
PLANNING COMMITTEE 16-01-23

Present:

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

Delyth Lloyd Griffiths, 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 Department - Planning and the Environment), Iwan Evans (Head of Legal Services), Keira Sweenie (Planning Manager) and Lowri Haf Evans (Democracy Services Officer).

Others invited: Councillor Rhys Tudur (Local Member)

1. APOLOGIES

Apologies were received from Councillors Louise Hughes and Elin Hywel: Councillor John Pughe (Local Member)

2. DECLARATION OF PERSONAL INTEREST AND PROTOCOL MATTERS

- a) The following member declared that he was a local member in relation to the item noted:-
- Councillor Rhys Tudur (not a member of this Planning Committee), in item 5.1 (C21/1038/41/LL) on the agenda

3. URGENT ITEMS

None to note

4. MINUTES

The Chair accepted the minutes of the previous meetings of this committee, held on 28 November, 2022 and 19 December, 2022 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.

**5.1 APPLICATION NUMBER C22/0874/16/LL
Tŷ'n Lôn, Afonwen, Pwllheli, Gwynedd, LL53 6TX**

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

Attention was drawn to the late observations form.

- a) The Planning Manager explained that this was 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 work on land at Tŷ'n Lôn, Afonwen. The touring units would be sited around the boundaries of the field situated to the north-west of the property.

It was explained that a Planning Statement and summary statement about how the Welsh language would be considered had been submitted with the original application along with an Initial Ecological Impact Assessment, Botanical Survey and Badger Survey and that a Wildlife Mitigation Measures plan had been submitted at a later date. The original plans had been for a new toilet block, however, amended plans had been submitted (12 December 2022) which demonstrated a proposal to extend the existing garage building on the site to create a toilet/facilities block in its place.

The application had been submitted to the Planning Committee as the application site was greater than 0.5 hectares.

It was noted that the material planning policy for approving developments involving touring caravans was Policy TWR 5 of the Anglesey and Gwynedd Joint Local Development Plan (JLDP). It was explained that the policy outlined a series of criteria and there was reference to criterion 1 which stated that any new touring caravan development must be of a high quality in terms of design, setting and appearance and well hidden by the existing features of the landscape and / or in a place where touring units could be readily assimilated into the landscape in a way that did not cause significant harm to its visual quality.

It was reported that the proposed development would be located on a level field with mature trees along the boundaries and was therefore hidden from most public vantage points. It was reiterated that it was proposed to reinforce the screening on 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 was not within the Area of Outstanding Natural Beauty (AONB) or a Special Landscape Area and it was not believed that the development would cause significant harm to the quality of the landscape. The proposal was designed to meet the requirements of the licence in terms of space and facilities and therefore it was accepted that the development was up to standard.

It was noted that the second criteria of Policy TWR 5 required the avoidance of excessive areas of hard standing. In this case, no hard standings were shown for the caravans - the gravel track leading up the field from the entrance was the only hard standing and it was considered that the track could easily blend into the landscape. As no hard standings were shown, it was considered that it would be suitable to impose a condition that any hard standings should be restricted to the caravan pitches only.

In terms of the third criterion which required assurance that the site would only accommodate touring units, it was highlighted that this could be managed with a suitable planning condition.

In the context of general and residential amenities, based on the distance and the hidden nature of the field, it was not considered that the proposal would have a substantial detrimental impact or cause disruption to any nearby residents. It was considered that the proposal was acceptable in terms of Policy PCYFF 2 of the LDP that dealt with protecting the amenities of nearby land users.

In terms of transportation and access, it was noted that the entrance would not require alterations to serve the proposal. There had been no response from the Transportation Unit to the application.

It was noted that the Biodiversity Unit had confirmed that the reports submitted by the applicant (Botanical Survey, Badger Survey and Wildlife Mitigation Measures Plan) were of a good standard advising that the proposal should follow the mitigation measures and enhancements proposed.

Having considered all material planning matters, including local and national policies and guidance, as well as the observations received, it was considered that the proposal was acceptable and that it would not have a substantial harmful impact on the landscape, the amenities of the neighbourhood or road safety.

- b) Taking advantage of the right to speak, the Local Member made the following points:
- That he opposed the application and agreed with the observations of the Community Council which '*Object on the grounds of over development and there are many caravan sites already along the coast.*'
 - Objected on the grounds of excess (there were similar sites nearby) and overtourism
 - Although the report recommended approving, there was no consideration to nearby sites which led to an excess in the area. The report did not weigh up the impact.
 - Needed to consider Policy TWR 3 in the LDP which noted *the ability to prove that the proposal would not lead to an excess of caravan sites*
 - He referred to nearby sites outlining that they were not small sites
 - There was a need to consider POLICY TAI 14: RESIDENTIAL USE OF CARAVANS which highlighted that it could be demonstrated that the proposal would not have a significant detrimental impact on the tourism industry. Needed to consider the argument that an excess of sites in a small area had a detrimental impact on what already existed
 - Encouraged the Committee to refuse, but if they were considering approval, then he encouraged a decision to defer the decision to conduct a site visit and carry out research on the number of sites in the area.

In response to the observations, the Planning Manager noted that Policy TWR 3 applied to static caravan and chalet sites and permanent alternative camping accommodation while Policy TWR 5 applied to touring caravan, camping and temporary alternative camping accommodation. It was reiterated that Policy TWR 3 did refer to excess, but only in relation to static sites; Policy TWR 5 set out criteria for visual elements only.

Google Earth was used to highlight the aerial layout of the area to demonstrate the various sites within the application area. It was noted, compared with other areas in Gwynedd, such as Penllyn and Meirionnydd, that there was not an excess of touring sites in this area.

- c) It was proposed to approve the application in accordance with the recommendation. It was not seconded.

- ch) It was proposed and seconded to refuse the application on the grounds of excess and overtourism.

It was noted that although tourism could provide an economic boost in the local area it could be harmful to the environment and could put pressure on the local population - it could also create a negative impact on the experience for tourists - namely that too many people could visit somewhere at the same time.

It was reiterated that the proposal would be an over-development and would have an impact on local people and the Welsh language and that the cumulative impact on the area must be considered.

- d) In response to a question regarding the apparent risk of flooding in the area and the concern that the site could be cut off, which was contrary to the rules of TAN 15, the Planning Manager noted that several different maps were used to highlight flood zones, and in the case of planning matters, TAN15 maps were used. It was considered that the area in question was not within a flood zone and therefore did not pose a risk. It was reiterated that the officers had consulted with Natural Resources Wales and they had not raised any concerns about flooding.

In response to the Local Member's suggestion to hold a site visit and to his, and the Community Council's concerns of there being an excess and the visual impacts of the site, he strongly suggested that the Committee considered a site visit to see the site in its context and its relevance to nearby sites.

- dd) A proposal to undertake a site visit was made and seconded.

RESOLVED: To defer in order to conduct a site visit

5.2 APPLICATION C21/0493/09/AC PV Solar Park, Morfa Camp Sandilands, Tywyn, LL36 9BH

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

Attention was drawn to the late observations form.

- a) It was highlighted by the Planning Manager that this was an application to amend and remove conditions on a solar farm in Tywyn. It was noted that permission had been implemented and the farm was in place, but it was proposed to amend conditions to reflect more recent planning applications.

It was explained that the proposal related mainly to amending the skylark mitigation strategy that had been agreed under condition 14 of application C15/0662/09/LL. It was noted it had been agreed as part of the condition to earmark a field to the north of the solar site for skylarks, however as part of the application in question, the developer wished to improve conditions within the site for the benefit of the skylark, instead of using the noted field.

The application was submitted to committee as the site was greater than 0.5 hectares.

It was reported that as the application related to the removal of conditions imposed for valid planning reasons, it had to be considered whether the conditions in question were still relevant under national guidance in relation to planning conditions that had been included in the Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management. The circular listed six

tests for the validity of planning conditions and it was necessary to consider whether the conditions were in line with the following tests:

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

It was highlighted there was no reason for amending some of the original conditions but the developer was required to continue to comply with them. A request had been made to remove condition 13: *Submit and agree on the details of a lighting system for the site with the Local Planning Authority*. As part of application C15/1368/09/AC, it was noted that it was not proposed to install any lighting as part of the development and with the work of developing the solar farm now complete, it was highlighted that no lighting had been installed on the site. However, should lighting be required on the site in the future, then not all types of lighting required planning permission. It was considered that the installation of lights could have a potential impact on visual amenities and on local residents, along with biodiversity and therefore it was considered that it would be appropriate to amend the condition instead of removing it. It was suggested that a condition could be imposed, which noted that if it was 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 lighting that could be installed on the site and it was considered that such a condition would be reasonable.

The main consideration of the application was condition 14 *Before commencing the work there was a need to submit and agree on a landscaping and planting plan with the the Local Planning Authority*. It was explained that as part of application C15/1468/09/AC, a Landscape and Ecology Management Plan had been submitted and agreed to along with a landscaping plan which included a proposal to earmark a field to the north of the solar farm as a hay 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 was to amend this condition and introduce a Landscape and Ecology Management Plan and a landscaping plan which removed the northern field from being a meadow for skylarks. It was noted, as part of the existing application that a Landscape and Ecology Management Plan, landscaping plan as well as a Skylark Monitoring Report had been submitted.

Attention was drawn that the Skylark Monitoring Report noted a high density of skylarks had been identified during the surveys and that the solar farm had not displaced the skylarks as originally thought and that the numbers were much higher than the national average. As a result, it was recommended in the Skylark Monitoring Report that the site of the solar farm itself was specifically managed to support breeding skylarks in the future, instead of providing the northern field for this purpose and therefore proposing to improve conditions within the solar farm to promote breeding by skylarks within the solar farm itself.

Reference was made to the Biodiversity Unit's observations which objected to the proposal and wanted the northern field to continue as a mitigation measure for the skylark. However, so far no plans had been agreed to safeguard the grassland within the solar farm in the interests of the skylark. Therefore, it was considered reasonable to put measures in place to manage the grassland within the area of the solar farm and this would be a sufficient mitigation measure since the construction of the solar farm had not had a negative impact on the skylark as was initially

thought possible when the original application for establishing the solar farm was under consideration. It was suggested that a condition be imposed to comply with the Landscape and Ecology Management Plan (v5), the Skylark Monitoring Report and the Landscaping Plan across the lifespan of the development that the proposal would not have a detrimental impact on the skylark's habitat and that the proposal was acceptable in terms of Policy AMG 5 of the LDP.

It was noted that conditions 2, 4, 9, 13, 14, 16 and 17 could be amended and conditions 1, 3, 5, 6, 7, 8, 10, 11, 12, 15 may be removed which had been imposed with permission C15/0662/09/LL.

- b) The Chair noted that the Local Member had apologised for his absence from the Committee and wished to note that he had no objection to the application.
- c) Taking advantage of the right to speak, the applicant's agent noted the following observations:
 - That the report was detailed
 - That the application included improving the management of the skylark's site
 - That an appropriate nesting site had been included
 - There was evidence of nesting and rearing within the solar site
 - It was proposed to manage grazing and mowing times to protect the site in an acceptable manner
 - The site offered a better location and opportunity for birds
 - That the solar farm offered an alternative habitat to the birds.
- ch) 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:
 - That the solar farm had created an area for the skylarks
 - That the solar farm offered an economic benefit
- dd) In response to a question regarding condition 5 which referred to 'the lifespan of the development' the Planning Manager noted that it was regular practice to permit temporary approval for solar farms to be able to manage and reassess the site in future.

The officers were thanked for the work and the detailed report.

RESOLVED: To approve the application in accordance with the following 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 form of application 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 -

- a) Method statement for decommissioning and dismantling all equipment on the site;
 - b) The details of any items that will be left on the site;
 - c) A method statement in order to restore the land to agricultural land;
 - d) Timetables for the decommissioning, disposal and restoration of the land;
 - e) A method statement for the disposal / appropriate recycling of equipment / idle structures;
 - f) 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_MS_F_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.

The meeting commenced at 13:00 and concluded at 13:45

CHAIR