanded over recent years and was now one of the largest independent builders' merchants in Britain with their headquarters in Llangefni.
  - They had an existing site in Bangor, on the Llandygai Industrial Estate but the proposal would see Huws Gray relocate to Parc Bryn Cegin - the current site did not allow space to enable expansion.
  - The unit would provide additional surface area; an additional 3 full-time jobs would be created in addition to the existing staff (17 of them) moving to the new site.
  - That the staff employed in Bangor by Huws Gray were all local people and most of them spoke Welsh. It was expected that the additional jobs that would be created would be filled by local people, including Welsh-speakers. Needed to ensure that the required skills were available locally.
  - That the application site, and the vast part of Parc Bryn Cegin, had been empty for some time despite outline permission being granted in 2005 to develop the Park; that this highlighted there had been no substantial demand for B1, B2 and B8 class use over the years, and unless some type of development took place on the site to encourage the Park's development, it was possible that its fate would be to lie empty for years to come.
  - The officer's assessment confirmed that the proposal could be supported in principle under policy CYF 5.
- c) It was proposed and seconded to approve the application in accordance with the recommendation.
- d) During the ensuing discussion, the following observations were made by Members:
- Welcomed the proposal to relocate
  - Supported business that brought jobs to the area

**RESOLVED: To approve the application subject to material planning conditions involving:**

1. Time
2. Compliance with the plans
3. The development shall be implemented in accordance with the ecological report
4. Landscaping conditions
5. Opening hours
6. Ensure Welsh / Bilingual signs

**Notes**

1. Welsh Water
2. Land Drainage Unit

**4.2 APPLICATION C22/0745/14/LL  
GAREJ LLEIOD, Ffordd Llanberis, Caernarfon, Gwynedd, LL55 2DF**

**Redevelopment of an existing garage site to construct a four-storey residential building which includes 21 flats for individuals aged over 55 years (7 x 2 person one-bed, 14 x 3 person two-beds), as well as a communal lounge, Buggy/Bikes**

**storage area, plant room, bins storage, parking spaces for 14 cars and landscaping.**

Attention was drawn to the late observations form.

- a) The Senior Development Control Officer highlighted that this was a full application for the demolition of the existing buildings and the construction of a replacement building that would provide 21 residential flats for people aged 55+, with associated works. The elements of the application included
- Provision of 21 flats including 7 one-bedroom flats and 14 two-bedroom flats and every flat is offered as an affordable unit.
  - Provision of 16 parking spaces.
  - Using the existing access off Llanberis Road as per the existing arrangement.
  - Erecting a building including four-storeys, a three-storey section on the south-eastern elevation and a two-storey section facing the north-west.
  - Soft and hard landscaping.
  - Communal amenity spaces around the building as the building itself was located more or less in the centre of the site.

It was noted that the site was located within the Caernarfon development boundary as included in the LDP, but it had not been designated for any specific use. The site was located adjacent to Llanberis Road to the east of Caernarfon town centre with access to it from Llanberis Road. It was noted that the site currently operated as a vehicle service centre (MOT) with a vehicle sales forecourt. It used to be a petrol station.

In terms of the principle of the proposal, it was noted that the principle of constructing houses on the site was established in Policies PCYFF1, TAI1, TAI15, PS5 and PS17 of the LDP. Policy PCYFF1 stated that proposals would be approved within development boundaries in accordance with other policies and proposals in the LDP, national planning policies and other material planning considerations.

It was reported that the indicative housing supply for Caernarfon over the LDP period was 415 with a slippage allowance of 10% - 194 on designated sites and 221 on windfall sites. During the 2011-2021 period, a total of 238 units had been completed in Caernarfon (177 on designated sites and 61 on windfall sites). In April 2022, the windfall land bank (i.e. sites with existing planning permission that were not designated for housing), was a total of 57 on windfall sites. This meant there was sufficient capacity within the indicative supply for Caernarfon at present.

Reference was made to Policy PS5 which stated that developments would be supported where it could be demonstrated that they were consistent with the principles of sustainable development, including reusing sites located in appropriate locations. In this case, it could be considered that the application site was a previously developed site (brownfield land) which was suitable for residential use in an established residential area.

In terms of affordable housing and housing mix, an Affordable Homes Statement and a Housing Mix Statement were submitted with the application highlighting;

- There was a need for more such accommodation within the County which was to be built to comply with the design requirements of the Welsh Government - Wales Housing Quality Standards.



- This plan would offer social rented flats for occupants aged 55+ or those with disabilities and were registered with the Gwynedd Common Housing Register and Tai Teg.
- The proposal offered 100% affordable units - of varying size and of a high quality.
- The success of the proposal relied on attracting grant funding from the Welsh Government and the Strategic Housing Unit had confirmed that the plan was included within a specific programme that received the Welsh Government Social Housing Grant.
- Following the receipt of figures from the Council's Options Team (March 2022), it appeared that 170 people were in need of a one-bedroom social flat in Caernarfon and 135 people were in need of a two-bedroom social flat in Caernarfon.
- The proposal would allow occupants aged 50+ to move into a high standard property, enabling them to leave existing unsuitable (bedroom tax) properties and move to a site with an accessible location.
- The mix of flats proposed addressed the need in Caernarfon.
- SPG: Housing Mix anticipated that the need for one and two bedroom units would increase in the near future with one-bedroom units increasing from 13% to 26% and two-bedroom units increasing from 32% to 44%.

In term of visual matters, it was reported that the site was prominent in the street scape with the site located adjacent to Llanberis Road, which led into Caernarfon town centre. It was noted that the catchment included buildings of various sizes, heights, elevations and age, including the Caernarfon Justice Centre to the east and the Fire Station to the north-west. It was considered that the scale, design and setting of the proposal were acceptable based on the visual impact and that it complied with the requirements of Policy PCYFF3 of the LDP.

In discussing general and residential matters it was highlighted, that following a period of statutory consultation, no objections to the application had been received. Reference was made to four windows to the rear of the site which looked over the rear garden of a nearby dwelling. It was highlighted that in order to reduce any substantial direct overlooking, it was considered appropriate to impose a condition either to ensure that the windows were opaque or to amend the shape and size of the windows.

It was reported that following the statutory consultation, a response was received from the Transportation Unit noting inconsistencies in the reports regarding the location of the proposal and concerns regarding having sufficient provision of parking spaces for the 21 flats. Concerns were also raised regarding the distribution and definition of these units as self-contained units for people aged over 55 with this affecting the number of car parking spaces. In response, the agent noted that the development met with the requirements of the parking formula for developments of a similar size and design that were within the applicants' ownership and by applying the relevant formula, 11 parking spaces were needed for 21 flats - the proposal offered 16 parking spaces for the site and therefore went beyond the need. Notwithstanding the concerns, reference was made to Planning Policy Wales (PPW) which emphasised that such developments should prioritise the use of sustainable transport with the transport hierarchy promoting the use of walking, cycling and public transport before the use of a private car. By encouraging developments to use the sustainable modes of transport first, it played an important role towards de-carbonising transport within towns and cities.

In discussing land drainage matters, reference was made to the intention to dispose of surface water in the direction of river Cadnant, which was located to the north-east of the site. It was noted, due to the site's history as a petrol station, as well as its location on a ridge before the land slopes down towards the river, that draining surface water into the site itself was impractical. To this end, the proposal was made to drain the water into a swale which formed part of the SUDS, which would be located outside the site in the Coed Mawr Wildlife area, before flowing into Afon Cadnant nearby. It was reiterated that amended site plans were needed along with the correct land ownership certificates (although the land owner (Coed Cadw Trust) were aware of the plans where it was intended to locate the swale). The Land Drainage Unit did not have any objection to the plans and the Council's Drainage Unit and Welsh Water had expressed the need to meet the SUDS requirements - this could be ensured by means of a suitable condition/note on the permission.

In the context of open areas it was considered there was sufficient provision for outdoor play areas in the area and there was no need for a financial contribution towards such a provision. As this was an application to provide dwellings for older people, there was no demand for an outdoor area provision, however, the proposal would create community amenity spaces around the proposed building for the prospective occupants of the affordable units.

In terms of language matters, in response to the Welsh Language Impact Assessment that was submitted, the Language Unit expressed, based on the information received, that the proposal would have a positive impact, and would balance the risk with the need to meet the demand for living units for a particular cohort of the local population.

It was considered that the proposal would improve the visual appearance of the site that was currently dormant and that the units, which were 100% affordable, would greatly contribute towards the town's affordable housing needs. Full consideration was given to the observations received from statutory consultees, and although the concerns of the Transportation Unit about the number of parking spaces were recognised, it was considered, in this particular case that the need for sustainable new houses to contribute to the housing stock of the town and Gwynedd, outweighed the concern regarding parking spaces.

- b) Taking advantage of the right to speak, the applicant's agent noted the following observations:
- He welcomed the Officers' recommendation to approve the application subject to conditions.
  - That the report was comprehensive and noted the key planning matters - the principle was considered acceptable.
  - That Adra, a Housing Association established in 2010 provided quality affordable homes and tenancy services. It also sought to protect and develop the culture and heritage of communities.
  - That the proposal was to demolish the buildings of the existing garage and redevelop the site to provide 21 residential flats for people aged 55+.
  - The site was located within the Caernarfon development boundary as included in the adopted LDP, but was not designated for any specific use. It was a previously developed site and located within an established residential area - the principle was therefore considered acceptable.
  - The offer would provide 100% affordable housing, which was greater than the minimum requirement of 30% in the LDP; and offered social rent flats to occupants aged 55+, or individuals with disabilities. In March 2022, 170

people were in need of a one-bedroom social flat in Caernarfon and 135 people were in need of a two-bedroom social flat in Caernarfon.

- Discussions had been held prior to submitting the application between the applicants and the Planning Authority officers and as a result of those discussions the scale of the proposal was reduced and a decision was made to change the windows to reduce any significant overlooking to adjacent properties. It was considered that the scale, design, layout and amenity of the application were acceptable and complied with the relevant policies of the LDP.
- That the Highways Officers' observations in relation to providing parking spaces had been noted. That Adra wished to draw attention to similar schemes it managed in the County which offered similar general facilities to tenants aged 55+:
  - that the number of tenants who were car owners was always much lower than the number of spaces provided by those schemes and there was no point in providing parking spaces that were not needed.
  - the facility would be very close to the Llanberis Road bus network and the town was within walking distance for able residents who wished to do this.
  - Adra was confident, based on experience in managing similar plans, that offering 13 parking spaces was adequate for such a development. Therefore, Adra agreed with the principles and the firm assessment of the Planning Officers.
- There was no objection to matters relating to Biodiversity, Sustainability, Land Drainage, Pollution, Open Spaces or Language.
- That Adra agreed with the conclusions of the Planning Officers that the proposal would improve the general visual appearance of the site and would contribute greatly to the town's affordable housing needs.
- Given the proposal as a whole, the proposal did not pose significant negative impact and it was not contrary to local planning policy or relevant national guidance. The proposal was therefore acceptable subject to the inclusion of relevant planning conditions.

c) It was proposed and seconded to approve the application in accordance with the recommendation.

ch) During the ensuing discussion, the following observations were made by Members:

- The location was central, accessible and sustainable
- There was a need to consider the Town Council's observations as to the definition of the word 'local' and how this could be ensured
- Welcome an application that responded to the town's needs

d) In response to an observation regarding the Transportation Unit's concerns and the risk of acting contrary to its observations given that the site was near a busy road, crossing and needed more parking spaces, it was noted that discussions had been held with the Transportation Unit where it was emphasised that the proposal was being assessed as a town centre development and therefore the number of parking spaces being proposed was acceptable and in line with other similar developments in the County. In response, it was challenged why the Transportation Unit's observations were being disregarded and officers acting contrary to the Transportation Unit given that the unit's observations usually received priority, the Assistant Head of Department noted that the observations had not been disregarded and that the application had received an in-depth assessment. It was noted, in accordance with Policy Wales that there was a need to consider what was reasonable - the site was central with a suitable public transport network. It was

reiterated that refusing the application on grounds of lack of parking spaces would be weak - the provision of a 100% affordable element outweighed the need for more parking spaces.

**RESOLVED: To delegate the right to the Senior Planning Manager to approve the application, subject to receiving confirmation about the details of the living room windows of Unit 10 and Unit 17 facing Bryn Cadnant and receiving details of the swale and land drainage plan within the red line as well as receiving correct land ownership certificates and subject to the following conditions:-**

1. **Five years.**
2. **In accordance with the plans/details submitted with the application.**
3. **Compliance with the parking scheme.**
4. **Compliance with the landscaping plan along with future maintenance work.**
5. **NRW condition that relates to introducing a surface water plan for the development. NRW condition relating to Land Contamination.**
6. **Secure a plan/arrangements to provide the affordable units e.g. mix, tenure, occupancy criteria, timetable and arrangements to ensure that units are affordable now and in perpetuity.**
7. **Compliance with the recommendations of the Bat Survey Report and the Preliminary Ecological Assessment.**
8. **Compliance with the recommendations of Part I and II of the Geo-environmental Report.**
9. **Agree on details regarding Welsh names for the development before the residential units are occupied for any purpose along with advertising signage informing and promoting the development.**
10. **Working hours limited to 8:00-18:00 Monday to Friday; 08:00-13:00 Saturday and not at all on Sunday and Bank Holidays.**
11. **Submission of a Construction Method Statement to include measures to reduce noise, dust and vibration to be agreed with the LPA.**
12. **Ensure that the windows of the first floor and second floor which served the living rooms of Units 10 and 17 and which faced Bryn Cadnant were permanently opaque glass.**
13. **Restrict the use to prospective occupants aged 55+.**

**Note: Need to submit a sustainable drainage system application to be agreed with the Council.**

**4.3 APPLICATION NUMBER C22/0239/15/LL  
ELECTRIC MOUNTAIN VISITOR CENTRE, ORIEL ERYRI, LLANBERIS,  
CAERNARFON, LL55 4UR**

**Demolish vast parts of the Electric Mountain Visitor Centre (bar the existing electricity sub-station), change of use of the site to an area of grassland, replacement lighting, provision of electric vehicle charging points to the existing car park and associated landscaping.**

Attention was drawn to the late observations form.

- a) The Planning Manager highlighted that this application had been deferred at the June, 2022 Planning Committee to enable the applicant to discuss the site's future and its potential alternative uses with the Local Member as well as the community.

Following lengthy discussions, the applicant no longer wished to proceed with the original scheme of creating a new car park, rather they wished to change the use of the site to an area of grassland; to create a drive from the existing car park to service the electricity sub-station; installation of lighting and providing vehicle charging points within the existing car park along with associated landscaping.

The area of grassland would be used for occasional community use and events together with the installation of temporary structures.

In order to support the application, the following documents were submitted - Design and Access Statement; Drainage Strategy; Flood Risk Assessment; External Lighting Planning Statement; Ecological Report and an Arboriculture Statement. It is noted here that the Transportation Statement has not been amended as there are no road safety implications from the amended plan.

It was reported that the proposal was acceptable in line with the second part of Policy ISA 2 of the LDP (with the policy supported by Supplementary Planning Guidance: Change of use of Community Facilities and Services, Employment Sites and Retail Units, 2021) that states that the Council would resist the loss or change of use of existing community facilities by complying with at least one of the following relevant criteria. There were no objections to matters relating to visibility, biodiversity or flooding and full consideration had been given to the observations received in response to the two consultation periods and to the response received from statutory consultees.

It was not considered that the amended proposal was contrary to local or national policies - and was acceptable subject to including suitable conditions.

- b) Taking advantage of the right to speak, the Local Member made the following points:
- She had no objections to the proposal
  - Welcomed the change to the grassland - possible to hold community events
- c) It was proposed and seconded to approve the application.

**RESOLVED: To delegate powers to the Senior Planning Manager to approve the application, subject to the following conditions:**

1. **Five years.**
2. **In accordance with the amended details submitted with the application.**
3. **Compliance with the recommendations within the amended Ecological Report and Arboriculture Statement documents.**
4. **Compliance with the recommendations of the amended Flood Consequence Assessment.**
5. **A condition that none of the land will be raised higher than the current ground levels.**
6. **Submit a Demolition Method Statement to be agreed in writing by the LPA to include matters such as noise levels, working hours and relevant mitigating measures.**
7. **Safeguard Welsh Water assets by submitting a Risk Assessment Method Statement to be agreed in writing with the Local Planning Authority.**
8. **The applicant needs to undertake a photographic survey of the existing construction.**
9. **Need to undertake a desktop investigation to assess the potential pollution risk on the site.**

**Note: It will be required to receive a European Protected Species Licence (EPS Licence) for this development.**

**4.4 APPLICATION NUMBER C22/0744/14/LL  
YSGOL SYR HUGH OWEN, FFORDD BETHEL, CAERNARFON, GWYNEDD,  
LL55 1HW**

**Formation of a full size 3G sports pitch with associated 4.5 metre high fencing, 4 metre high acoustic barrier, 6 x 15 metre high floodlights, teams' shelters, hardstanding and landscaping bund with planting**

- a) The Planning Manager highlighted that it was a full application to develop the full size 3G playing field on school grounds and within the town's development boundary. The location of the 3G pitch would border the school building to the south-west and face a separate row of houses and a residential area to the west. The eastern side of the pitch would border the existing playing field and the eastern side would face the Arfon Leisure Centre building.

It was reported that additional justification and information had been submitted with the application which outlined the significant contribution the proposal would make in developing football facilities in the community and the region.

The application was submitted to the committee as the size of the site was greater than half a hectare.

Attention was drawn to the observations of the Public Protection Unit which had stated some concern about the proposal but there was no objection to the proposal subject to conditions. The Planning Service also received correspondence from local residents objecting to the application mainly due to the impact of increased noise and light installation. Furthermore, a statement was received from the applicant offering to reduce opening hours to 21:00 instead of 22:00 during the week and it would be possible to include an appropriate condition should the application be approved. Although recognising the observations received, it was not considered that the proposal would have a detrimental impact on residential amenities and, therefore, with conditions the proposal satisfied the requirements of policy PCYFF 2.

Attention was drawn to the observations received from the Gwynedd Archaeological Planning Service on the proposal noting that the development would entail work that would disturb undeveloped land and in a landscape where there was good potential for historic remains. Any archaeological remains would improve the wider understanding of the area especially in relation to the early occupancy of the area and the environs. The Gwynedd Archaeological Planning Service therefore recommended imposing a condition regarding a programme of archaeological work for the entire development and in doing so the proposal would be acceptable in terms of Policy AT 4 of the LDP.

Given the relevant planning matters in this case, it was considered that the proposed development met the objectives of the LDP by proposing a development of high-quality, modern and suitable design, that would make a substantial contribution towards improvements for local sports facilities. The concerns about the proposal were acknowledged; however, the specialist evidence indicated that the impacts would not be substantially detrimental and the applicant had submitted mitigation measures as part of the application.

- b) It was proposed and seconded to approve the application.
- c) During the ensuing discussion, the following observations were made by Members:
- There was a need for modern facilities for the area's children
  - A full-sized pitch was needed - would be an asset for the school and the local area
  - Need to consider the significant impact of the floodlights
  - Needed to ensure that the shock absorbers on the fencing (between the fence and the pole) were monitored regularly - the noise, without the shock absorber, could disturb nearby residents.

In response to an observation regarding noise, it was noted that the Public Protection Service had powers to manage noise should the proposal cause public nuisance.

**RESOLVED: To approve**

**Conditions:**

1. **Commence the work within five years.**
2. **Limit opening hours to 21:00 hours.**
3. **Landscaping.**
4. **Agree details of players' shelters.**
5. **Archaeological details.**
6. **In accordance with the plans along with technical documents.**
7. **Agree on the location of the storage container.**

The meeting commenced at 13:00 and concluded at 13:55

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**CHAIR**

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## PLANNING COMMITTEE 28-11-22

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### Present:

**Councillors:** Edgar Owen (Chair)  
Elwyn Edwards (Vice-chair)

**Councillors:** Delyth Lloyd Griffiths, Elin Hywel, Elwyn Jones, Gareth T Jones, Huw Wyn Jones, Anne Lloyd Jones, Cai Larsen, Gareth A Roberts, John Pughe Roberts, Huw Rowlands, Gareth Coj Parry and Gruffydd Williams

**Officers:** Gareth Jones (Assistant Head of Planning and the Environment), Iwan Evans (Head of Legal Services), Keira Sweeney (Planning Manager), Iwan ap Trefor (Traffic and Projects Service Manager), Elan Mared Lloyd (Development Control Officer) and Lowri Haf Evans (Democracy Services Officer)

**Others invited:** Councillor Rob Triggs (Local Member)

### 1. APOLOGIES

Apologies were received from Councillor Louise Hughes

### 2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

a) The following members declared that they had an interest in relation to the item noted:

- Councillor Elin Hywel in item 5.4 (C22/0898/42/LL) on the agenda due to a family connection.

The Member was of the opinion that it was a prejudicial interest, and withdrew from the meeting during the discussion on the application.

b) The following members declared that they were local members in relation to the items noted:

- Councillor Rob Triggs (not a member of this Planning Committee), in relation to item 5.2 (C21/0575/00/LL) on the agenda
- Councillor Gareth Tudor Jones (a member of this Planning Committee) in relation to item 5.4 (C22/0898/42/LL) on the agenda

### 3. URGENT ITEMS

None to note

### 4. MINUTES

The Chair accepted the minutes of the previous meeting of this committee, held on 7 November as a true record.

### 5. PLANNING APPLICATIONS



The Committee considered the following applications for development. Details of the applications were expanded upon and questions were answered in relation to the plans and policy aspects.

## **RESOLVED**

### **5.1 APPLICATION NUMBER C22/0727/14/DT 9 Ffordd Menai, Caernarfon, Gwynedd, LL55 1LF**

#### **Two-storey extension to the rear and side of the dwelling.**

- a) The Planning Manager highlighted that this was a full application to erect a two-storey extension on the rear elevation of a two-storey property. The extension would comprise a bedroom and bath on the ground level and a kitchen with a front balcony on the first-floor level. The application was submitted to committee as the applicant's father was a Local Councillor.

The house, set on a sloping site that had been dug in, was located within a housing estate and the town's development boundary and the front garden was much lower than the back garden. The extension would fill an empty corner at the back of the house with external stairs along the southern side of the extension forming the access from the front garden to the back; these stairs would be located along the property's boundary with the neighbour. It was likely that only the first floor section of the rear of the extension would be visible from the estate road to the east, with only a glimpse of the extension's front elevation from the county highway to the west.

It was considered that the design and appearance of the proposal were acceptable and in terms of visual amenities, very little of the extension would be visible from public vantage points. The proposal therefore complied with policies PCYFF 2 and 3 of the Local Development Plan (LDP).

In terms of transportation and access matters, it was highlighted that observations had been submitted by the Transportation Unit stating that it had no objection in principle, however, from the plans submitted it appeared that the proposal could include a structure to support the stability of the adjacent highway. It was reiterated that it was uncertain from the plan whether the structure already existed or was part of the application and therefore it was intended to ask the applicant to provide further details for clarification. It was noted that a condition would need to be imposed to submit details of the retaining wall prior to commencement of work on the site.

The proposal was considered acceptable as it would not have an impact on the street scape, the amenities of nearby residents or road safety.

- b) It was proposed and seconded to approve the application in accordance with the recommendation.

#### **RESOLVED: To approve – conditions:**

- 1. Five years to commence the work.**
- 2. In accordance with plans.**
- 3. Opaque glass to be installed 1.8m in height along the southern side of the proposed balcony.**
- 4. Prior to the commencement of work on the site, submit details showing the retaining wall.**
- 5. Complete work on the retaining wall prior to the commencement of work on the extension.**

## **6. Finish to match the existing house.**

**Information note:  
Welsh Water  
Protected species**

### **5.2 APPLICATION NUMBER C21/0575/00/LL Auckland House, 17 Rhodfa'r Môr, Abermaw, Gwynedd, LL42 1NA**

#### **Conversion and change of use of a single dwelling to form six one-bedroom flats**

Attention was drawn to the late observations form.

- a) The Planning Manager highlighted that this was an application that involved converting and changing the use of a single dwelling to form six one-bedroom flats. One flat would be created in the basement, two on the ground floor and then one flat on the first, second and third floors. Externally, the change included replacing one window with a door and constructing a steel walkway frame at the rear on ground floor level. The site was within the Abermaw development boundary and the property formed part of a row of houses. The application had been submitted to Committee as it involved five or more houses.

It was reported that Abermaw, in the LDP, had been identified as a Local Service Centre under Policy TAI 2 which supported housing developments that would meet the Plan's strategy, which was based on the Policy's indicative supply. From the information received from the Joint Planning Policy Unit, it was noted that the indicative supply level for Abermaw over the Plan period was 91 units, with 50 units completed between 2011 and 2021 and 36 units with extant planning permission. The proposal would create 6 additional living units meaning that Abermaw had reached the indicative growth level for this development and the proposal would be acceptable in terms of Policy TAI 2 of the LDP.

There was a reference to Policy TAI 9 which permitted the sub-division of existing properties to self-contained flats provided they conformed to the four criteria within the policy. Attention was drawn in particular to criterion (4) which noted that the proposal must not exacerbate existing parking problems in the local area. It was reported that although there were no parking spaces within the property curtilage, the existing property had nine bedrooms and the proposal would provide a total of six bedrooms. It was reiterated, due to the reduction in the number of bedrooms provided, that the Transportation Unit considered there would be less demand for parking spaces locally and there would be a positive impact on the local parking provision. The proposal was therefore acceptable in terms of criteria (4) of Policy TAI 9 of the LDP

It was noted that a third party has submitted observations highlighting concerns that the flats would be used as holiday flats and the impact of this on the town with the possibility that it would become similar to other areas in Gwynedd and further afield. In response, it was noted that the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022 which had come into force on 20/10/22 had made changes in terms of the class use of residential units and the C3 class use was now recognised as dwellings used as the sole or main residence. Two use classes had been added - C5 for dwellings used in a different manner to a sole or main residence and C6 use class for short-term lettings no longer than 31 days for

each period of occupation. Therefore, it was considered appropriate to include a condition that the flats to be let were for C3 use class only.

In accordance with Policy TAI 15, an affordable housing contribution was requested on residential developments of two or more housing units. As Abermaw was inside the 'West Coast and Rural Arfon' house price area of the Plan, it is noted that providing 10% of affordable housing was viable. It was confirmed that the applicant had offered the basement level flat as an affordable flat and had agreed to sign a 106 agreement to this end. As part of the application, a Community and Linguistic Statement, Housing Mix Statement and valuation for the affordable flat were submitted.

It was considered that the proposal to change the property into 6 flats complies with the requirements of relevant policies.

- b) Taking advantage of the right to speak, the Local Member made the following points:
- There had been a long wait for the flats
  - That local people had already been expressing interest and making enquiries
  - That he was supportive and recommended that the Committee should approve
- c) It was proposed and seconded to approve the application in accordance with the recommendation.
- ch) An observation was made that although intended for one person, the plans for flats 4 and 5 showed an en-suite and bathroom along with an office which suggested that maybe in future, they could be adapted to a second bedroom and/or for holiday home use. Needed to ensure that the class use condition was enforced.

**RESOLVED: To approve with conditions**

1. **Five years.**
2. **In accordance with the documents/plans submitted with the application.**
3. **Any alterations to external elevations of the building to be finished to be in-keeping.**
4. **Condition to agree on affordable housing scheme.**
5. **The flats hereby permitted to be for C3 use class only from the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022 and not for C5 or C6 use.**
6. **Submit and agree on details of storage for waste / recycling bins.**
7. **Working hours.**

**Notes - Welsh Water, Party Wall Act**

**5.3 APPLICATION NUMBER C22/0886/41/LL  
Cabin Wood, Llanystumdwy, LL52 0SU**

**Amendments to access and erection of 1.8m fencing**

- a) The Planning Manager highlighted that the application, which was part retrospective, involved amending an access and installing a high fence on the site in the countryside directly near a class 3 road which ran from Llanystumdwy to

Rhoslan. It was noted that the aim was to create an access to the woodland that would measure approximately 24.5 metres wide and to install a gate 10 metres back from the highway. A 1.8m security fence would be erected between the gate and the visibility splays and vegetation would be cut back and maintained within the visibility splays to a height of less than 1 metre.

Although recognising the concerns of neighbours, the application in question did not involve any change to use/activities that would take place within the woodland itself.

The application had been submitted to the Committee at the Local Member's request.

Reference was made to the observations received from the Transportation Unit. It did not object to the proposal, however it was proposed that a condition be imposed to prevent the visibility splay from being affected. The condition would ensure that the maintenance work was completed in accordance with the plans and the access statement and that any vegetation and/or fence/wall within the visibility splays should be no higher than 1 metre. It was reiterated that it would be appropriate, under the circumstances of this application, to include a condition that work was to be completed within a specific timetable suggesting that 3 months was a reasonable period.

It was considered that the proposal complied with the requirements of the relevant policies.

- b) It was proposed and seconded to approve the application.
- c) In response to the Community Council's objection that the fence was too high, it was noted that there was no reasoning behind the height of the fence, but that the height assisted in holding back the vegetation. It was reiterated that the fence did not enclose the entire site and was not intended to keep livestock. Therefore, there was no justification for the height.

**RESOLVED: To approve with conditions**

1. **In accordance with the plans submitted with the application.**
2. **Work to be undertaken in accordance with access statement.**
3. **Any vegetation/fence/wall within the visibility splays should be no higher than 1 metre.**
4. **Work to be completed within three months of the date of this permission.**

**Note - Welsh Water Letter 10/10/22, highways permit for work on highway verge**

**5.4 APPLICATION NUMBER C22/0898/42/LL  
Land adjacent to a funeral director's building and existing public toilets Morfa Nefyn, LL53 6BW**

**Construction of Chapel of Rest**

Attention was drawn to the late observations form.

a) The Planning Manager highlighted that the applicant's agent had requested a deferral to discuss the transportation matters of the application in question. It was also noted that additional information had been received from the applicant which addressed one of the reasons for refusal.

b) It was proposed and seconded to defer the application.

**RESOLVED: To defer at the request of the applicant's agent**

The meeting commenced at 13:00 and concluded at 13:30

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**CHAIR**

# Agenda Item 5.1

PLANNING COMMITTEE	DATE: 16/01/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

**Number: 1**

**Application Number: C21/1038/41/LL**

**Date Registered: 23/03/2022**

**Application Type: Full**

**Community: Llanystumdwy**

**Ward: Llanystumdwy**

**Proposal: Establishing a new touring caravan site (19 units) with a toilet block and associated works**

**Location: Tŷ'n Lôn, Afonwen, Pwllheli, Gwynedd, LL53 6TX**

**Summary of the**

**Recommendation: TO APPROVE SUBJECT TO CONDITIONS**

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## 1. Description:

- 1.1 This is an application to change the use of agricultural land, to establish a touring caravan site for 19 units, extend the existing building to create a toilet block and associated works on land at Ty'n Lôn, Afonwen. The touring units would be placed around the boundaries of the field situated north west of the property, with the intention of planting a new hedge to create the western boundary of the caravan field and separate it from the wider field. The toilet block would be located near the entrance with a gravel track laid into the field. It is proposed to allocate a play area and also a recycling area.
- 1.2 This is a rural site situated parallel to the A497 class 1 highway, between the Afon Wen roundabout and Pandy junction that leads to Chwilog. There are mature trees along the existing field boundaries. Scattered houses and farms are in the vicinity. The field in question has been identified as a Local Wildlife Site.
- 1.3 A Planning Statement was submitted together with a short statement on how consideration has been given to the Welsh language with the original application. An Initial Ecological Assessment, Botanical Survey and Badger Survey have been submitted with the application and later on a Wildlife Mitigation Measures Plan. The original plans were for a new toilet block, however, amended plans received on 12 December 2022 demonstrated a proposal to extend the existing garage building on the site to create a toilet/facilities block in its place.
- 1.4 The application is submitted to the Planning Committee as the application site is greater than 0.5 hectare.

## 2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### 2.3 Anglesey and Gwynedd Joint Local Development Plan. (July 2017)

PS 1: The Welsh Language and Culture  
 PS 4: Sustainable transport, development and accessibility  
 TRA 2: Parking standards  
 TRA 4: Managing transport impacts  
 PS 5: Sustainable Development  
 PCYFF 1: Development boundaries  
 PCYFF 2: Development criteria  
 PCYFF 3: Design and place shaping  
 PCYFF 4: Design and landscaping  
 PS 14: The Visitor Economy  
 TWR 5: Touring caravan, camping and temporary alternative camping accommodation  
 PS 19: Conserve and where appropriate enhance the natural environment  
 AMG 6: Protecting Sites of Regional or Local Significance  
 Supplementary Planning Guidance: Tourist Facilities and Accommodation (March 2021)

Supplementary Planning Guidance (SPG): Maintaining and Creating Distinctive and Sustainable Communities

## 2.4 National Policies:

Future Wales: The National Plan 2040  
 Planning Policy Wales (February 2021)  
 Technical Advice Note: 12 Design: June (2016)  
 Technical Advice Note: 18 Transport: March (2007)

## 3. Relevant Planning History:

None

## 4. Consultations

Community Council      Object on the grounds of over-development and there are many caravan sites already along the coast.

Highways Unit:          Not received.

Biodiversity Unit:      Observations 24.11.22

### Desk-based study

- SSSI Glanllynau is 450 metres to the south-east of the site. SAC Pen Llŷn a'r Sarnau/ Lley Peninsula and the Sarnau is 600 metres to the south of the site. The site is within LWS Bryntirion, broadleaved woodland, and there are 9 LWS within 1 km of the site predominantly of marshy grassland and scrub.
- The nearest bat record was of lesser horseshoe and brown long eared species, 650 metres to the north of the site. Soprano pipistrelle species were within 1km.
- Badgers were recorded on the site in 2002 and 2003.
- Otters were recorded within 800 metres to the south-east of the site.
- Japanese knotweed was 600 metres south-east of the site in 2018. Himalayan balsam and montbretia were also within 800 metres to the south-east.

Relevant documents already provided by the applicant (if any):

- Badger Survey & Wildlife Site Mitigation Plan, by Chris Hall surveyed November 2022.
- Botanical Survey, by Lucia Ruffino surveyed September 2022.

### Comments on the documents provided (if any):

- Both have been completed to a good standard.



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- Botanical Survey concludes that the site is species poor, the only important feature is the hedgerow running north to southwest - It is therefore recommended that the hedge be retained and fenced off, so that campers do not access it and cause damage to the trees and shrubs. This measure would also preserve its function as a wildlife corridor. The grassland habitat is very species-poor and of limited value to conservation.
- The badger survey identified the presence of the two single entrance setts just outside the development boundary which were located during the preliminary survey.
- A license will be required from NRW to carry out the proposed development

#### Further comment

- Mitigation measures in relation to the Bryn Tirion Wildlife Site, some of which were recommended in the botanical survey report have been included in Section 8.1. These are sensible and should be implemented, - the report and plan indicates that they will be, including the retention of hedgerows and trees as specified.
- This includes the bulleted points on protecting nesting birds and other protected species.
- Biodiversity enhancement recommendations have been made to improve the quality of the Bryn Tirion Wildlife Site in Section 9. These are sensible and if implemented would represent an improvement in the site for wildlife.
- The recommendations in the botanical survey are included in, and superseded by the badger survey report, therefore it is this document which should be followed.
- The site is within a LWS, so it is disappointing that the grassland was so poor, however it is of low value.

#### Outcome

- The mitigation and enhancement recommendations in sections 8 and 9 of the Badger survey must be implemented to enhance the site.
- A badger license will also be required.

Caravan Licensing  
Enforcement Unit:

This development will be subject to the Legislation stated below relating to Health and Safety, Fire Safety and Public Health provision as follows:-

1. Health and Safety at Work etc. Act 1974
2. The Caravan Sites and Control of Development Act 1960
3. Model Standards 1983 – Touring Caravans / Tents  
The development must fully comply with licence conditions.  
<https://www.gwynedd.llyw.cymru/cy/Busnesau/Dogfennau-Busnes/Trwyddedau/Carafannau/SafonauModel-1983-Teithiol-a-Pebyll.pdf>
4. Application for a Site Licence. Following any planning application that is approved in connection with a caravan or camping site, the applicant must contact the Licensing Enforcement Officer, Pollution Control and Licensing Service, Cyngor Gwynedd, on 01766 771000 or trwyddedu@gwynedd.llyw.cymru to discuss making an application for a site licence. The licence application must include completing an application form with a copy of the detailed plan

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1:500 scale, which has been approved during the planning process.

Water and Environment Unit (Drainage): Thank you for the following consultation and apologies for the late reply. The unit has no observations to offer on this application in terms of land drainage, local flooding risk or coastal erosion.

Natural Resources Wales: Thank you for consulting with Natural Resources Wales regarding the above, received by us on 06/12/2021. We do not oppose the proposed development as submitted and we provide the following advice:

**Foul Water Drainage** Our understanding is that this is a proposal to discharge foul water into the main sewer. However, if it is proposed to use a private drainage solution, please re-consult with us.

**Other matters** The above comments only relate specifically to matters on our check-list, Advice Service on Development Plans: consultation topics (September 2018), which can be seen on our website. We have not considered the potential impacts on other matters and we cannot disregard the possibility that the proposed development can impact the interests of others.

The applicant is reminded of the fact that it is their responsibility to ensure that all other licences/permits relevant to the development are acquired, as well as planning permission. Please refer to our website for further details. If you have any further enquiries about the above, you are more than welcome to contact us.

Welsh Water: Suggest standard conditions that surface water deriving from the development should not connect to the public sewer with standard notes regarding Sustainable Drainage.

Fire and Rescue Service: In connection with your consultation dated 6.12.2021, regarding application C21/1038/41/LL.

The Fire Authority has no observations regarding the access for Fire vehicles and water supply.

Should you need further information, please contact the Compliance Officer.

Public Consultation: A notice was posted on the site and nearby residents were informed. The advertisement period has expired and no response was received.

## 5. Assessment of the material planning considerations:

### The Principle of the Development

5.1 As this is a site for touring caravans, the application must be considered under Policy TWR 5 of the Anglesey and Gwynedd Joint Local Development Plan (LDP) that sets out a series of criteria to approve such developments.

- 5.2 Criterion 1 in policy TWR 5 states that any new touring caravan development should be of a high quality in terms of design, layout and appearance, and is sited in an unobtrusive location that is well screened by existing landscape features and / or where the units can be readily assimilated into the landscape in a way that does not significantly harm the visual quality of the landscape.
- 5.3 The proposed development is located on a level field with mature trees along the boundaries and is therefore hidden from most public vantage points. It is also proposed to reinforce the screening of the site by planting a new hedge of native trees as the new western boundary to separate the caravan field from the wider field. This site is not within the Area of Outstanding Natural Beauty (AONB) or a Special Landscape Area and it is not believed that the development would cause significant harm to the quality of the landscape. The proposal is designed to meet the requirements of the licence in terms of space and facilities and therefore it is accepted that the development is up to standard.
- 5.4 Policy PCYFF 4 of the LDP requires that every proposal should assimilate with their surroundings and will refuse proposals that do not show how consideration has been given to landscaping matters from the outset as part of the design proposal. We believe that the choice of location and the additional landscaping proposed also meet with the objectives of this policy.
- 5.5 The second criterion of Policy TWR 5 requests developers to avoid excessive areas of hard standing. In this case, no hard standings are shown for the caravans. The only hard standing shown is the gravel track leading up to the field from the entrance. It is considered that a gravel track can easily assimilate into the landscape. As no hard standings are shown, it is considered that it would be suitable to impose a condition that any hard standings are restricted to the caravan pitches only.
- 5.6 The third criterion requires assurance that the site would only accommodate touring units – this can be controlled with a suitable planning condition.
- 5.7 The fourth criterion requires assurance that any ancillary facilities be located in an existing building, or should this not be possible, that any new facility is commensurate to the scale of the development. The original plans were for a new toilet block, however, amended plans received on 12 December 2022 indicated a proposal to use an existing outbuilding within the current curtilage and to extend this to provide the required facilities. The amended plans for the toilet block are considered an improvement and make use of a building in the present curtilage. The extension to this building is commensurate with the size of the development, with a close relationship with the house and avoiding a new jointed building by its side. It is considered that the facilities are appropriate for the development in question and respect the context of the site and its position in the landscape. The proposal therefore satisfies criterion 4 of TWR 5 as well as policy PCYFF 3 of the LDP.
- 5.8 Under the fifth criterion, the policy requires the site to be located close to the main roads network and that adequate access can be provided without significantly harming landscape characteristics and features – highway matters are discussed below.
- 5.9 The sixth criterion requires assurance that occupancy is restricted to holiday use only – this can be ensured with a suitable planning condition.
- 5.10 The seventh, and the last of the criteria, requires assurance that the site is used for touring purposes only and that the units are removed from the site during periods when not in use – again, this is a matter of imposing a suitable planning condition.
- 5.11 Overall therefore, it is believed that this proposal meets the requirements of the criteria set by Policy TWR 5 and the policy requirements of PCYFF 3 in the LDP.

### General and residential amenities

- 5.12 The property of Tŷ'n Lôn stands alone adjacent to the county highway. The nearest property to it is across the A497 road and a field's width of approximately 135 metres to the south west, namely Fferm Afon Wen. Hen Efail is more than two fields away, approximately 270 metres to the north east, and Sŵn y Môr property over two fields away, approximately 250 metres to the north west. Based on the distance and the hidden nature of the field, it is not considered that the proposal would have a substantial detrimental impact or cause disruption to any nearby residents. It is considered that the proposal is acceptable in terms of Policy PCYFF 2 of the LDP that deals with protecting the amenities of nearby land users.

### Transport and access matters

- 5.13 The site has direct access to a class 1 road, the A497 with an area of wide pavement between the road and the entrance to the property. The road is straight at this location and visibility is clear in both directions for a distance. There will be no need to make any changes to the access in order to serve the proposal. No response to the application was received from the Transportation Unit. There are plenty of parking spaces available within the site. It is therefore considered that the proposal is acceptable in terms of Policies TRA 2 and TRA 4 of the LDP. The proposal also satisfies the requirements of criterion 5 of policy TWR 5 as it is close to the main highway network and adequate access can be provided without significantly harming landscape characteristics and features.

### Sustainability

- 5.14 Policy PS 5 (Sustainable Developments) supports developments that are consistent with sustainable development principles, and where appropriate, developments should:

*"Reduce the need to travel by private transport and encourage opportunities for all users to travel when required as often as possible by means of alternative modes, placing particular emphasis on walking, cycling and using public transport, in accordance with Strategic Policy 4" (Bullet point 12, Policy PS 5)."*

This is supported by bullet point 4 of Policy PS 14 (The Visitor Economy).

- 5.15 It is considered that the policies of the LDP are consistent with local and national planning policies in terms of how it deals with sustainable development principles.
- 5.16 Although it is accepted that users of the touring units would use private vehicles to reach the site (due to the need to tow a caravan) there are various alternative transport options available once they reach the site, including cycling, public transport and on foot.
- 5.17 It is noted that the bus stop is located close to Afon Wen roundabout and not far from the site's main access on the A497. In addition, there is a pavement all the way along the road from the site's access to Cricieth or paths to Pwllheli where a number of facilities and attractions are available. The pavement also links to a number of the area's public footpaths, such as y Lôn Goed. In the context of all the relevant material planning considerations, we consider that the location of the development is a sustainable site and is acceptable in relation to the requirements of policies PS4, PS5 and PS14 of the LDP, and complies with the advice included in TAN 18 and PPW.

### Biodiversity matters

- 5.18 The field in question together with the land to the north and west of the site has been identified as a Local Wildlife Site, therefore we consulted with the Biodiversity Unit on the application. As a result of their observations the developer was asked to submit an Initial Ecological Assessment. As a consequence of the survey's results, further assessments were requested and a Botanical Survey and Badger Survey were submitted for the application with a Wildlife Mitigation Measures Plan later on. Although the field itself is improved grassland with low conservation

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value, it was noted that the boundary hedges surrounding the site are important. The presence of Badgers was found in the vicinity and mitigation measures with biodiversity enhancements were proposed as part of the recommendations of the reports. The Biodiversity Unit has confirmed that the reports are of a good standard advising that the proposal should follow the mitigation measures and enhancements proposed in parts 8 and 9 of the report. It is also noted that a badger licence is required to undertake the work. It is considered appropriate to impose a condition that the trees and hedge boundaries are retained and that planting of a new hedge occurs in the first planting season following any approval. Based on the favourable observations of the Biodiversity Unit, it is considered that the proposal can be accepted as appropriate mitigation measures and recommendations have been proposed to satisfy the requirements of policy AMG 6 of the LDP.

### **The Welsh Language**

- 5.19 In accordance with the Planning (Wales) Act 2015, it is a duty when determining a planning application to consider the Welsh language, where it is relevant to that application. This is reiterated further in para 3.28 of Planning Policy Wales (Edition 11, 2019), along with Technical Advice Note 20.
- 5.20 The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development. The proposal does not reach the thresholds to submit a Welsh Language Statement or a Report on a Welsh Language Impact Assessment; however, the guidance included within Appendix 5 notes that every retail, commercial or industrial development where there is no need to submit a Welsh Language Impact Statement/Assessment should demonstrate how consideration has been given to the language.
- 5.21 A document was submitted to support the application explaining how the Welsh language was considered when formulating this plan, noting the following points:
- Retain the Welsh name Tŷ'n Lôn and bilingual signage
  - Bilingual branding and website
  - Bilingual printed material
  - The development will be an investment of £100,000 with local contractors and suppliers being used.
  - It will employ one full-time and two part-time members of staff who are Welsh speakers.
  - A central location for local villages.
  - Visitors contribute directly and indirectly to the local rural economy by spending in public houses, restaurants and local shops.
- 5.22 In considering the above, it is believed that sufficient information has been submitted to satisfy the requirements of policy PS 1 and the SPG in terms of demonstrating that the Welsh language has received appropriate consideration in creating this proposal.

### **6. Conclusions:**

- 6.1 Having considered the above and all the relevant planning matters including the local and national policies and guidance, as well as the observations received, it is believed that the proposal is acceptable based on the matters noted in the report and that it would not have a substantial impact on the landscape, amenities of the neighbourhood or road safety.

### **7. Recommendation:**

- 7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the following conditions:

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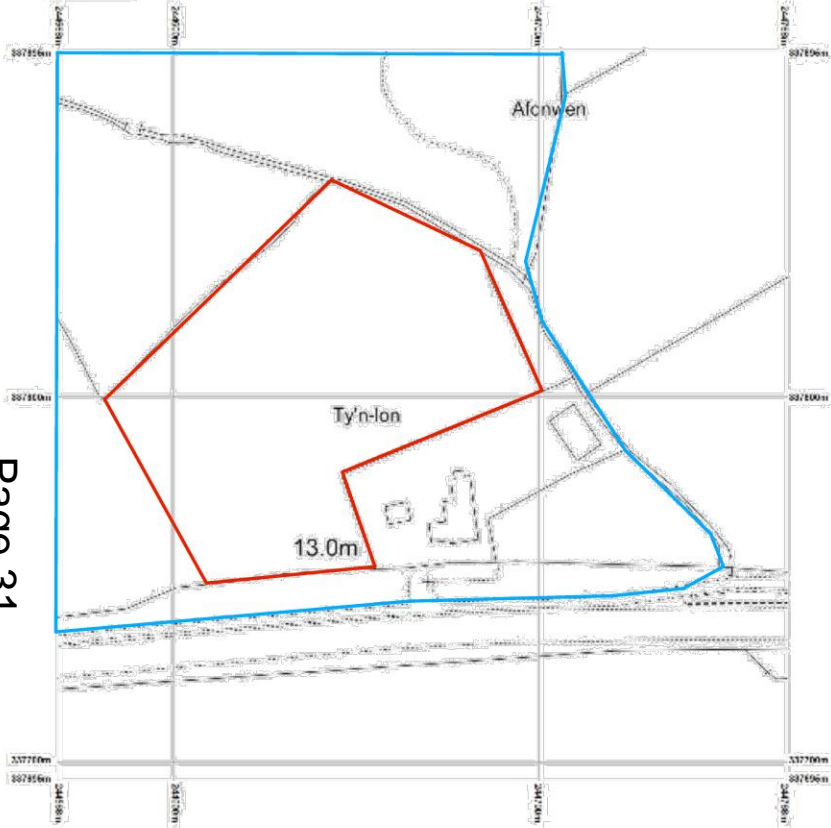
- Time
- In accordance with the amended plans.
- Restrict the number of touring units to 19 caravans only.
- Holiday use only and maintain a register.
- Holiday season – 1 March to 31 October
- No storing of touring caravans on the site.
- Plant the boundary hedge during the first planting season following receipt of permission.
- Trees and hedges along the site's boundaries must be retained.
- Any hard standings are limited to caravan pitches only.
- Agree on the colour of the facilities building.
- Follow the measures of the recommendations in the Badger Survey and the Wildlife Mitigation Measures Plan.

Notes:

Badgers Licence required

Caravans Licence required

Draw attention to Welsh Water/Dŵr Cymru comments

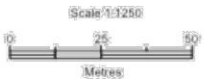


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Dylunio a rheolaeth project  
Design & project management

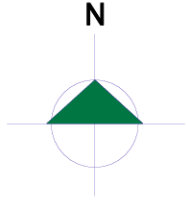
**Ty'n Lôn, Chwilog**

Location plan

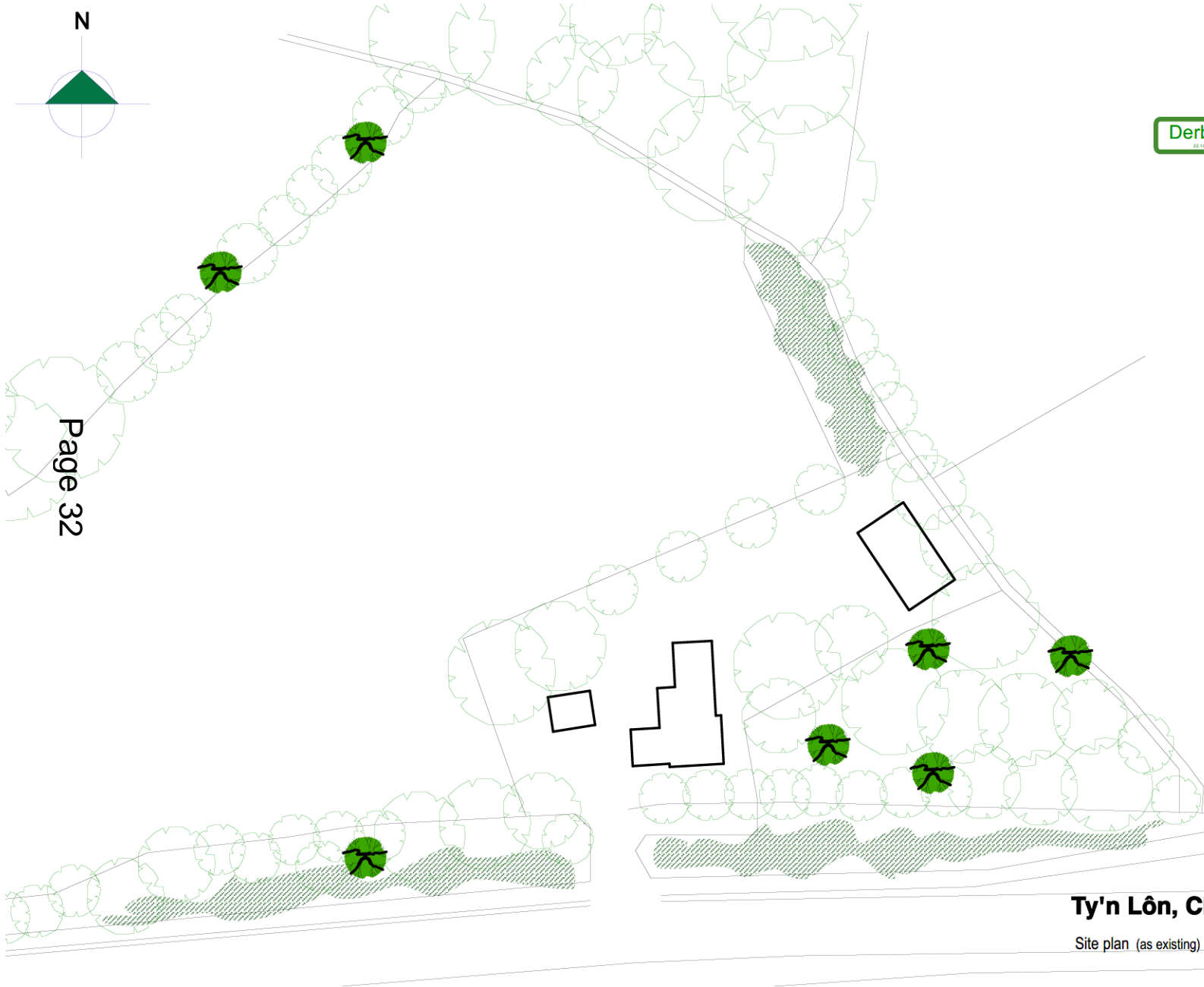
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Derbyn  
22.10.21



**Ty'n Lôn, Chwilog**

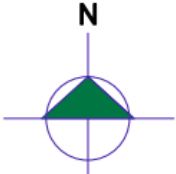
Site plan (as existing)

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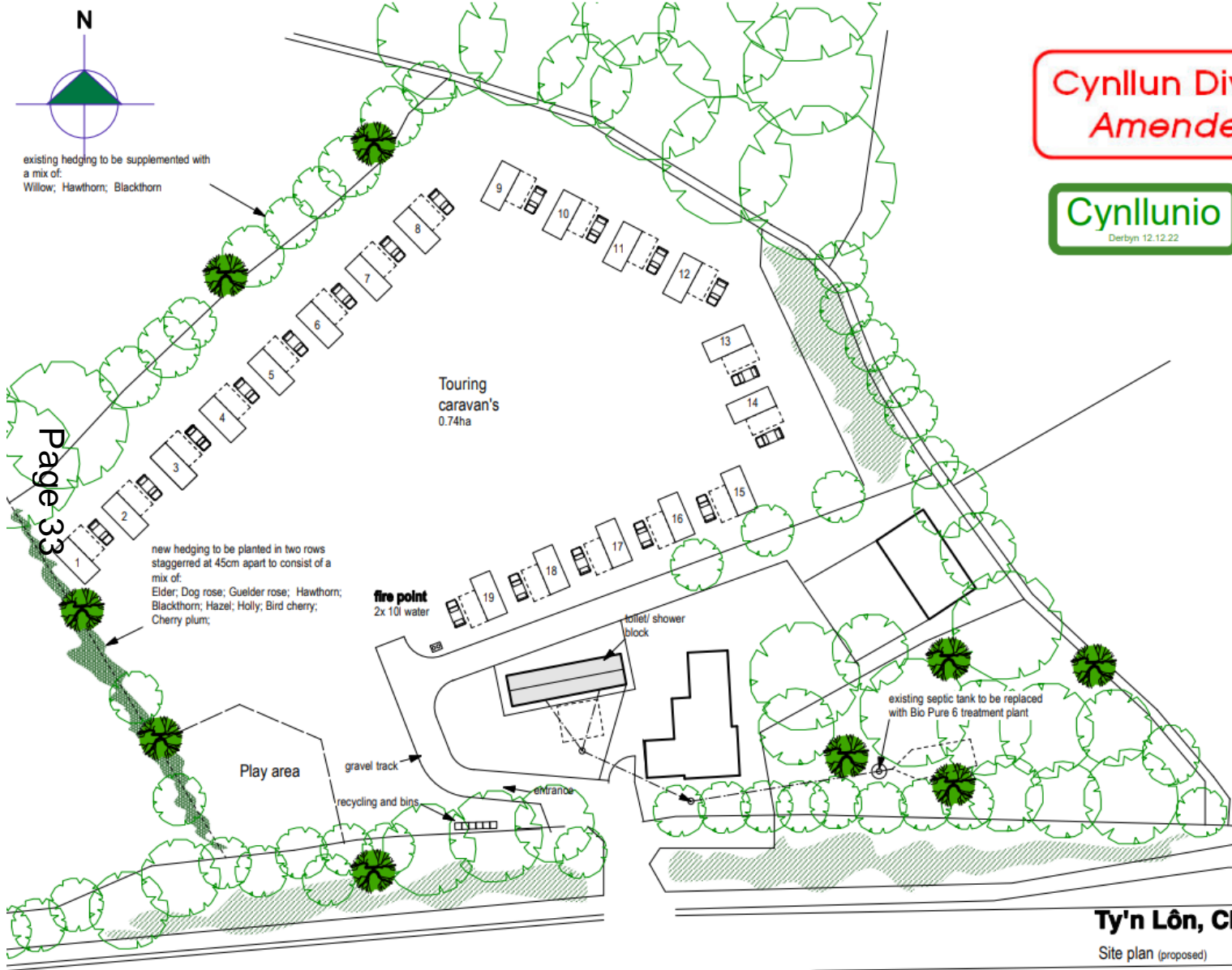
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Dylunio a rheolaeth project  
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1801/02  
1:500 @ A3  
11-10-2021





existing hedging to be supplemented with a mix of:  
Willow; Hawthorn; Blackthorn



Page 33

new hedging to be planted in two rows staggered at 45cm apart to consist of a mix of:  
Elder; Dog rose; Guelder rose; Hawthorn; Blackthorn; Hazel; Holly; Bird cherry; Cherry plum;

Touring caravans  
0.74ha

fire point  
2x 10l water

toilet/shower block

Play area

gravel track

recycling and bins

entrance

existing septic tank to be replaced with Bio Pure 6 treatment plant

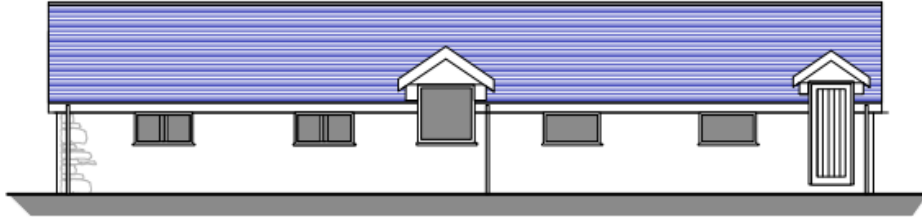
# Cynllun Diwygiedig Amended Plan



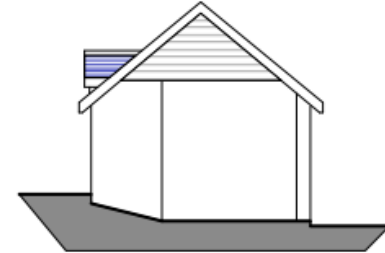
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Dylunio a rheolaeth project  
Design & project management

**Ty'n Lôn, Chwilog**  
Site plan (proposed)

1801/03  
1:500 @ A3  
09-12-2022



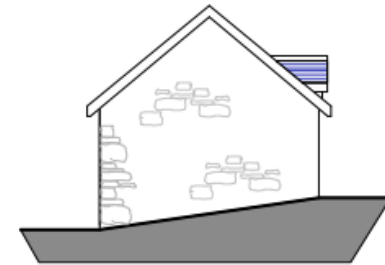
North



West

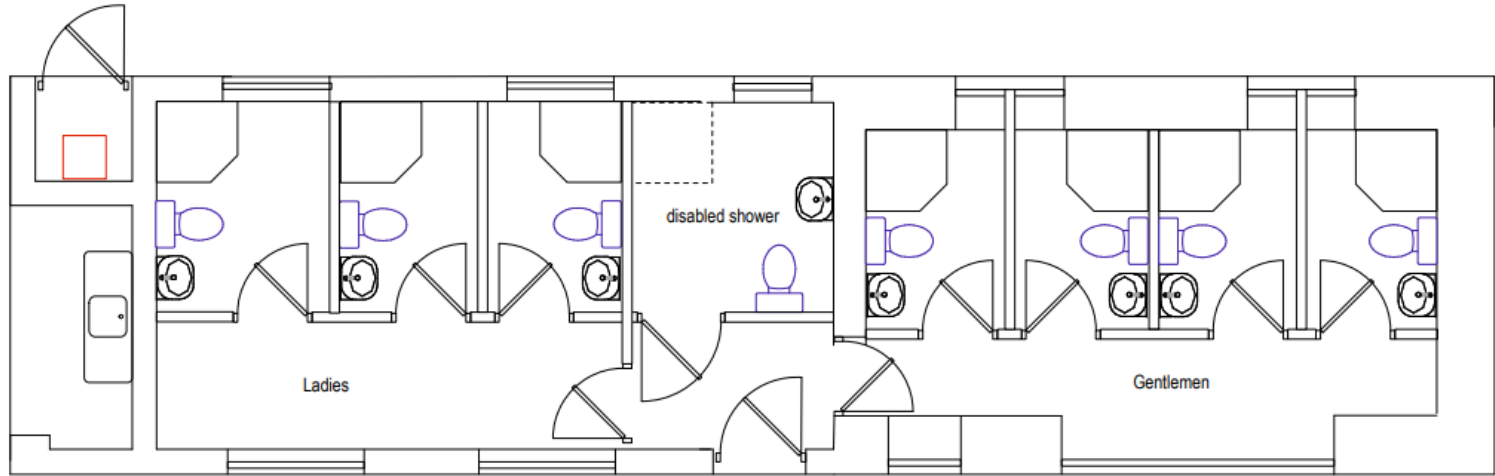


South



East

**Cynllun Diwygiedig**  
*Amended Plan*





























# Agenda Item 5.2

PLANNING COMMITTEE	DATE: 16/01/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

**Number:** 2

**Application Number:** C21/0493/09/AC

**Date Registered:** 17/05/2021

**Application Type:** Amending and removing conditions

**Community:** Tywyn

**Ward:** Tywyn

**Proposal:** Amending and removing conditions on planning permission  
C15/0662/09/LL

**Location:** PV Solar Park, Morfa Camp Sandilands, Tywyn, LL36  
9BH

**Summary of the Recommendation:** TO APPROVE SUBJECT TO CONDITIONS

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## 1. Description:

- 1.1 This is an application to amend and remove conditions on planning permission C15/0662/09/LL. The proposal mainly involves modifying the skylark mitigation strategy agreed under condition 14 of permission C15/0662/09/LL. What was agreed as a part of condition 14 earmarked a field to the north of the solar site for skylarks; however, as a part of the application in question the developer wishes to improve conditions within the solar site for the benefit of the skylark, instead of using the northern field. To support this proposal, a Skylark Monitoring Report and a Landscape and Ecology Management Plan were submitted as a part of the application. The developer therefore wishes to amend condition 14 to replace the previously agreed Landscape and Ecology Management Plan with an amended Landscape and Ecology Management Plan and to implement the mitigation strategy included in the Skylark Monitoring Report. To reflect this, a request is made to amend condition 2 on the site layout plan. It is also intended as a part of the application to amend other conditions on permission C15/0662/09/LL to reflect the most recent planning applications on the site and to update or remove conditions which requested information to be submitted before commencing the work and which are not now relevant.
- 1.2 The site lies in the countryside and it is located within the Dyffryn Dysynni Landscape of Outstanding Historic Interest. The site forms part of the former Morfa Camp air force camp and a cluster of buildings associated with this camp are located to the west of the site. Fields are located to the north, south and east. Access is gained to the site off Sandilands Road, which is a class 3 road. The site lies within flood zone C1 on the development advice maps associated with Technical Advice Note 15: Development and Flood Risk. It is located within zone 3 on the flood maps for planning.
- 1.3 The application is submitted to the Committee as it involves a site that is 0.5 hectares or more.

## 2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**
- TRA 4 – Managing transport impacts
- PS 5 – Sustainable developments
- PS 6 - Mitigating the effects of climate change and adapting to them

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PCYFF 1 – Development Boundaries

PCYFF 2 – Development criteria

PCYFF 3 – Design and place shaping

PCYFF 4 - Design and landscaping

PS 7 - Renewable technology

ADN 2 - PV Solar Energy

PS 19 - Conserving and where appropriate enhancing the natural environment

AMG 5 - Local biodiversity conservation

PS 20 - Conserving and where appropriate enhancing heritage assets

AT 1 – Conservation areas, world heritage sites and landscapes, parks and registered historic gardens

#### 2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales, Edition 11, February 2021

Technical Advice Note 12: Design

Technical Advice Note 15: Development and Flood Risk

### 3. **Relevant Planning History:**

3.1 C15/0662/09/LL - Installation of PV solar panels (3.6 MW) to include ancillary buildings, landscaping and access to the site - Approved with conditions - 28 October 2015

3.2 C15/1368/09/AC - Discharge of the following conditions for a solar panel development approved on 28 October 2015 under reference C15/0662/09/LL: 5. Exterior finish, 6 Solar panel finish, 7 Finish of fences and camera poles, 8 Environmental Building Control Plan, 9 Biodiversity Management Plan and Biosecurity Risk Assessment, 10 Traffic Flow Management Plan, 11 Archaeological Work Programme, 12 Cables, 13 Lighting, 14 Landscaping and planting details, 16 Amending location of panels to avoid water pipes, 17 Method statement to protect water pipes - Approved 12 February 2016

3.3 C16/0198/09/LL - Application to amend condition 4 on planning permission reference C15/0662/09/LL in order to extend the operational period from 25 years to 35 years - Approved 15 April 2016

3.4 C16/0853/09/DA - Application for insignificant amendments to planning permission C15/0662/09/LL to include alterations to the location and finish of ancillary buildings and equipment, change the location of a boundary fence, new gate and siting of a storage container - Elements permitted and elements refused on 30 September 2016. The section that was refused was the permanent siting of a storage container on the site.

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3.5 C16/1608/09/LL - Retrospective planning application to retain storage container for equipment associated with the solar development - Approved 8 February 2017.

**4. Consultations:**

Community/Town Council: Not received.

Transportation Unit: I refer to the above application and wish to state that I do not intend to submit a recommendation as it is assumed that the proposed development will not have a detrimental impact on any road, or proposed road.

Welsh Water: We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Dŵr Cymru Welsh Water (DCWW) were consulted on the original planning application and by response (Ref: PLA0014674) offered no objection subject to recommended conditions in reference to the two strategic rising mains crossing the site. Subsequently, following grant of planning permission C15/0662/09/LL, we acknowledged receipt of consultation on an application for discharge of conditions 16 and 17 in reference to the rising mains (Ref: C15/1368/09/AC) and, by response dated 25th January 2016, offered no objection to details as shown on the 'Foul sewerage pipe location with offsets' (Drawing No. 1137/18).

Accordingly, as part of this latest consultation (Ref: C21/0493/09/AC) for variation of condition 14 and other conditions including 16 & 17 to reflect approved details to date, we acknowledge receipt of a 'Landscape Plan' (Drawing No. 1137/29) which corroborates the offsets to the pipe location and in principle we offer no objection subject to compliance with these approved plans.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Public Protection: Not received.

Water and Environment Unit YGC: The unit has no observations to offer on this application in terms of land drainage or local flooding risk.

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Natural Resources Wales: We have no objection to the application, but have the following comments:

#### Landscape

From our desktop analysis we cannot rule out the open northern edge of the solar farm being visible within elevated distant views from Snowdonia National Park in the north and nearer views from the edge of the designated landscape to the south east of Broad Water. If your Authority, and the Snowdonia National Park Authority, with local knowledge of the site, consider the enclosure of the northern boundary of the site with gorse planting would be beneficial, then landscape plan 1337/29 should to be amended accordingly.

#### Ecology

We recommend, if you have not already done so, that you seek your Authority's ecologist's advice concerning the proposed Skylark mitigation, and any Invasive Non-native Species considerations.

Biodiversity Unit:

#### **Observations 22 September 2021**

The proposal is an application to vary or remove conditions 1- 17 of application C15/0662/09/LL.

The conditions relevant to biodiversity:

Planning condition 9 of granted planning permission C15/0662/09/LL decided on 19th October 2015

Planning condition 14 of granted planning permission C15/0662/09/LL decided on 19th October 2015

To satisfy the conditions of C15/0662/09/LL, the applicant provided a Landscape and Ecological Management Plan produced by Corylus dated December 2015. In this plan a field outside of the solar arrays will be provided for breeding skylark and managed as a hay meadow. See image below. This plan was agreed as part of the development. In this plan it states that while the solar farm is operational the field to the north will be managed as a hay meadow for skylark.

For the current application C21/0493/09/AC to discharge the conditions the applicant has provided a skylark plan: Morfa Solar Farm, Skylark Monitoring, Produced by Corylus Ltd. dated 9th of March 2021.

This report has been undertaken to a good standard. It contains survey work undertaken in May and June 2020, which was able to identify 6 skylark breeding territories, two within the skylark

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meadow, three within the solar array and one just outside the site. The report states that the skylark meadow was cut between the 3rd and 17th of June 2020, this is not a suitable time to cut the meadow because it is in the middle of skylark nesting season (April to August inclusive). The report concludes that management within the solar array to enhance the site for breeding skylark such as adding wild meadow flowers e.g. Yellow-rattle (*Rhinanthus minor*), and cutting at the end of August.

This report recommends the following which I agree with: “To prevent any breach of the Wildlife and Countryside Act. (1981), disturbance and/or injury/ destruction of nesting birds and their nest and to maintain a sward suitable for skylark breeding habitat, it is proposed that a cut is undertaken in mid to late March, in late August-ideally early September”

Planning permission was granted by Gwynedd Council on 28.10.2015 under reference C15/0662/09/LL. A Management Plan (LEMP) that was to be implemented in full throughout the life of the development was granted under condition 14 of that application. Within the LEMP it stated the following grassland management would occur during the operational period:

- Sheep grazing regime;
- Field to the north to be managed as a Hay Meadow for skylarks with annual hay crop;
- A 3-yearly review of boundary vegetation throughout the lifecycle of the PV array.

Landscape Plan – received 17th May 2021. I object to this landscape plan. I recommend that the applicant amends the plan to include the skylark meadow.

I visited the site on the 4th July 2017, it was a beautiful sunny day, but I was disappointed to see that there was not a hay meadow to the north of the solar panels as shown on the plans (LEMP) for planning permission C15/0662/09/LL. The field had recently been cut, contrary to the agreed management for the site. There were no grazing livestock in the area when I visited. Attached two photographs of the area which is supposed to be hay meadow for skylark. Photographs taken on 4th July 2017 – showing the meadow has been cut

This is a breach of planning condition for the biodiversity management of the development. The area for the hay meadow for skylarks should be managed as a traditional meadow and livestock should be excluded from April until September and the field should not be cut until the end of August. This will allow the flowers to grow

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and set seed and provide a food source for pollinators and birds.

The current application C21/0493/09/AC for discharge of conditions includes an updated LEMP (March 2021): Landscape & Ecological Management Plan (v5) dated 10th March 2021 produced by Corylus Ltd. Which seeks to amend the skylark strategy. I object to this proposal and the updated skylark strategy.

#### Biodiversity Duty

Under the Environment Act (Wales) 2016 all public bodies have a duty to maintain and enhance biodiversity through their functions.

#### Summary

I am disappointed that the applicant has proposed to remove measures for biodiversity management and enhancement. This proposal to vary or remove conditions will result in the removal of the agreed biodiversity mitigation and will lead to a loss of biodiversity at the site. The proposal could also lead to a breach in the Wildlife and Countryside act 1981 for the protection of nesting birds. I object to the following:

- Landscape and Ecological Management Plan v5
- Morfa Skylark Monitoring Report ref S\_MSF\_V4 dated 09.03.2021
- Landscape Plan 1137/29

I recommend that all plans include the field to the north as a skylark meadow that was agreed in the original permission and includes measures to manage them for skylark and biodiversity.

#### **Observations 4 November 2021**

Under the Environment Act 2016, Cyngor Gwynedd has a duty to protect and enhance biodiversity.

This is an application to remove the mitigation from the original permission. The solar farm company rents the land (solar farm and skylark meadow) from a farmer in the area. The farmer is not adhering to the mitigation to create a skylark meadow, therefore the applicant is seeking to remove the skylark meadow (the mitigation).

There is no data to show how many skylarks prior to the development of the solar farm. Therefore, we cannot say whether the number of skylarks at the solar farm is less or the same.

Planting gorse and willow is not good for skylarks as they nest in open spaces.

It is very disappointing that the landowner and farmer have not



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followed the scheme to protect skylarks and have intentionally destroyed a habitat where skylarks nest, which is illegal.

Public Consultation: A notice was posted on the site and neighbouring residents were informed. The advertisement period has ended and no response was received.

## 5. Assessment of the material planning considerations:

### The principle of the development

5.1 As this application relates to the removal of conditions imposed for valid planning reasons, it must be considered whether the conditions in question are still relevant under the national guidance in relation to planning conditions that have been included in the Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management. The circular notes six tests for the validity of planning conditions namely:

- They are 'necessary'.
- They are 'relevant to planning'.
- They are 'relevant to the development which is to be permitted'.
- They are enforceable.
- They are 'precise'.
- That they are reasonable in all other aspects.

It will therefore be necessary to consider whether the conditions are in line with the tests stated above.

5.2 *Condition 1 - Commence the work within five years.* The development has commenced and has been implemented. Therefore this condition is no longer necessary and it can be removed.

5.3 *Condition 2 - That the work needs to comply with the plans.* The developer wishes to amend this condition so that the condition refers to those plans that reflect the development as it was built as a result of amendments made to application C15/0662/09/LL. These changes have arisen as a result of approving details that were needed under conditions and in earlier applications namely applications C15/1368/09/AC, C16/0853/09/DA and C16/1608/09/LL and the details that have been submitted as a part of the current application. It is considered that it would be reasonable to amend the conditions to refer to the relevant plans and to reflect the development as built.

5.4 *Condition 3 - The solar panels must be located in the locations shown on the amended plans..* The solar panels have now been located on the land in accordance with the plans and therefore this condition is not necessary and we can agree for it to be removed.

5.5 *Condition 4 - Finish using the land for electricity generation purposes 25 years from the initial implementation date of the solar panels or 6 months after the use of any solar panels for the purposes of generating electricity is ceased, in accordance with the agreed work plan.* Planning permission C16/0198/09/LL permits the extension of the electricity generating period to 35 years and therefore the developer wishes to amend condition 4 on permission C15/0662/09/AC which referred to an implementation period of 25 years and replace it with a condition on permission

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C16/0198/09/LL which allows the site to be operational for the generation of electricity for 35 years. This would reflect the latest situation for the site and what is proposed appears to be reasonable. It is considered appropriate to amend the condition to refer to a period of 35 years as permitted in application C16/0198/09/LL.

- 5.6 *Condition 5 - Agree on the exterior finish and colour of all buildings and structures with the Local Planning Authority before commencing any work in connection with the permission.* Agreement was reached on green and brick for the buildings and structures in application C15/1368/09/AC. Later in application C16/0853/09/DA, it was agreed to change the colour of the transformer building from green to grey as well as reach an agreement on the finishes of ancillary buildings and structures. Furthermore, agreement was reached on the storage container in application C16/1608/09/LL. The details of the finishes and colours of the buildings and structures have been agreed and all buildings and structures have been built and completed. It is therefore considered that this condition is not necessary and that it is reasonable to remove condition 5.
- 5.7 *Condition 6 - Agree on the finish of the solar frames and panels as well as an anti-glare cover with the Local Planning Authority before commencing any work in connection with the permission.* These details were agreed upon as a part of application C15/1368/09/AC. The details of the solar panels have been agreed and they have been installed on the site and the permission has been implemented. Therefore, it is considered that the condition is no longer necessary and that it is reasonable to remove condition 6.
- 5.8 *Condition 7 - Agree on the location and colour of camera poles and the details of any fences with the Local Planning Authority before commencing any work in relation to the permission.* These details were agreed upon as a part of application C15/1368/09/AC. The details of the camera poles and fences have been agreed and implemented. Therefore it is considered that this condition is no longer necessary and that it is reasonable to remove condition 7.
- 5.9 *Condition 8 - Agree on a plan to prepare and implement a surface water management system and environmental building control plan with the Local Planning Authority before commencing any work in relation to the permission.* These details were agreed upon as a part of application C15/1368/09/AC. The details related to the construction period and not to the implementation period and therefore as the solar farm is now operational, this condition is no longer necessary and it is reasonable to remove condition 8.
- 5.10 *Condition 9 - Agree on and implement a Biodiversity Management Plan and a Biosecurity Risk Assessment with the Local Planning Authority and act in accordance with what is agreed.* As a part of application C15/1368/09/AC, agreement was reached on the Biosecurity Risk Assessment under condition 9. However, the Landscape and Ecology Management Plan was agreed under condition 14. Therefore, the application asks to remove the reference to the Landscape and Ecology Management Plan from condition 9 and for it to be included as a part of condition 14. Such matters relating to the Landscape and Ecology Management Plan will be considered under condition 14. Although the Biosecurity Risk Assessment has been agreed as a part of application C15/1368/09/AC, it includes matters that require to be implemented during the lifespan of the solar farm; therefore the Biosecurity Risk Assessment continues to be a material matter. However, it is considered that it is reasonable to amend the condition to refer to the implementation of the Biosecurity Risk Assessment dated 9 December 2015 throughout the lifespan of the development, unless otherwise agreed with the Local Planning Authority.

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- 5.11 *Condition 10 - Agree on a work traffic management plan with the Local Planning Authority before commencing any work in connection with the permission.* These details were agreed upon as a part of application C15/1368/09/AC. The details related to the construction period and not to the implementation period and therefore as the solar farm is now operational, this condition is no longer necessary and it is reasonable to remove condition 10.
- 5.12 *Condition 11 - Agree on the details of archaeological work with the Local Planning Authority before commencing any work in connection with the permission and then implement the proposal in accordance with the agreed archaeological programme.* This programme of archaeological work was agreed as a part of application C15/1368/09/AC. The details related to the initial ground works associated with the construction of the solar farm. As the solar farm has now been implemented, the requirements in terms of the programme of archaeological work has been implemented and therefore, this condition is no longer necessary and it is reasonable to remove condition 11.
- 5.13 *Condition 12 - Any electricity cables from the development need to be installed and connected to the underground electricity connection.* All cables have been installed underground and have therefore complied with the condition. As the work of installing the cables has been completed, the condition is no longer necessary and it is considered that condition 12 can be removed.
- 5.14 *Condition 13 - Introduction and agreement on the site lighting system with the Local Planning Authority.* As a part of application C15/1368/09/AC, it was noted that there was no intention to install any lights as a part of the development. The work of developing the solar farm has been completed and no lights have been installed on the site. However, if lights would be installed on the site in the future, then not all types of lighting requires planning permission. As the installation of lights can have a potential impact on amenities, a visual impact and affect local residents, as well as impact biodiversity, then it is considered that it would be appropriate to amend the condition instead of removing it. A condition can be imposed, which notes that if it is intended to install a lighting system on the site of the solar farm, then those details must be submitted to and agreed upon with the Local Planning Authority. This would retain control over any potential lights that could be placed on the site and it is considered that such a condition would be reasonable. Therefore, it is considered that condition 13 can be amended.
- 5.15 *Condition 14 - Before work is commenced, there is a need to submit and reach agreement on a landscaping and planting scheme with the Local Planning Authority.* As a part of application C15/1368/09/AC, a Landscape and Ecology Management Plan was submitted and agreed upon, as well as a landscaping plan. The main matters deriving from the Landscape and Ecology Management Plan and the landscaping plan was a proposal to earmark a field to the north of the solar farm as a meadow for skylarks, to plant gorse and willow and to manage the land within the solar farm for sheep grazing. The main intention of the current application is to amend this condition and introduce a Landscape and Ecology Management Plan and a landscaping plan which removes the northern field from being a meadow for skylark. As part of the current application, a Landscape and Ecology Management Plan, a landscaping plan as well as a Skylark Monitoring Report were submitted.
- 5.16 In paragraph 5.2.3 of the Ecology Report submitted regarding application C15/0662/09/LL when the solar farm was approved, it is noted that the eastern peripheries of the agricultural field includes a good habitat for skylarks. It is noted that the song of skylarks has been heard above the site but that no nests had been found on the site, with the possibility therefore that the birds heard were nesting in a nearby habitat off the site but that their territory extended to the

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application site. This is attached in part 6.1 of the report. When dealing with the potential impact of the development on the skylark, the report notes that skylarks could be nesting on the eastern boundary of the improved agricultural field. After construction, the management of the sward would be less intensive and it is likely that all of the field's habitat would be enhanced for the skylark which would potentially lead to a larger area for the skylark to occupy. Also, due to more flowers and wildflower seeds as well as a better variety in the structure of the sward, it would be beneficial to invertebrates. These flowers and invertebrates would be a significant food source for the skylark.

- 5.17 As there was no assurance as to whether the proposal would affect the habitat of the skylark, condition 9 was imposed to agree upon the Biodiversity Management Plan. However, as the plan submitted also include the landscaping details, the Biodiversity Management Plan was released in application C15/1368/09/AC under condition 14 which related to landscaping. As a part of the Landscape and Ecology Management Plan received on application C15/1368/09/AC, a field to the north of the solar farm was to be safeguarded as a meadow for skylarks. This field has never been provided for skylarks as per the requirement in the Landscape and Ecology Management Plan.
- 5.18 As a part of the current application, a Skylark Monitoring Report was submitted. For this report, four surveys for skylarks were undertaken during May and June 2020. For the purposes of these surveys, six territories for skylarks were identified (3 within the solar farm, 2 within the northern field and 1 just outside the solar farm to the east). These surveys found that skylarks used the habitat within the solar farm during the 2020 nesting season and of the six territories surveyed, the only one with confirmed evidence of breeding was area T4 which was located within the solar farm itself, with the rest likely to be breeding territories. As a result of the outcomes of the survey and that a distribution of skylarks are within the site of the solar farm itself, including the only confirmed breeding territory, the developer wishes to enhance the area of the solar farm itself for the benefit of skylarks. The Skylark Monitoring Report states that the evidence submitted in the report shows that solar farms are not as unfavourable for breeding skylarks as was initially believed during the initial planning process. The report also notes that a high density of skylark has been identified during the surveys and that the solar farm has not displaced the skylark as originally thought and that the numbers are much higher than the national average. As a result, it is recommended in the Skylark Monitoring Report that the site of the solar farm itself is specifically managed to support breeding skylarks in the future, instead of providing the northern field for this purpose.
- 5.19 Therefore, the Skylark Monitoring Report proposes to improve conditions within the solar farm to promote breeding by skylarks within the solar farm itself. One of the recommendations is to control when it would be possible to cut the grassland within the solar farm. The RSPB recommend avoiding making cuts between early April and the end of May although the skylark breeding season runs from April to August with the skylark making many attempts to nest during this period. They also need vegetation at a height of between 20 - 50cm and avoid grass in excess of 60cm. Therefore, it is recommended in the Skylark Monitoring Report that the grassland is cut mid-end of March, late August to the beginning of September and one or two more, dependent on the year and amount of grass, to be done during the autumn term (no later than November). If it is intended to manage the sward by turning to grazing, this should be done with a low level of stock so that a tussocky is created and sheep should be moved from the sward in early April to the end of May as this is the main nesting season. It is also recommended to enhance the site of the solar farm for the skylark by increasing the variety of sward and encouraging nectar-containing plants. This would increase the number of invertebrates and offer an additional foraging resource for the skylark and its young. Open sections within the solar farm could be separated off and

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within these areas, grassland could be sown with a mix of wildflowers in order to increase variety within the grassland. The report recommends including the Yellow-rattle as this species parasites working species that would allow weakening the grass, thus enabling flowering plants to thrive. The report states that these changes would improve the solar farm habitat for the skylark.

- 5.20 A Landscape and Ecology Management Plan (v5) dated 10 March 2021 was also submitted as a part of the application. This Plan refers to the need to improve the habitat within the solar farm for the skylark in accordance with the recommendations in the Skylark Monitoring Report and what is shown on the Landscaping Plan 1137/29. It also notes that gorse and willow have been planted and as these mature, they will mainly look after themselves, however, it is intended to look at this growth every three years or so throughout the lifespan of the solar farm, to ensure that the best possible habitat is created. This survey would look at things such as pollarding the willow trees, de-silting the ditches on the boundary and replanting as required.
- 5.21 It can be seen from the observations that the Biodiversity Unit objects to the proposal and wishes to see the northern field continuing as a mitigation measure for the skylark. When the original application for the solar farm was approved (C15/0662/09/LL), there was uncertainty about the impact of creating the solar farm on the skylark. As a result, it was proposed as a part of the Landscape and Ecology Management Plan on the application to discharge the conditions of C15/1368/09/AC and to earmark a field to the north of the solar farm for the creation of a skylark meadow. However, it is now obvious from the Skylark Monitoring Report submitted as a part of the existing application (C15/1368/09/AC), that the solar farm itself offers a habitat for the skylark and that the only confirmed skylark breeding area through the Skylark Monitoring Report was within the solar farm itself. Currently, no plan has been agreed in terms of safeguarding the grassland within the solar farm for the benefit of the skylark. Therefore, it is considered reasonable to put measures in place to manage the grassland within the area of the solar farm and that it would be a sufficient mitigation measure since the construction of the solar farm did not have a negative impact on the skylark as was initially thought possible when the original application for establishing the solar farm was under consideration. Therefore, it is considered that by imposing a condition to comply with the Landscape and Ecology Management Plan (v5), the Skylark Monitoring Report and the Landscaping Plan through the lifespan of the development, that the proposal will not have a detrimental impact on the skylark's habitat and that the proposal is acceptable in terms of Policy AMG 5 of the LDP.
- 5.22 *Condition 15 - The need to undertake the planting in the landscaping and tree planting details and to replant within a period of 5 years if plants / trees die.* Except for the planting relating to the mitigation measures for the skylark, the other planting agreed upon, namely the gorse and willow, has already been done and 5 years have passed since then. The Landscape and Ecology Management Plan notes that there is a proposal to assess the landscaping, including the gorse and willow every three years, with the associated work including matters such as pollarding and replanting. Therefore, this condition is no longer necessary for the development and by imposing the condition to comply with the Landscape and Ecology Management Plan, this would also include the details in terms of conducting a survey of the landscaping every 3 years. It is therefore considered reasonable by now for this condition to be removed.
- 5.23 *Condition 16 - The site is crossed by two public water mains pipes and before the work is commenced, there is a need to accurately mark out their location on the site and operations are not permitted within 3 metres on either side to the centre line of the supply pipe during the work.* As a part of application C15/1368/09/AC, two mains pipes were identified on the site and the layout of the solar panels was somewhat altered to comply with the requirements of this

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condition. The location of the mains pipes are shown as a part of the existing application on plan 1137/29 and Welsh Water are satisfied with the modification of the condition provided that it complies with this plan. As noted when dealing with condition 2 above, plan 1137/29 is one of the plans that will be listed as plans to conform with. In addition to asking for the modification of condition 16, the developer seems to be removing the section that needed to be complied with before work was commenced, and adding a condition that reflects the operational period of the solar farm. This condition could be modified so that no development associated with the development is permitted within 3 metres on either side of the centre line of the mains pipes that run through the site. It is considered reasonable to amend condition 16 as outlined.

- 5.24 *Condition 17 - Before work is commenced, there is a need to submit and reach agreement with the Local Planning Authority on a building design method statement and risk assessment in order to safeguard the structural condition of the two strategic mains water pipes crossing the site. No development to take place until the approved safeguarding measures have been implemented and completed. The safeguarding measures agreed to be kept permanently throughout the lifespan of the plan. As a part of application C15/1368/09/AC, a dated method statement and risk assessment was submitted and agreed. The developer wishes to modify this condition to remove the section that relates to the period before work is commenced and impose a condition that refers to implementing the development in accordance with the method statement and risk assessment dated December 2015 in order to ensure that the two mains pipes crossing the site are safeguarded. It is considered that modifying this condition in this way would be acceptable and reasonable and it can be seen that Welsh Water does not have any objection in this respect.*

## 6. Conclusions

- 6.1 In accordance with the above assessment, it is therefore considered that it is acceptable for conditions 2, 4, 9, 13, 14, 16 and 17 in permission C15/0662/09/LL to be modified and that there is no longer a need for conditions 1, 3, 5, 6, 7, 8, 10, 11, 12, 15 and that those conditions imposed on permission C15/0662/09/LL are removed.

## 7. Recommendation:

### 7.1 To approve subject to conditions -











1. The development hereby permitted shall be carried out in strict conformity with the details shown on the plan(s) numbered 1137/28, 1137/30-03, 1137/24, 1137/30-1, 1137/02B, 1137/05, 1137/07 V2, 1137/23/1137/25-2, 1137/29 submitted to the Local Planning Authority, and contained in the application form and in any other documents accompanying such application unless condition(s) to amend them is/are included on this planning decision notice.
2. The land should cease to be used for the purposes of generating electricity as hereby approved within 35 years or earlier from the date of energy production from the solar panels, or within 6 months of ceasing the use of any solar panels for electricity generating purposes (unless they are replaced within that period), whichever is the earliest, and this should be done in accordance with a work plan already submitted and agreed in writing by the Local Planning Authority and this will include an implementation programme. The work plan is undertaken in accordance with the details agreed and these will include -
  1. Method statement for decommissioning and dismantling all equipment on the site;
  2. The details of any items that will be left on the site;
  3. A method statement in order to restore the land to agricultural land;
  4. Timetables for the decommissioning, disposal and restoration of the land;

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5. A method statement for the disposal / appropriate recycling of equipment / idle structures;
  6. Provision to review the plan as needed.
- 
3. The Biosecurity Risk Assessment dated 9 December 2015 must be implemented throughout the lifespan of the development, unless otherwise agreed in writing with the Local Planning Authority.
  4. If it is intended to install a lighting system on the site at any time, there will be a need to submit and agree in writing with the Local Planning Authority details of the said lighting system, showing the type, exact location, lighting level and method of safeguarding from pollution or light overspill. The lighting system must be installed in accordance with the details agreed.
  5. The development must be implemented in full accordance with the Landscape and Ecological Management Plan (v5) dated 10 March 2021, Skylark Monitoring Report ref S\_MSF\_V4 dated 9 March 2021, and the Landscaping Plan number 1137/29 throughout the lifespan of the development, unless otherwise agreed in writing with the Local Planning Authority.
  6. No operational development will be permitted to take place during any work associated with this permission within 3 metres on either side to the centre line of the supply pipes that cross the site.
  7. The development must be implemented in full compliance with the Construction Plan Method Statement and Risk Assessment by Corylus dated December 2015 in order to protect the structural condition of the two supply pipes crossing the site. It is not permitted to carry out any further development associated with this permission until the safeguarding measures are implemented and completed.




Key:

-  Solar PV Panels
-  Gate
-  Fence Boundary
-  Ditch
-  CCTV Camera
-  Transformer Housing
-  Foul sewerage pipes - Red flagged line (as per Geodime survey)
-  Foul sewerage pipes - Yellow flagged line (as per Geodime survey)
-  Pipe offset
-  Sward

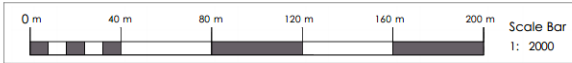
With reference to dwgs:  
 1137-30-1 As-Built Detail: CCTV  
 1137-30-2 As-Built Detail: Transformer  
 1137-30-3 As-Built Detail: Customer Substation



2m

rev:	date:	details:
 The Old Dairy Townworks Chatterhorn Gloucestershire GL54 3JG tel: 01285 721072		
client: Innova Energy		
project: S73 Skylark Mitigation Application		
title: Site Layout Plan		
scale: 1:1250	date: 14/09/21	checked by: A3
Project ref: 1137	Dwg. no: 1137/28	rev:





## Specification

Gorse Planting		
Species	Stocktype	Centres
<i>Ulex Europaeus</i> (gorse)	Cell Grown - height 30cm	45 cm

Group of Willow Rods	
Species	Stocktype
<i>Salix alba</i> (White willow)	Willow rods

Willow rods shall be planted in groups of 5 at 2m centres as indicated by the yellow spots.

All planting stock shall be of local or UK provenance.

### Gorse Establishment

The gorse screening will be implemented with a double staggered line of cell grown plugs planted at 45 cm centres. This double staggered row run parallel to the drainage ditch to the east and south of the PV installation. To the west of the installation a single line of cell grown plugs are to be planted at 45 cm centres (as detailed).

Prior to planting a 1 m wide strip along the length of the gorse planting will be trimmed back to ground level. Once ground preparation is completed a proprietary 1m wide biodegradable weed membrane will be installed as per manufactures instructions.

The transplants / rods shall be notched planted through the membrane. The soil shall be lightly firmed to ensure intimate contact with the roots.

All transplants shall be protected with a plastic mesh guard (60 cm x 20 cm) secured to a 90cm x 2.5cm x 2.5 cm tanalised soft wood stake, set 30 cm into the ground (through the membrane) and secured to the guard with two ratchet ties.

Planting shall be undertaken between end of November and March and at the time of planting, the soil shall be moist and friable and not frozen, excessively dry, or water-logged.

### Plant Maintenance

Any shrubs or reeds that die, become diseased or are removed within a two year period shall be replaced within the first available planting season with trees / shrubs of the same species and of similar stock size.

### Re-instatement of grassland

Areas of grassland disturbed during construction will be sown with an agricultural seed mix suitable for sheep grazing.

### Ground Preparation and Sowing

All areas of grassland to be reinstated shall be cultivated and seeded in the first available season following the completion of PV installation. Ideally, seeding operations should be undertaken in April / early May or late August / early September.

Prior to cultivation, any weed growth should be spot treated with a glyphosate herbicide. No herbicide should be used within 3m of the boundary drainage ditches.

Where practicable, the topsoil shall be ploughed to a nominal depth of 20 cm and subsequently harrowed to create a reasonably fine seed bed. Any large stones (with a dimension greater than 7.5 cm) or any other deleterious material brought to the surface shall be picked-off prior to seeding.

### Management once established

Once the grassland has been re-instated post construction the area will be maintained by annual regime of sheep grazing.

### Key:

- Solar PV Panels
- Transformer Housing
- Fence Boundary
- Group of Willow Rods
- Gorse planting (double row)
- Gorse planting (single row)
- Sky Lark Mitigation in accordance with Morfa Skylark Monitoring Report ref S\_MSF\_V4
- Ditch
- Sewerage pipes and associated offsets

rev:	date:	details:
<small>The Old Dairy Tisbury Cheritonham Gloucestershire GL54 3JG tel: 01285 721072</small>		
client:	Innova Energy	
project:	S73 Skylark Mitigation Application	
title:	Landscape Plan	


scale:	date:	drawn by:	checked by:	size:
1:2000	14/03/21	JLB	PD	A3
Project ref.:	1137	Draw. no.:	1137/29	rev:



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rev:	date:	details:		
 <span style="float: right;">The Old Dairy Farmworth Chalfont St Giles Glosoucestershire GL54 3JG Tel: 01285 721072</span>				
client: <b>Innova Energy</b>				
project: <b>S73 Skylark Mitigation Application</b>				
title: <b>As-built Detail: CCTV</b>				
scale:	date:	drawn by:	checked by:	size:
NTS	14/03/21	J.B		A4
object no.:	sheet no.:	rev.:		
1137	1137/30-1			





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ref:	date:	details:		
		The Old Dairy Yarworth Chalfont Gloucestershire GL54 3JG Tel: 01285 721072		
client:				
Innova Energy				
project:				
S73 Skylark Mitigation Application				
title:				
As-built Detail: Customer Substation				
scale:	date:	drawn by:	checked by:	size:
NTS	16/03/21	JLB		A4
project ref:	draw no:	rev:		
1137	1137/30-3			

