

<b>PLANNING COMMITTEE</b>	<b>DATE: 13/06/2022</b>
<b>REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER</b>	

**Number: 7**

**Application Number: C21/1174/11/LL**

**Date Registered: 07/12/2021**

**Application Type: Full**

**Community: Bangor**

**Ward: Hirael, Bangor**

**Proposal: Construction of flood defences in the Hirael area of Bangor, to include:-**

- 1. Improvements to the cycle path.**
- 2. Construction of a new concrete wall to replace the existing gabions and follow the footprint of the existing sea wall.**
- 3. Rebuilding of slipway.**
- 4. Erecting a soil embankment.**
- 5. Installation of two floodgates.**
- 6. Raise the height of a part of Lôn Glandŵr as well as erecting a new concrete wall.**

**Location: Hirael Bay Coast, Bangor, LL57 1AD**

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

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## 1. Description:

- 1.1 This is a full application to construct a 550m long flood defence in the Hirael area on the northern coastal outskirts of Bangor. The application can be divided into a number of different elements, which include: -
- Improvements to the cycle path.
  - Construction of a new concrete wall to replace the existing deteriorated gabions and follow the footprint of the existing sea wall.
  - Rebuilding of slipway.
  - Installation of two floodgates.
  - Erecting a soil embankment.
  - Raise the height of a part of Lôn Glandŵr as well as erecting a new concrete wall.
- 1.2 A number of options were considered to improve the existing and deteriorating coastal defences in this part of Bangor and the option that would involve undertaking work within four specified areas along the coast was selected.
- 1.3 A new concrete wall will be erected between the playing field and cycle path in Area 1 (Beach Road eastern car park), along with the reconstructions of the slipway that provides access down to the foreshore as well as the installation of a floodgate in the front of the access. In Area 2, it is proposed to construct a retaining wall along the promenade from the eastern Beach Road car park to the Welsh Water pumping station, by using the *sheet piling* method along the footprint of the existing wall, with the wall finished in concrete coping and a handrail installed on the surface. Within the third area, it is intended to build a 1m wide compacted soil sea wall, between the Welsh Water site and the western car park on Beach Road. It is also intended to construct a cycle path behind the sea wall and in the access to the Welsh Water site, it is intended to install a 9m wide floodgate. Within the fourth area (Ffordd Glandŵr in Y Bae), it is intended to increase the height of the road 0.5m above its existing height for up to 20m, along with the erection of two sections of wall in reinforced concrete. It is also intended to install a 6m wide floodgate across Ffordd Glandŵr in order to provide a flood defence as well as continue to provide access to the nearby residential property.
- 1.4 This application was submitted considering that historically, Hirael, , has been at risk of flooding from many sources. Work was undertaken on vast parts of the Afon Adda culvert in 2008 by increasing the culvert's capacity to hold water since the river was a source of fluvial flooding risk. The existing coastal defences in Hirael are limited and the only formal defence in the area is the existing sea wall of deteriorated gabions and there are no other structures that manage coastal flooding within the area. Under the Shoreline Management Plan 2, Hirael sees a policy change of "holding the line" in Epoch 1 and 2 to *Managed Realignment* by Epoch 3. The main construction work will take place on dry land.
- 1.5 The application site is located on the northern outskirts of the city, with varied land uses to the west, south and east, including residential dwellings and commercial/business uses. There is no land designation to the application site, but heritage assets are located to the east, including listed buildings, monuments, registered historic gardens/parks and the North West Wales Slate Wales World Heritage Site with sections of the Menai Straits designated as a Special Area of Conservation and a Site of Special Scientific Interest.

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1.6 In order to support the application, the following documents were submitted - Planning, Design and Access Statement; Desk-top Archaeology; Habitats Regulations Assessment (*HRA*); Landscape and Visual Appraisal; A Welsh Language Statement, Flood Impact Assessment as well as an Environmental Impact Assessment (Screening Opinion Report).

1.7 The development is described as an *urban development project* under Schedule 2, Regulation 2(1) of Town and Country Planning Regulations (Environmental Impact Assessment) (Wales) 2017, which means that the application will need to be screened. To this end, the application has been screened but considering its scale, nature, as well as mitigation measures, no Environmental Impact Assessment will need to be submitted with this current application and this opinion has also been confirmed by the applicant within the Environmental Impact Assessment (Screening Opinion Report).

## 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 **Gwynedd and Anglesey Joint Local Development Plan 2011-2026 (JLDP adopted 31 July 2017): -**

PS 1: The Welsh Language and Culture

ISA 1 - infrastructure provision

PS 5 - sustainable developments

PS 6 - mitigating the effects of climate change and adapting to them

TRA 4 - managing transport impacts

PCYFF 2 - development criteria

PCYFF 3 - design and place shaping

AMG 4 - coastal protection

AMG 5 - local biodiversity conservation

AT 1 - conservation areas, World Heritage Sites and landscapes, parks and registered historic gardens

PS 19 - conserving and where appropriate enhancing the natural environment

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PS 20 - conserving and enhancing cultural assets

#### 2.4 National Policies:

Planning Policy Wales, Edition 11 (2021).

Future Wales: The National Plan 2040.

Technical Advice Note (TAN) 5: Planning and Nature Conservation (2009).

TAN 12: Design (2016).

TAN 20: Planning and the Welsh Language (2017).

TAN 24: The Historic Environment (2017).

#### 3. Relevant Planning History:

- 3.1 There is no relevant planning history to this particular site, although a number of informal discussions were held with the applicant, referring to what was needed to submit a valid planning application.

#### 4. Consultations:

Town/Community Council: No response.

Transportation Unit: Public footpath number 29 Bangor needs to be protected during and after the development.

Natural Resources Wales (NRW): Originally objected since insufficient information had been submitted with the application relating to the impact of the proposal on marine mammals within and surrounding the **Protected Sites** and protected species (Pen Llŷn a'r Sarnau Special Area of Conservation (SAC); North Anglesey SAC and West Wales Marine SAC. Insufficient information has been received to ascertain whether the curtain stanchions will be placed within the water column or outside the water. Installing stanchions in the water would create noise that would be likely to have a detrimental impact on mammals such as dolphins and seals.

After receiving the original concerns of NRW regarding the lack of information within the content of the *HRA*, the applicant has submitted an amended document and as a result of informing NRW of this latest document, they do not have an objection to the proposal,

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subject to the inclusion of 2 conditions: -

1. No development work or site clearance work will be permitted to commence until a Construction Environmental Management Plan (CEMP) for the whole site will be submitted to the Local Planning Authority and for it to be approved in writing. The CEMP should include:
  - Construction methods: details of materials, how the waste produced will be managed.
  - General Site Management: the details of the construction programme including the timetable, details for clearing the site; details of draining the site's buildings, restricted areas, suitably sized buffer zones between storage areas (waste, oil, fuel, concrete mixing and washing) and any watercourse or surface water drains.
  - Pollution Prevention: showing how the Pollution Prevention Guidelines and relevant best practice will be implemented, including details of the urgent procedures to deal with spillages and an incident response plan.
  - The details of the persons and bodies that are responsible for CEMP-related activities and the emergency contact details
  - Landscape/ecology works clerk to ensure that the construction complies with approved plans and environmental regulations.
2. No development work that could affect invasive species to commence until a Biosecurity Risk Assessment has been submitted to the Local Planning Authority and approved in writing. The risk assessment will include measures to manage, abolish or manage invasive species in the long term during the construction and implementation period. The Biosecurity Risk Assessment will be undertaken in accordance with the approved details.

**Risk of flooding** - the Flood Impact Assessment submitted with the application is acceptable to support the application based on flood mitigation plans. The matter of opening and closing the floodgates is a matter between the applicant and NRW to be agreed and NRW are satisfied with this arrangement.

**Other matters** - it is a matter for the applicant to ensure that they receive other licences/permits that apply to the development.

Welsh Water:

A number of Welsh Water assets cross the site (e.g. combined sewerage) and there will be a need to ensure that the development

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does not disturb these assessments by including an appropriate condition on any planning consent.

Public Protection Unit, Food, Safety and Environmental Health Service:

No objection but recommend that the applicant notes the following: -

- Although attention has been given in the application to the risk of polluting the Menai Straits during the construction work, there is no reference to commercial shellfish beds in the nearby area.
- Designated shellfish production areas (Regulation CE 854/2004 located in: i) Cegin Channel (RMP B055T) SH 5867873309, 530 14.277' N, 040 07.140' W ii) West of Bangor Pier (RMP B055S) SH 5833473287 530 14.260' N, 040 07.449' W.
- Should the application be approved, the applicant should consider protecting these sites from any potential pollution and establishing an urgent response procedure should pollution from the development work escape to the Menai Straits / nearby water courses.

Observations were also received from the Pollution Control Unit, stating that the following conditions will need to be imposed should this application be approved: -

- Introduce a noise and vibration assessment before starting on any work on the development in line with British Standards.
- Limit working hours.

It is also noted that no work on the site will be permitted to cause dust to be dispersed and stockpiles of waste must be dampened and the best possible action must be taken to reduce land vibration as a result of steel curtain stanchion activities.

Water and Environment Unit:

The intention of the development is to manage the coastal flood risk, and it is also located within a C2 flood zone. Consequently, NRW will need to offer observations on the flood risk management facing the development, including the flooding assessment.

The development is not within the CCMA listed in appendix 6 of the Anglesey and Gwynedd Joint Local Development Plan (2017), because it is intended to implement the *HTL* policy to the coastline in Hirael (PU 16.28) over the medium term.

After considering the long-term policy for the coast in this location

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presented in the Shoreline Management Plan (SMP2), we believe that the proposed plan will be consistent with the shift towards *Managed Realignment* in the future.

- CADW: A number of heritage assets are located in the catchment area of the site, including listed buildings, and the relics and Slate Landscape of North West Wales World Heritage Site. Considering the content of the Landscape and Amenity Evaluation submitted with the application, it is considered that the proposal will not have a detrimental impact on the setting or character of these heritage assets.
- Gwynedd Archaeological Planning Service: Need to include a condition that relates to undertaking the archaeological work programme before any work commences on the site.
- Maritime Unit: No response.
- Biodiversity Unit: Agree with the recommendations of the amended Habitats Regulations Assessment (*HRA*) on the basis that there will be no detrimental impact on Traeth Lafan and the Menai Straits/Colwyn Bay.
- However, a condition will be needed to confirm that the work is carried out in accordance with the recommendations included in the Assessment itself.

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Public Consultation:

Notices were posted around the site and nearby residents were informed. The advertisement period has already ended. Correspondence was received from the developers of Y Bae on the following grounds:

- The proposal provides a protection standard from tidal flooding for 1 in 100 years, which takes into account 1 in 50 years of climate change allowances but, for residential development, 100 years of climate change allowances should be considered.
- The reliance on using manual flood prevention gates is very risky, as seen in Llanrwst recently.
- Concerns about flood prevention improvements along Ffordd Glandŵr - the existing level of the road should be raised higher and not rely on closing the two gates manually.
- The application does not include enough details about how this work will affect the development of Part 2 of the site *Dickies*.

It is noted that these objections are *technical* in nature, and despite these concerns, NRW has confirmed, as a result of the statutory consultation process, that they have no objection to the flood prevention plan that is based on evidence included within the Flood Impact Assessment document.

NRW supports partner flood mitigation plans that show a reduction in the risk of flooding to people and property but further discussions will be needed between the applicant and NRW to agree on a set procedure for implementing the opening/closing of floodgates/preventative logs that have been noted above by the objector.

**5. Assessment of the material planning considerations:**

**The principle of the development**

5.1 Policy ISA 1 of the LDP states that proposals will only be granted where adequate infrastructure capacity exists or where it is delivered in a timely manner. Policy PS 5 of the LDP supports developments where they alleviate the causes of climate change and adapting to those impacts that are unavoidable in accordance with Strategic Policy PS 6. Policy PS 6 of the LDP states that in order to alleviate the effects of climate change, proposals will only be permitted where it is demonstrated that they have fully taken account of and responded to the aim and objective of reducing the general flood risk within the Plan area and areas outside it, as well as withstand the impacts of climate change as much as possible.

5.2 As already referred to in this assessment, the main objective of the proposal as submitted is to reduce the risk in terms of coastal flooding in the Hirael area of Bangor in the future and this is a partnership scheme between Gwynedd Council and NRW. It is acknowledged that the existing coastal defences in Hirael are restricted and the only formal defences in the area is the existing sea wall of deteriorated gabions and there are no other structures that manage coastal flooding in the area. As NRW have already confirmed, this scheme will be a way to reduce risks to the occupants



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and to properties (residential and commercial), and safeguard the integrity of the nearby class I county road, the A5, which is located within the coastal area of Hirael. The applicant has considered the implications of the proposal on elements such as the character, landscape, biodiversity, sustainable materials, noise nuisance, access and hydrology and flood risk, when designing this flood prevention scheme.

- 5.3 Policies PS 5 and PS 6 also state that the quality of the natural environment and its biodiversity assets will need to be protected, as well as protected species. As noted above, NRW had concerns about the potential impact of the proposals on mammals within and around the Pen Llŷn a'r Sarnau SAC, North Anglesey Marine SAC and West Wales Marine SAC, which is a habitat to harbour porpoise, bottlenose dolphin and grey seal, as well as a lack of information within the Habitats Regulations Assessment itself. To this end, the applicant has submitted an amended updated Assessment and now NRW has no concerns regarding the impact of the proposal on wildlife, subject to the inclusion of relevant conditions as already noted above.
- 5.4 Policy AMG 4 of the LDP states that when considering a proposal on the coast, including the Heritage Coast, there will be a need to ensure that the proposal conforms to the following criteria:
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- 1 The development must be located on the coast, or in open estuaries, or nearby, and that there is an overriding economic and social benefit from the development - the application site is located on 550m of the coastline of the city of Bangor with the Menai Straits (*Bangor Flats*), and the application is intended to reinforce retaining walls/existing defences from further deterioration. This, in turn, would be of social and economic benefit to the owners and occupiers of commercial and residential property in the Hirael area.
  - 2 That it does not cause unacceptable harm to:- (i) water quality; (ii) public access considerations; (iii) the built environment, or character of the landscape or seascape and (iv) the area's biodiversity interests - having considered the information in the form of the various reports and assessments submitted by the applicant with the application, as well as considering this report, it is not believed that the proposal, if approved, would affect the water quality; it will not have a detrimental impact on public access to the footpath and existing cycle path (it is considered that the proposal would improve this public resource after the work is completed); it is not believed that the proposal will have a substantial impact on heritage assets within the catchment area of the application and it is not believed that it will have a significant impact on the visual amenities of this part of the built coastline, considering the nature and scale of the proposal itself.
  - 3 Priority is given to locations with a close visual connection to existing buildings or structures - the construction in the catchment area of this section of the coast is in the form of a variety of different structures, including residential dwellings, commercial garages, Welsh Water station, constructions associated with the football field, as well as the existing retaining wall. The proposal would involve building structures of a very similar construction and appearance to the existing structures, including metal and timber gates, rails/handrails, as well as reshaping sections of the land behind the existing retaining walls.
  - 4 There are no other suitable locations on the coast that have been developed - the intention of this current application is to replace the existing substandard defences with new defences on a part of the coastline that is already a built area in part.
  - 5 That the development is consistent with other policies within the Plan including Policy ARNA 1 - Policy ARNA 1 relates to sections of the County's coastlines that have been designated as Coastal Change Management Areas where there is strict control of new developments considering the high risk of coastal erosion and flooding. The policy states that proposals for new coastal protection plans or plans that replace old provisions will be approved provided that it can be shown that the work is consistent with the management method for the foreshore as submitted in the Shoreline

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Management Plan and that there will be no material detrimental impact on the environment. Although this section of the coast is not within the Coastal Change Management Area, it is considered that the work associated with this current plan complies with the objectives of this particular policy.

- 5.5 Having considered the above-mentioned assessment, it is believed that the proposal is acceptable based on principle and complies with the requirements of Policies ISA 1, PS 5 and PS 6 of the LDP. However, the proposal must also comply with other relevant policies as noted below.

#### **Visual amenities**

- 5.6 The site is located on the northern outskirts of the city and is a part of the coastline on the banks of the Menai Straits and is visible from all four directions. Based on its prominent location, a Landscape and Amenity Evaluation was submitted with the application. The evaluation concludes: - (i) that the views out of the site towards the Menai Straits, Anglesey, Snowdonia and the Orme are the most important views, rather than views of the site itself and its surrounding landscape; (ii) there are views of a number of *highly sensitive receptors* on Anglesey (e.g. Beaumaris pier), but such views would be from a distance and considering the nature and scale of the proposal, it is unlikely to have a detrimental impact on these views, however, should the proposal's scale and size change, the situation would need to be reconsidered; (iii) the proposal is visible from the beach, parking spaces and nearby paths and there will be a need to ensure that the proposal does not disrupt local views from the site and (iv) the plan creates an opportunity to improve the existing public area, e.g. by extending the footpath/cycle path around the water treatment works.
- 5.7 Considering the nature and scale of the proposal, it is not believed that the work would have a detrimental impact on the visual amenities of this part of the coast, to any greater degree than what is already characteristic of the area. There will be a number of new additional structures such as installing flood prevention gates, a new concrete wall and soil embankment but it is not believed that a combination of these additional structures would substantially transform the appearance and general character of this section of the city's coastline at the detriment of visual amenities.
- 5.8 It was mentioned above that a number of heritage assets are located in the catchment area of the application site including listed building, relics, registered historic gardens/parks and the Slate Landscape of North West Wales World Heritage Site. In response to the statutory consultation process, CADW do not have an objection to the application, considering that the existing vegetation between the application site and the assets would reduce any physical impact that the proposal, possibly, will be available on these heritage assets. It is also noted that an archaeological condition needs to be included with any application as there is archaeological potential within the area that could date back to the middle ages. The proposal, therefore, is acceptable on the grounds of Policy PS 19, PS 20, AT 1, PCYFF 2, PCYFF 3 and AMG 4 of the LDP.

#### **General and residential amenities**

5.9 A mix of land uses are located around the site, including residential dwellings and commercial businesses to the south, west and to the east. It is inevitable that some element of noise nuisance will derive from the development during the construction work for a temporary period only and a condition can be included within any planning consent which restricts the time/working hours that would be a way of reducing any noise nuisance. It was noted above by the Public Protection Service the need to include relevant conditions that relate to reducing noise levels as well as restrict the working hours and ensuring that the residential and general amenities of nearby occupiers will not be undermined due to the dispersed dust and land vibration. This can also be

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ensured by including a condition that relates to submitting an Environmental Construction Management Plan. It is not anticipated that there will be a substantial increase, if any, in noise levels as a result of this development after it becomes operational as there is no change in the pattern, density or public use made of the site as existing.

- 5.10 It is noted that the main objective of this proposal is to safeguard the interests of the users/occupiers and owners of the Hiraël area from flooding and approving this application will be a way to ensure a safe future for the population and businesses of the area. The proposal also, when operational, will improve the existing resources on the site by undertaking other improvements, e.g. for the cycle path and footpath in the form of realigning and improving the safety of the paths themselves for the benefit of their users. Considering the above assessment, therefore, it is believed that the proposal is acceptable based on the requirements of Policy PCYFF 2 of the LDP.

#### **Transport and access matters**

- 5.11 The Transportation Unit has stated following the statutory consultation process that footpath number 29 Bangor will need to be safeguarded during the construction work. The applicant has noted that there will be a need to use the existing car parks for a temporary period only for the construction work with access (as existing) off the nearby class I county road (the A5), as well as agree with the traffic controlling measures. These matters will be matters to be agreed with the Transportation Unit outside the planning field. The proposal, therefore, is acceptable on the basis of the requirements of Policy TRA 4 of the LDP.

#### **Biodiversity matters**

- 5.12 In order to support the application, the applicant has submitted a Habitats Regulations Assessment (HRA), considering the application's sensitive location near the Menai Straits (Bangor Flats), which is designated as a Special Area of Conservation as well as a Site of Special Scientific Interest. In response to the statutory consultation process, the Council's Biodiversity Unit states that they agree with the recommendations of the amended Habitats Regulations Assessment (*HRA*) on the basis that there will be no detrimental impact on Traeth Lafan or the Menai Straits/Colwyn Bay. However, a condition will be needed to confirm that the work is carried out in accordance with the recommendations included in the Assessment itself.
- 5.13 Natural Resources Wales have also stated that there is no objection to the application on ecological grounds, subject to the inclusion of relevant conditions relating to the submission of a Construction Environmental Management Plan and a Biosecurity Risk Assessment. To this end, therefore, it is believed that the proposal is acceptable based on the requirements of Policy AMG 4 and AMG 5 of the LDP.

### **6. Conclusions:**

- 6.1 Having considered the above assessment, it is believed that the proposal to build a flood defence in the Hiraël area of the city responds positively to the structural weaknesses identified in the existing defences. When assessing the application, full consideration was given to the observations received in response to the statutory consultation process and based on the above assessment, it is not considered that the proposal is contrary to local or national policies and that no relevant planning matter outweigh these policy considerations. To this end, therefore, it is believed that this proposal is acceptable subject to the inclusion of the following conditions.

### **7. Recommendation:**

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

To approve – conditions.

1. Five years.
2. In accordance with the plans/details submitted with the application.
3. Submission of a Construction Environmental Management Plan to include measures to reduce noise, dust and vibration to be agreed with the LPA.
4. Submission of a Biosecurity Risk Assessment.
5. Compliance with the recommendations of the amended Habitats Regulations Assessment.
6. Submission of a Method Statement Plan/Risk Assessment in order to safeguard the Welsh Water assets that cross the site.
7. Submission of the details of the Archaeological Programme to be followed with a report of the archaeological work carried out on the site.
8. Restriction of the working hours which includes running machines and importing materials between 08:00 to 18:00 Monday to Friday and not at all on Saturday, Sunday and Bank Holidays unless the extension of these working hours has been approved in writing by the Local Planning Authority.
9. Safeguard public footpath no. 28 and 29 Bangor during and after the completion of the development.