

<b>PLANNING COMMITTEE</b>	<b>DATE: 27/02/2023</b>
<b>REPORT OF THE ASSISTANT HEAD OF DEPARTMENT</b>	

**Number: 3**

**Application Number: C22/1102/36/AC**

**Date Registered: 25/11/2022**

**Application Type: Varying a Condition**

**Community: Dolbenmaen**

**Ward: Dolbenmaen**

**Proposal: Vary condition 1 (work commencement period) on planning permission C17/0772/36/LL to extend the period to commence work for a further 5 years**

**Location: Land to the south of the A487 and to the east of the B4411, Bryncir, LL51 9LQ**

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

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## 1. Description:

- 1.1 This is an application to vary condition 1 of planning permission reference C17/0772/36/LL for a new sub-station and associated infrastructure to extend the development commencement period for an additional 5 years. As part of this application, a current Ecological Evaluation Report and Flood Risk Assessment Report was received.
- 1.2 The site is located to the south-east of Bryncir (1.4km), to the south of the A487 and to the east of the junction with the B4411 and 1.4km to the west of Garndolbenmaen. The boundary of the red line includes an area around 4.3ha; nevertheless, the permanent compound of the substation will be approximately 0.7ha. The rest of the land within the boundary of the red line includes the access road, vehicle turning area, landscaping and temporary construction work / putting down areas.
- 1.3 The proposed development site is on relatively level land and includes grazing land with an area of marshy grassland to the south-west. There is a mix of field boundaries around the site, mainly dry-stone walls and wire and post fences, with hedges/trees along the southern boundary and the north-western boundary. Controlled hedges are located along the southern boundary of the A487 that face the proposed development site.
- 1.4 The overground 400kv electricity line Pentir - Trawsfynydd, runs along the western end of the proposed development site; and a number of single houses / clusters are located near the proposed development.
- 1.5 Access can be gained to the site from the north via a farm access road and Public Right of Way Footpath (18 Dolbenmaen) currently runs through the proposed development site and it will need to be diverted to facilitate the proposed substation. The applicant is in discussions with the Council's Public Rights of Way Officers regarding the diversion, and an agreement in principle was obtained.
- 1.6 The substation compound is required to provide space for the single electrical transformer that would 'reduce' the 400kv voltage of the Pentir-Trawsfynydd circuit to a voltage of 132kv. When application C17/0772/36/LL was submitted, the work was associated with the proposed Wylfa Newydd. When the plans for Wylfa Newydd fell through, the work associated with the electricity substation was not undertaken. By now, the same work is needed to connect to offshore wind farms, so that they can connect to the broader electricity network.
- 1.7 The compound will measure around 88m x 63m and it will be surfaced in chippings. The compound will include the following:
- Ancillary buildings - amenity building and small single-storey building for the main control systems.
  - Equipment includes a switch gear, switches, sealing ends, transformers, etc.
  - Diesel generator and water tank
  - Access road and turning space for HGV vehicles
  - 2.4m high palisade fence with a rear 3.4m high, from ground level, electric fence.
- 1.8 A temporary construction compound is established to the north-west from the proposed subsection works, which will be fenced off securely during the construction period and it will include a number of temporary facilities, as well as:
- Site offices including offices and meeting rooms.
  - Staff Welfare facilities
  - Storage areas for construction vehicles, machinery, equipment, materials, fuel and waste materials.

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- 1.9 The application also involves modifying the new access off the main trunk road (A487), which means that construction traffic can enter and exit the site. After the construction work, the access will be made permanent with an entrance that will be wide enough for two cars with a 6m wide road.
- 1.10 The work will also mean that the existing pylon on the line will need to be replaced with a new pylon as it approaches the substation. The proposal to replace the existing pylon with a traction pylon is exempt from Section 37(1) of the Electricity Act 1989 as noted in Part 3(e) of the Overhead Lines (Exemptions) Regulations (England and Wales) 2009 as the height of the new pylon is no higher than 10% of the existing pylon to be replaced, and consequently the new pylon will be located within the line between the two existing pylons. As the work is exempt from requiring permission under the Electricity Act, it is considered as a permitted development under Part 17, Class G(a) of the Town and Country Planning Order (General Permitted Development) (England and Wales) 1995 (the GPDO). In line with that, although the proposed pylon is shown on the application plans, it does not form part of this planning application and it falls outside the boundary of the red line.
- 1.11 The application is submitted to Committee as it involves a site that is over 0.5 hectares.

## 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**  
ISA 1 - Infrastructure Provision  
TRA 4 - Managing transport impacts  
PS 5 - Sustainable developments  
PCYFF 2 - Development criteria  
PCYFF 3 - Design and place shaping  
PCYFF 4 - Design and landscaping  
PS19 - Conserving and enhancing the natural environment  
AMG 5 - Local Biodiversity Conservation  
PS 20 – Preserving and where appropriate enhancing heritage assets
- 2.4 **National Policies:**  
Future Wales: The National Plan 2040  
Planning Policy Wales (Edition 11, February 2021)  
Technical Advice Note 5 - Nature Conservation and Planning  
Technical Advice 12 - Design  
Technical Advice 18 - Transport

## 3. Relevant Planning History:

- 3.1 C17/0063/36/SC - Screening opinion for a proposed new 400kv substation - 08-Feb-2017 – EIA not required

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3.2 C17/0772/36/LL - Application for a new sub-station, associated infrastructure and new access road - Approved 12 December 2017

3.3 C15/1208/16/LL - Application to amend condition 2 of permission C17/0772/36/LL to vary public footpath number 18 - Approved 18 May 2018

#### 4. Consultations:

Community/Town Council: No objection.

Transportation Unit: Not received.

Natural Resources Wales: Based on the information provided, we do not have any objection to the proposed development to vary condition 1 of permission C17/772/36/LL to extend the period to commence work for an additional 5 years and we provide the following advice.

#### Protected Species

We note that the bat survey report submitted to support the above application (Ecological Appraisal Report for Bryncir Substation for the National Grid, dated October 2022) has stated that it is unlikely there are bats present on the application site. From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document, 'Natural Resources Wales Approach to Bats and Planning' (2015). Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

As the development in this case represents a lower risk to bats, we consider that the development is unlikely to have a detrimental impact on the work of maintaining the population of the species in question and its protected status in its natural environment.

Additionally, we advise that the proposed development is not likely to harm or disrupt the bats or breeding area and the resting spots on this site as long as the mitigation measures described in the bat report are implemented.

Welsh Water: We have no comments to make on the time extension, but we ask for any conditions associated with drainage to be kept on any new permission for the development.

Public Protection Unit: Not received.

Biodiversity Unit: I do not have an objection to the proposal to extend the time.

The National Grid has a duty under the Environment Act 2016 to improve biodiversity, therefore I would like for them to provide a plan to improve biodiversity, e.g. tree planting and creating a wildflower meadow.

Welsh Government Trunk Roads Unit: Welsh Government as a highways authority for the A487 trunk road does not wish to provide any instruction in relation to this

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application.

Rights of Way Unit: Not received.

Water and Environment Unit  
YGC: *A Flood Risk Assessment Validation Report has been presented with the application which considers any changes in flood risk at the proposed site since the date of the original planning application. We concur with the findings of the report that flood risk at the site does not to have changed materially based on the most recent flood maps, and that the flood risk/surface water management mitigation measures originally proposed appear suitable. We would however recommend that a shallow drainage channel is excavated around the boundary of the proposed substation to convey any surface water which may be approaching from the north during/following periods of heavy rain (as per the flood route suggested on the current flood maps).*

Trees Unit: Not received.

Eryri National Park: Not received.

Public Consultation: Notices were posted on the site and nearby residents were notified. One correspondence was received, objecting to the proposal but not noting the reasons for the objection.

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 This is an application to vary condition 1 of planning permission C17/0772/36/LL in order to extend the development commencement period for an additional 5 years, and therefore, there is no change to the plan. The principle of this proposal has already been accepted and established by the Local Planning Authority by means of planning permission C17/0772/36/LL. This is a material planning consideration. It is therefore important to consider whether circumstances or the planning policy situation have changed since the application was originally approved.
- 5.2 It is important to assess and confirm whether or not the situation continues to be the same in terms of compliance with the Planning Policies. The proposal can only be considered differently if there is evidence of a substantial change in circumstances in the context of these policies.
- 5.3 The Local Planning Authority made a decision on the original application based on the policies of the Anglesey and Gwynedd Joint Local Development Plan, therefore, there has been no material change in the policies since a decision was made on the previous application. Although there is no material change in the policies, it is considered appropriate to provide a reminder of the background of the project and the need for it.
- 5.4 The application was submitted by the National Grid Electricity Transmission (NGET) and it proposes a new electricity substation and associated works on the proposed site. The proposed work is required as there is a need to strengthen the applicant's existing electricity network between the substations of Pentir and Trawsfynydd to ensure that all new proposed energy generation in north Wales can be included, as well as maintain the supply distribution of Scottish Power Manweb.
- 5.5 Therefore, it was established that the following work was needed:
- New 400kv substation in Bryncir

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- New connection between the new Bryncir substation and the existing 132kv overhead line and removal of a section of the existing 132Kv overhead line between the existing overhead line and the new connection.
  - Change one existing pylon in Bryncir to connect to the new substation
  - Upgrade / change cables in Aber Glaslyn
  - Upgrade existing Cable Sealing End Compounds in Wern and Garth
  - Extension to the boundary of the existing substation at Trawsfynydd substation; and
  - Re-conduct one circuit on the existing overhead line between Penisarwaun and Trawsfynydd substation.
- 5.6 Nevertheless, this application only relates to the proposed new 400kv substation in Bryncir, but it is essential to understand that it forms a part of a much more extensive project.
- 5.7 The overhead transformer line between Pentir and Trawsfynydd currently only transports one transformer circuit, but has the ability to transport two without the need for substantial work to the line. Establishing a second transformer circuit on the route would make provision for the additional transformer capacity required in north Wales. The applicant's policy is to use the capacity of the existing transformer routes before attempting to establish new paths.
- 5.8 Currently, one of the two circuits on the overhead line between Pentir and Trawsfynydd operate on 132Kv by Scottish Power Manweb as a part of their distribution network. This transports power from Trawsfynydd to a location to the south of Bryncir. From this point, it carries on to the Y Ffôr substation on the 132Kv overhead line, and supplies electricity to users across Penrhyn Llŷn.
- 5.9 To establish a second transformer circuit between Pentir and Trawsfynydd, there is a need to remove the 132Kv circuit of Scottish Power Manweb from the line. Instead of establishing another 132Kv route from Trawsfynydd, the Applicant and Scottish Power Manweb concluded that establishing the new substation in the Bryncir area would provide a more appropriate solution. The function of this new substation would be to take power from the 44Kv Pentir - Trawsfynydd overhead line, transform it to 132Kv voltage and connect this with the existing 132Kv overhead line that runs to the 132Kv Scottish Power Manweb substation in Y Ffôr. Consequently, the power of the Y Ffôr substation would be provided from the new substation instead of the Trawsfynydd substation as existing, and will allow the 132Kv circuit to become redundant, and then replaced with the second 400Kv circuit.
- 5.10 In 2012, the applicant went through the design and evaluation process for the proposed new substation, and identified a short-list of local options, the Northern, Southern and Central Options in Bryncir. Consultations were held with the public on the three options and it was disclosed that the Central and Southern Option was the best from the public's perspective.
- 5.11 The short-list of local options was reviewed further by the applicant in June 2016. The Southern Option was selected as the favoured location, based on the response of the public, review of the lands and technical aspects of the site requirements and the connection with electricity transformer systems. As a result of the ancillary feedback, further evaluations and discussions with the landowners, the applicant identified the application site as the favoured location for the new substation.
- 5.12 Policy ISA 1 is relevant to the provision of new infrastructure, expressing that proposals for water, electricity, gas services, etc., to improve the provision, are approved subject to detailed planning considerations. Strategic Policy PS5 in the current Local Development Plan supports development proposals where it can be shown that they are consistent with sustainable development principles. In respect of this development, the obvious need for the proposed substation was shown and although it is located outside any specific development boundaries; the

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substation has gone through the design evaluation process and the favoured option was located near the existing 400Kv Pentir - Trawsfynydd overhead line.

- 5.13 As part of application C17/0772/36/LL, the applicant submitted an Environmental Report which concludes that there will be no substantial impacts as a result of constructing the proposed Bryncir substation. This report was assessed by Natural Resources Wales and the Council's Biodiversity Unit, which were satisfied with its contents.
- 5.14 Therefore, the Local Planning Authority considers that the proposed development complies with the requirements of policy ISA 1 and PS5 as it mitigates the factors that cause climate change, retains and improves the quality of the built and historical environment, safeguards and enhances the quality of the natural environment, reduces the impact on local resources, promotes a diverse and responsive local economy and promotes a high standard of design.

### **Visual, general and residential amenities**

- 5.15 The proposal involves providing a substation, which includes various equipment and three buildings with the finishing materials to be agreed by means of a planning condition after approving the application:
- Water tank - approximately 6.5m x 4m high with a low ridge roof.
  - Amenity building - approximately 12m x 7m and 4.5m high with a flat roof
  - Workshop / storage area - approximately 11m x 9m high with a flat roof.
- 5.16 The proposal also includes creating an access road and changes to the existing farm access to the site.
- 5.17 The proposal also includes landscaping with:
- Sections of new *cloddiau* along the access to the proposed entrance road
  - A proposed new boundary *clawdd* directly to the north of the proposed substation
  - Proposal to restore a field boundary/ re-plant a *clawdd* to the east and west of the substation
  - Proposal to restore and re-plant a *clawdd* to the west of the substation
  - Proposal to obtain a small block of native coppice, exactly to the north-east of the substation in the corner of the proposed field.
- 5.18 Policy PCYFF2 requests that proposals do not have a detrimental impact on health, safety or the amenities of local residents, land use and other properties or on the features of the area. Policy PCYFF 3 of the LDP states that proposed developments are expected to demonstrate high quality design that give full consideration to the natural, historic and built environment and that they contribute to creating attractive and sustainable places. Policy PCYFF 4 states that all proposals should integrate into their surroundings and show sufficiently how landscaping has been considered from the outset. Based on the information and plans submitted, the Local Planning Authority considers that the development complies with the requirements of these policies.

### **Transport and access matters**

- 5.19 The proposal includes changing the existing farm access from the A487 which is a trunk road in order to obtain suitable access for construction traffic. The access will then be maintained and used for maintenance purposes. A consultation was undertaken with the Trunk Road Unit, Welsh Government, and they noted that they would not be providing instruction on the application. The condition to introduce and agree on a construction traffic management plan provided on permission C17/0772/36/LL is included on any amended permission for the site. Based on the above, the Local Planning Authority consider that the development complies with the requirements of TRA 4 of the LDP.

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- 5.20 The proposal also involves diverting Public Right of Way Footpath (18 Dolbenmaen). It can be seen that application C18/0168/36/LL has been approved to vary the public footpath from what was agreed in application C17/0772/36/LL. It is therefore considered that it would be appropriate in the condition in line with the plans that the amended scheme to vary the path as agreed in application C18/0168/36/LL is included in the list of plans.

#### **Biodiversity matters**

- 5.21 An Ecological Appraisal Report (dated October 2022) was provided as a part of the application in order to convey the current situation in terms of ecological matters. Neither Natural Resources Wales nor the Council's Biodiversity Team had any objection to the proposal on the grounds of biodiversity / ecology. Mitigation measures have been included in the Ecological Appraisal Report submitted on the current application and within the Environmental Report submitted with application C17/0772/36/LL. These two documents are listed in the documents that need to be complied with when carrying out the development and in doing so it is considered that the proposal is acceptable in terms of Policy PS 19 of the LDP.

#### **Heritage matters**

- 5.22 As part of application C17/0772/36/LL, the applicant submitted an assessment of the Heritage Environment as a part of the Environmental Report (Chapter 6). There are no designated heritage assets in the site area and it is not considered that the proposal would have any impact on the heritage assets listed in policy PS20. Therefore, the Local Planning Authority considers that the proposal complies with the requirements of policy PS20. In application C17/0772/36/LL, comments were received from the Gwynedd Archaeological Planning Service noting the need to impose planning conditions relating to submitting the plan and a report of archaeological work. It is considered that it would be appropriate to impose similar conditions on this permission to ensure that the site is assessed in terms of any archaeological remains.

#### **Flooding and drainage matters**

- 5.23 As a part of the application, a Flood Consequence Assessment was submitted. This report considers any changes in terms of flood risk to the site since the original application was considered. Comments were received from the YGC Water and Environment Unit and they agree with the findings of the report that the flood risk on the site has not materially changed based on the latest flood maps and that the flood risk mitigation / surface water management measures proposed originally remain suitable. However, the Water and Environment Unit recommend creating a drainage channel around the boundary of the substation to collect surface water coming from the direction of the north following periods of heavy rain. A condition to agree on details of how foul water and surface water would be disposed is found on permission C17/0772/36/LL and therefore this type of channel could be proposed as a part of those details. A note could also be imposed on the permission, drawing attention to the contents of the comments of the Water and Environment Unit so that the applicant is aware of what is recommended when preparing the plan to dispose of surface water.
- 5.24 Welsh Water does not have any objection to extending the period to commence work, but is eager that any drainage conditions are carried forward from permission C17/0772/36/LL. Therefore, it would be appropriate for the condition to agree on details of foul water and surface water to be carried forward to any new permission for the site.

### **6. Conclusions:**

- 6.1 Having considered all the relevant matters, it is not considered that the proposal of extending the time given under permission number C17/0772/36/LL in order to commence the development, is contrary to the relevant local and national policies or guidance. Based on the above, it is considered that the proposal continues to be acceptable subject to including relevant conditions and as included within the previous permissions.



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**7. Recommendation:**

7.1 To approve – conditions

1. Five years
2. Ensure that the development is completed in accordance with the plans and documents submitted in application C17/0772/36/LL as well as the amended plan in terms of diverting the public footpath approved in application C18/0168/36/LL and the Ecological Appraisal Report and the Flood Consequence Assessment Report submitted with the current application.
3. Finish to be agreed (including the colour of the fence)
4. Agree on a scheme to dispose of foul and surface water
5. Agree on a construction environmental management plan
6. Agree on a construction traffic control plan and receive the approval of the Welsh Government's Trunk Roads Unit on access matters (and any relevant additional conditions).
7. Complete the landscaping within the first planting season following proposal completion.
8. Ensure the diversion /safeguarding of public footpath.
9. Archaeological conditions.
10. Working hours.

Welsh Water and the Water and Environment Unit at YGC