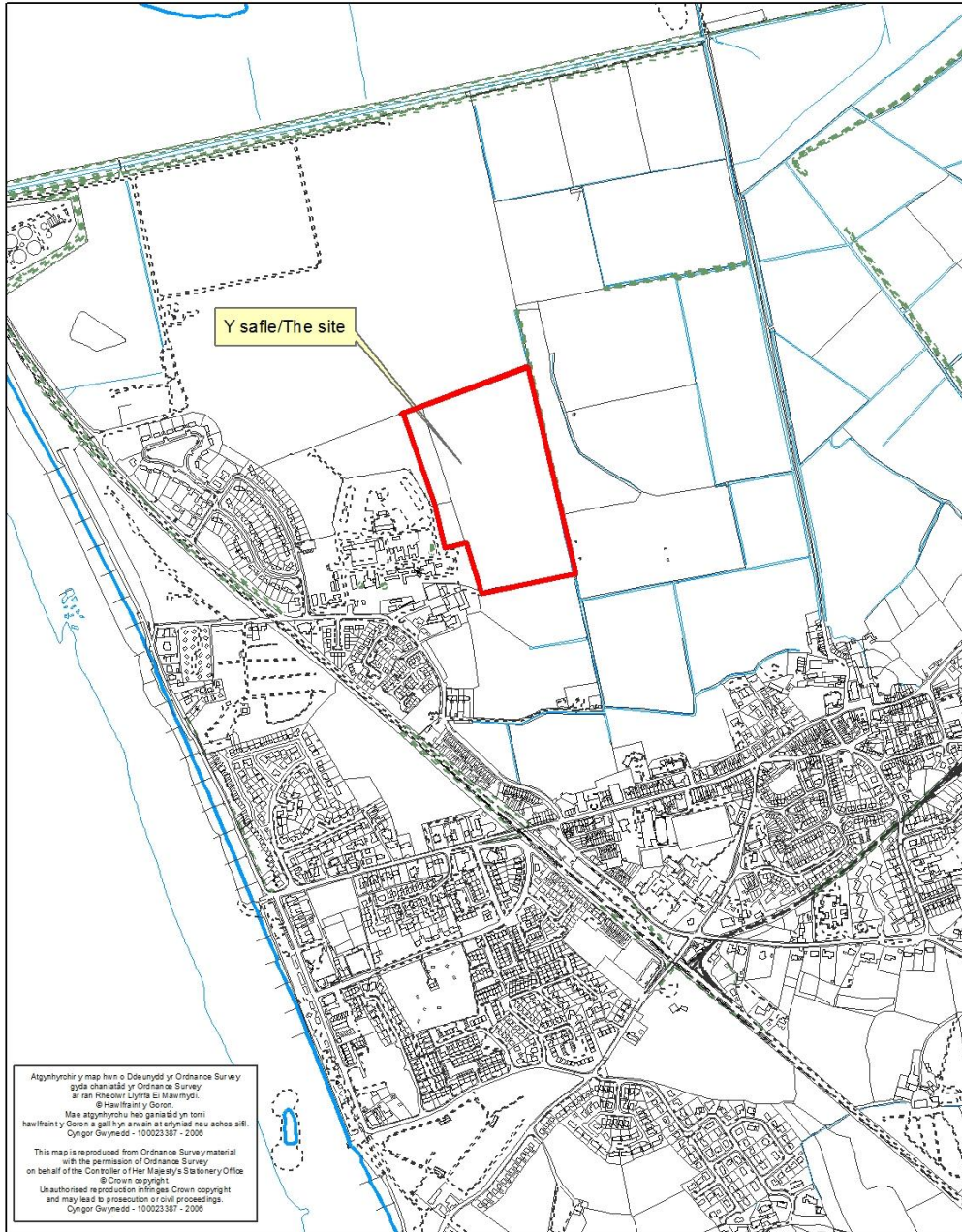


Number: 9



Rhif y Cais / Application Number : C15/0662/09/LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.  
Location Plan for identification purposes only. Not to scale.



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Application Number: C15/0662/09/LL  
Date Registered: 01/07/2015  
Application Type: Full - Planning  
Community: Tywyn  
Ward: Tywyn

Proposal: INSTALL PV (3.6 MW) SOLAR PANELS TO INCLUDE ANCILLARY BUILDINGS, LANDSCAPING AND ACCESS TO THE SITE  
Location: LAND AT MORFA CAMP, SANDILANDS, TYWYN, LL36 9BH

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

**1. Description:**

- 1.1 This is an application to install photovoltaic solar panels (PV) on agricultural land, along with ancillary work including the construction of two sub-station buildings, security fencing and transformer structures.
- 1.2 The application site measures approximately 6.7 hectares and includes grade 4 agricultural land located on the marshland on the boundaries of the town of Tywyn. The site is part of the former RAF Morfa Camp and a cluster of buildings that were part of this camp abuts the site to the west. The Snowdonia National Park surrounds the site to the north, south and east and the Park's boundary at its nearest point is approximately 0.5km to the north-east. The Pen Llŷn and Sarnau Special Area of Conservation is located in Cardigan Bay which is approximately 0.7km to the west of the site, and two Sites of Special Scientific Interest are located nearby, one on the Morfa Gwyllt which is within 0.6km to the site to the north and the other, namely Dyfi, within 1.4km to the south.
- 1.3 Linear field boundaries, fragmented gorse hedgerows and drainage ditches abut the site. The ancient monuments of Caer Llechrwyd and Gwersyll Tal y Garreg are located to the north of the site and a number of listed buildings are located close to the site in the town of Tywyn. In addition, the site is located within the Dyffryn Dysynni Landscape of Special Historic Interest. The site lies within a C1 flood zone as defined in the Development Advice Maps which are included in Technical Advice Note 15: Development and Flood Risk.
- 1.4 A third class county road is located to the south and west of the site and the Cambrian Railway is located approximately 0.7km to the west of the site. In addition, public footpaths numbers 4 and 7 in the Tywyn Community are located to the north and east of the site.
- 1.5 The proposal involves installing solar panels to create a solar park which would generate 3.6MW of electricity for the National Grid. The application contains the following elements:
  - PV panels laid out in rows to face southwards. It is proposed to install the panels on metal frameworks and their height would be limited to 2.5m above ground level. The panels would be installed at a tilt of up to 30 degrees and the rows would be separated by between 2.5m and 3.5m. The boards to hold the panels would measure up to 4m wide and up to 10.2m in length.
  - Sub-station measuring 4.4m by 3.5m and 2.6m high. The building would be in the form of a box with a flat roof.

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- 4 transformer cabins and a metal switchgear cabin which would measure 2m by 2.5m, and 2.1m high.
- An anti-stock security fence measuring 1.9m high encompassing the site.
- CCTV cameras mounted on a pole measuring 4m high around the entire site.

1.6 The following documents have been submitted as part of the application:

- Design and Access Statement
- Location Plan
- Flood Consequence Assessment
- Agricultural Land Classification Report
- Ecological Survey – Habitats Survey and Mitigation Recommendations
- Glare Assessment
- Construction Traffic Flow Management Plan
- Landscape and Visual Impact Assessment
- Historic Environment Assessment

1.7 This proposal has already been screened under reference C15/0384/09/SC and it was confirmed that no Environmental Impact Assessment was required in this case.

## 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 in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

### 2.2 Gwynedd Unitary Development Plan 2009:

STRATEGIC POLICY 9 – ENERGY - Development proposals to provide energy from renewable sources will be approved provided they do not significantly harm the environment or the amenities of nearby residents.

#### A1 – ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS

Ensure that sufficient information is provided with the planning application regarding any environmental impacts or other likely and substantial impact in the form of an environmental assessment or assessments of other impacts.

#### A3 - PRECAUTIONARY PRINCIPLE

Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless it can be shown conclusively at the end of an appropriate impact assessment that the impact can be negated or mitigated.

#### B3 – DEVELOPMENTS THAT AFFECT THE SETTING OF LISTED BUILDINGS

Ensure that proposals have no adverse effect on the setting of Listed Buildings and that they conform to a series of criteria aimed at protecting the special character of the Listed Building and the local environment.

#### B7 – SITES OF ARCHAEOLOGICAL IMPORTANCE

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Refuse proposals which will damage or destroy archaeological remains of national importance (whether scheduled or not) or their setting. It also refuses any development that will affect other archaeological remains unless the need for the development overrides the significance of the archaeological remains.

**B12 PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS** - Safeguard landscapes, parks and gardens of special historic interest in Wales from developments which would cause significant harm to their character, their appearance or their setting.

**B14 – SAFEGUARD THE CHARACTER AND LANDSCAPE OF THE SNOWDONIA NATIONAL PARK** – Safeguard the character of the Snowdonia National Park landscape by refusing proposals which are visually obtrusive and/or are located insensitively and uncongenially within the landscape.

**B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT** - Refuse proposals that are likely to cause disturbance or unacceptable harm to protected species and their habitats unless they can conform to a series of criteria aimed at safeguarding the recognised features of the site.

**B22 - BUILDING DESIGN**

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

**B23 – AMENITIES**

Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

**B25 - BUILDING MATERIALS**

Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

**B27 – LANDSCAPING SCHEMES**

Ensure that permitted proposals incorporate high quality soft/hard landscaping which is appropriate to the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

**B29 - DEVELOPMENTS ON LAND AT RISK FROM FLOODING**

Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they can conform to a series of criteria relevant to the features of the site and to the purpose of the development.

**B32 - INCREASING SURFACE WATER**

Refuse proposals that do not include appropriate flood minimisation or mitigation measures that will reduce the volume and rate at which surface water reaches and flows into rivers and other water courses.

**B34 – LIGHTING AND LIGHT POLLUTION**

Ensure that proposals do not significantly harm the amenity of neighbouring land uses and the environment.

**C1 - LOCATING NEW DEVELOPMENTS**

Land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments. New buildings, structures and

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ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

#### C27 – RENEWABLE AND SUSTAINABLE ENERGY SCHEMES

Proposals for renewable energy and sustainable energy management schemes will be approved provided that a series of criteria relating to the impact on the visual quality of the landscape and environmental and social factors can be met.

#### C28 – SAFEGUARDING AGRICULTURAL LAND

Proposals which would lead to the loss of grades 1, 2 or 3a agricultural land will be refused unless it can be shown that there is overwhelming need for the development, and proved that there is no previously developed land available and that there is no land of lower agricultural grades available apart from land of environmental value which outweighs agricultural considerations.

#### POLICY CH33 - SAFETY ON ROADS AND STREETS

Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

### 2.3 National Policies:

Planning Policy Wales (Edition 7) 2014

Technical Advice Note 8: Renewable Energy (2005)

Technical Advice Note 12: Design (2014)

Technical Advice Note 15: Development and Flood Risk (2004)

### 3. Relevant Planning History:

C05M/0058/09/LL – Change the use of a former Ministry of Defence site into a sports activity centre – Refused – 15 May 2005

C05M/0218/09/LL – Amended application to change the use of a former Ministry of Defence site into a sports activity centre – Approve with conditions - 18 April 2006

### 4. Consultations:

Community/Town Council: No objection – The Council’s opinion had been shared on the matter, and the decision was reached by a small majority. Concern expressed that approving the development would lead to a precedent for similar developments on nearby sites, and on the visual impact this would have on the environment.

Transportation Unit: I refer to the application but there is no objection to the proposal. I recommend that conditions or notes are included to manage the impact of construction traffic, and I recommend that the applicant submits a schedule of bilingual signs for approval by the Street Works Unit prior to commencement of the work rather than approving the English-only schedule that has been submitted as part of the application.

Footpaths Unit: No public rights of way are affected by the proposed development.

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Snowdonia National Park Authority:	The Authority has no objection to this application. It is considered that the development would not create visual harm to the Park's characteristics. The development is viewed in the context of a site that margins the town of Tywyn which already has a number of developments such as housing estates and caravan sites on the peripheries.
Natural Resources Wales:	<p><u>No objection.</u> Observations on the following matters:</p> <p><u>Landscape and Visual Impact</u> The site is close to the boundaries of the Snowdonia National Park and the Dyffryn Dysynni Area of Special Historic Interest. Although information on the application only allows a limited discussion on the impact on these designations, it is not considered that the impact would be more than a medium impact and it would not be a significant impact.</p> <p><u>Biosafety</u> Suggest a condition to introduce a Biosafety Risk Assessment prior to the commencement of any work to prevent the propagation of any non-indigenous species.</p> <p><u>Protected species</u> Note that surveys undertaken are acceptable and agree with the recommendations included in them.</p> <p><u>Protected Areas</u> The proposal will not have an impact on the Special Conservation Area nor the Site of Special Scientific Interest in the area.</p> <p><u>Flood Risk</u> The site lies within a C1 Zone on the Technical Advice Maps which are included in Technical Advice Note 15: Development and Flood Risk. Although the Flood Consequence Assessment submitted does not respond to everything that was included in TAN 15, it is considered that solar parks are low risk developments and there is no concern with this element.</p> <p><u>Pollution prevention</u> The developers should ensure that construction work on the site conforms with the advice they provide.</p>
Welsh Water:	No response
Senior Conservation Officer:	No response
Public Protection Unit:	No response
Network Rail:	Satisfied with the contents of the Glare Report and that there will be no impact on the Cambrian railway nearby, note that it would be required for developers to contact them should any construction traffic cross the railway.
MoD:	No objection
Biodiversity Unit:	No objection in principle, but note the need for conditions to ensure that the following information is submitted and

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approved prior to the commencement of any development on site in order to protect the biodiversity characteristics of the site and the vicinity:

- A mitigation method statement to avoid harm to reptiles must be provided and agreed upon prior to the commencement of any work.
- Details showing the location of reptiles' hibernating sites must be provided, along with plans to construct them.
- An ecological management plan must be provided in order to create a suitable meadow for the skylark to nest in the area to the north of the solar farm.

CADW:

It is likely that the proposed development will only have a local impact on the registered historic landscape.

Gwynedd Archaeological Planning Service:

Observations

Based on the assessment and other information provided with the application, I am satisfied that the potential for a physical impact on archaeological remains and listed buildings is low and that no further action is required on this aspect. Propose a condition to ensure that any potential archaeological remains are protected.

Public Consultation:

A notice was posted on site and in the local paper and nearby residents were informed. The consultation period has ended and the following observations were received in relation to the application.

Objections based on material planning matters:

- The size of the plan and its impact on character and the landscape;
- Flooding;
- That access to the site is sub-standard;
- Community safety;
- That a public sewer would be affected;
- Ecological impact;
- Amenity impacts on a private property due to glare;
- Precedent for similar local developments.

Objections that are not material planning matters:

- Concern that the proposal does not offer sufficient financial benefit to the local area, and that individuals will benefit from the development;
- Impact on tourism;
- Impact on the safety of agricultural livestock;
- Impact on property value;
- Concern about the viability of the development.

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

**The principle of the development**

5.1 Policy C1 of the Unitary Development Plan relates to locating new developments, and states that land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. New

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buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan. Developments to generate renewable energy that use natural resources are specifically noted as developments that could be suitable if approved by another policy in the Plan; therefore, it is considered that the proposal complies with the requirements of the policy in this way. Nevertheless, the policy proceeds to state that new buildings, structures and ancillary facilities in the countryside will be strictly controlled and that a good visual relationship between them and existing developments should be ensured wherever possible. This is assessed in accordance with those relevant policies below. The development is located approximately 140m from the development boundary of the town of Tywyn as designated by the Gwynedd Unitary Development Plan.

- 5.2 Policy C27 of the Unitary Development Plan relates to renewable and sustainable energy schemes, and proposals for renewable energy and energy management schemes will be approved provided that a series of criteria relating to the impact on the visual quality of the landscape and environmental and social factors can be complied with.
- 5.3 Criterion 1 of the policy notes that no proposal should lead to the siting of a scheme with a higher capacity than 5MW within the Llŷn AONB, or that no plan located outside the Llŷn AONB causes any significant harm to its setting or to the setting of the Llŷn/Anglesey AONB or Snowdonia National Park. In this case, the application site is closely located to the boundary of the Snowdonia National Park, observations received from the Snowdonia National Park Authority confirm that they do not object to the proposal as it would not cause a visual harm to the Park's characteristics. Therefore, it is considered that the proposal complies with this criterion of policy C27.
- 5.4 Criterion 2 of the policy notes that the type, scale and design of the proposed development should be appropriate in terms of the site, the location and the impact on the landscape. The proposal is for the provision of solar panels on land that extends for 2.2 hectares. Recent work undertaken by Gillespies on behalf of the Council has assessed the sensitivity and capacity of the landscape to cope with specific types of developments. According to the work that has been undertaken, the site of this application is located within the G15 Landscape Character Area – Tywyn. Landscape in this area is described as one of medium scale which is of a flat open coastal character. And the LANDMAP methodology refers to the landscape locally as one of medium to high value in general.
- 5.5 A Landscape and Visual Impact Assessment (LVIA) was submitted for the proposal. The LVIA notes that the site lies within the Dyffryn Dysynni Landscape of Special Historic Interest and is adjacent to the Snowdonia National Park where its boundary lies approximately 500m at its closest point to the north-east. Although it is considered that the LVIA only provides a limited discussion on the visual impacts on the views and location of the Snowdonia National Park and the historic landscape, the information submitted confirms that views from high locations on the outskirts of the valley would be from quite a distance from the site due to the extensive nature of this estuary/valley. It is considered that the linear nature and simple pattern of the proposed development would be visible on low land, but it would not be a prominent feature from these distances bearing in mind that it is adjacent to the built form of the town of Tywyn which is a mixture of housing estates, static caravan sites and buildings on the former site of the RAF. It is important to note that the development of a solar farm would appear as a relatively minor addition to the large developed



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area of the town of Tywyn which has a strong established influence on the historic landscape nearby. Observations received from the Snowdonia National Park Authority and Natural Resources Wales reiterate this.

- 5.6 There would be local views from the development which would see the National Park's high landforms and hills in the background. Also, as local views from the site would be from a low angle this would limit the prominence of the development. In addition, mitigation measures such as soil walls (*cloddiau*) and planting would improve the integration of the development into the landscape after these measures fully integrate. The LVIA concludes that the development would have a moderate-adverse impact and the response of Natural Resources Wales agrees with these conclusions and states that this impact would not be significant. Furthermore, the observations of Natural Resources Wales recommend that a condition is to be included in any planning permission stating that a detailed landscaping plan should be submitted to ensure that impacts on visual amenities are appropriately mitigated. Details should include a detailed planting scheme, to include maintenance and the work of managing and replanting any plants that fail to survive during the lifespan of the development. Whilst it is accepted that there will be harm to visual amenities, it is not considered that it will be a significant impact, and therefore it is considered that the proposal complies with the requirements of criterion 2 of policy C27.
- 5.7 Criterion 3 of the policy notes that any associated ancillary equipment should be designed and located in a way that would alleviate the visual impact on the landscape. This proposal includes constructing a sub-station, a switchgear cabin and four transformer cabins. These buildings would be relatively small in size, with the highest being 2.6m high above ground level. The plans do not go into too much detail about the proposed materials or finishes; however, it is considered that it is possible to include a condition in order to agree on materials that would be in-keeping. It is also proposed to erect an anti-stock security fence extending to an approximate height of 1.9m around the site, along with CCTV cameras located on 4m high poles. The fence is relatively high, but due to the presence of mature hedgerows on the site and the proposal to grow them to a height of 3m, it is not considered that the fence or the cameras would significantly add to the visual impact and again, a condition can be imposed on the colours so that they are more in-keeping. Therefore, on these grounds, it is considered that the ancillary equipment is suitable and necessary for reasonable function of the development and that it is unlikely to have a significant impact on the landscape. Therefore, the proposal complies with the requirements of criterion 3 of policy C27.
- 5.8 Criterion 4 notes that no associated overhead cables or pipes should cause any significant harm to the visual quality of the landscape. In this case, it is intended to connect directly to the current National Grid sub-station, located near the site. Details submitted with the application confirm that a connection to the national grid will be done by means of an underground cable and that no pylons will be part of the development. Also, it will be possible to impose conditions on this connection to ensure that any wires are installed underground, therefore it is considered that the proposal complies with the requirements of this criterion of Policy C27.
- 5.9 Criterion 5 of the policy notes that the proposed development should not lead to an unacceptable increase in noise, odour, dust or gas levels. The nature of this development does not mean that there will be any increase in noise, odour, dust or gases during the operational period. Inevitably, there will be a period of local disturbance when building the facility, but given that the proposal is to complete the development over a 12 week period, it is not considered that this limited period of

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disturbance will be unacceptable, and it is considered that the proposal complies with the requirements of criterion 5 of policy C27.

- 5.10 Criterion 6 of the policy notes that the proposal should not cause any unacceptable damage to hydrological systems (ground water and surface water), thus harming biodiversity. Natural Resources Wales and the Council's Biodiversity Unit have confirmed that there is no objection to the proposal in principle, although there is a need to submit additional information before the commencement of the development to ensure that the plan is implemented in an appropriate manner. Therefore, on this basis it is considered that the proposal complies with the requirements of criterion 6 of policy C27.
- 5.11 Criterion 7 of the policy notes that the development should not generate unacceptable traffic levels given the quality of the roads and the nature of the surrounding area. In this case, it is only the traffic during the construction phase that is relevant, and a construction traffic management plan has been submitted which includes arriving and leaving the site from Sandilands Road. By imposing appropriate conditions, the Council's Transportation Unit is satisfied that the development would not have a detrimental impact on road safety. Therefore, it is not considered that the development will cause unacceptable traffic levels, and the proposal complies with the requirements of this criterion in policy C27.
- 5.12 Based on the above, it is considered that the proposal complies with all the criteria of policy C27.
- 5.13 Policy C28 of the Unitary Development Plan relates to the safeguarding of agricultural land and proposals which would lead to the loss of grades 1, 2 or 3a agricultural land will be refused unless it can be shown that there is an overwhelming need for the development, and proved that there is no previously developed land available and that there is no land of lower agricultural grades available apart from land of environmental value which outweighs agricultural considerations. Confirmation was received in documents with the application that the land would be used for agricultural purposes and that sheep would continue to graze on the land. In this case, a report submitted as part of the application confirms that the land is classified as grade 4, therefore, the proposal complies with the requirements of policy C28 above.
- 5.14 On this basis, it is considered that the principle of the proposal is acceptable in terms of key relevant policies in the Unitary Development Plan and that it is also consistent with Strategic Policy 9 relating to the provision of energy from renewable sources.

### **Design and Materials**

- 5.15 Policy B22 of the Unitary Development Plan promotes good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment. As explained above, this proposal includes constructing buildings for equipment, however, these would be relatively small and their final design could be agreed via an appropriate condition. It is also proposed to install a security fence and CCTV. It is considered that the buildings and structures that are ancillary to the PV panels are suitable, and that they will not cause significant harm to the landscape; thus the proposal complies with the requirements of policy B22.

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- 5.16 Policy B25 of the Gwynedd Unitary Development Plan relates to safeguarding the visual character by ensuring that building materials must be of a high standard which complement the character and appearance of the local area. The plans do not go into detail about the proposed materials or finishes of these structures, but it is considered that it will be possible to agree on using materials that are acceptable and are in-keeping with the site. On this basis, it is considered that the proposal complies with the requirements of policy B25.

### Landscaping

- 5.17 Policy B27 of the Unitary Development Plan relates to ensuring that permitted proposals incorporate soft/hard landscaping of a high standard which is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features. The development includes a proposal to landscape the site by means of the following measures:

- Create a buffer zone along the southern boundary of the site, and a soil wall (*clawdd*) along the western boundary which would alleviate the visual impact of the development;
- Plant gorse along the western, eastern and southern boundaries;
- Plant reeds in the existing ditches that abut the site.

Bearing in mind the nature of the site, it is agreed that these landscaping measures would be appropriate and it would be possible to ensure that the plan is completed by imposing appropriate planning conditions. It is therefore considered that the proposal complies with the requirements of policy B27 along with C27 discussed above.

### General and residential amenities

- 5.18 Policy B23 of the Unitary Development Plan relates to safeguarding the amenities of the local neighbourhood. The criteria of this policy refer to ensuring reasonable privacy for the users of nearby properties, ensuring that the development will not lead to an overdevelopment of the site, ensuring that the proposal will not add to traffic or traffic-related noise, that the plan reduces opportunities for individuals to behave antisocially and creates an environment where people feel safe to walk, cycle and play, and that the external design and lay-out of the development considers the needs of all its potential users.

- 5.19 In this case, the additional documents (which are listed in the application description above), have been submitted as part of the application and the information included in the documents states that the development will not cause any unsuitable noise or glint as a result of sunshine, and that the proposal will not cause a harmful visual impact. Responses to the consultation from the Transportation Unit confirm that it is possible to ensure effective traffic flow management. Although this is a vast site, it is not considered that the proposal will lead to an overdevelopment of the site in this case. Therefore, it is considered that the proposal complies with Policy B23 above.

- 5.20 Policy B34 of the Unitary Development Plan relates to light pollution and lighting and it ensures that proposals do not have a significant impact on amenities, on nearby land use or on the environment. This policy specifically relates to lighting plans, however, the policy explanation also refers to the impact of glare. A glare report was submitted with the application (Glint and Glare Study by Pager Power). The findings of this report confirm that solar reflections from the development could affect nearby

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houses and road users, however, it is not considered that this impact would have a significant harm on the residential amenities of neighbouring residents nor on the safety of users of nearby roads. Based on the information submitted as part of the application, it is not considered that the impact of glare will be significant or harmful in this case. No response was received to the consultation on the application by the Council's Public Protection Unit. In addition, a planning condition will be imposed on any planning permission to ensure that the materials used will minimise the impact of glare. It is therefore considered that the proposal complies with the requirements of policy B34 above.

### **Transport and access matters**

- 5.21 Policy CH33 of the Unitary Development Plan relates to ensuring safety on roads and streets. In this case, there will only be an increase in traffic flow during the construction phase and the applicant has provided a traffic flow management plan in order to satisfy the requirements of Gwynedd Council's Transportation Unit. The existing main access to the site is from Sandilands Road which leads from the centre of the town of Tywyn, and the Council's Transportation Unit is satisfied with this arrangement. On these grounds, it is considered that the proposal is unlikely to cause a detrimental impact on the safety of roads and streets; therefore, the proposal complies with the requirements of policy CH33.

### **Conservation and Archaeology Matters**

- 5.22 Policy B7 of the Unitary Development Plan relates to sites of archaeological importance and it refuses proposals which will damage or destroy archaeological remains which are of national importance (whether scheduled or not) or their setting. It also refuses any development that will affect other archaeological remains unless the need for the development overrides the significance of the archaeological remains. The Gwynedd Archaeological Planning Service has evaluated the results of the Historic Environment Assessment (Historic Environment Desk Based Assessment by the Dyfed Archaeological Trust) which was undertaken on the site and they confirmed that they were satisfied that the potential for a physical impact on buried archaeological remains was low and that no further action on this aspect was required. However, their response means that there is a need to ensure that any action taken will protect the site's archaeology by agreeing on any operational methods through a planning condition. On this basis, it is considered that the proposal complies with the requirements of policy B7. The ancient monuments of Caer Llechrwyd and Gwersyll Tal y Garreg are located to the north of the site. In this case, the size and size of the distance of the proposed development (laterally and vertically) means that it will not dominate the landscape or decrease the significance of the ancient monuments in question. Although the response of the Gwynedd Archaeological Planning Service confirms that there would be some impact, they do not consider that this is sufficient to merit refusing the application on this basis.
- 5.23 Policy B3 safeguards the setting of listed buildings. In addition to policy B3, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act states that Local Planning Authorities shall have special regard to the desirability of preserving/safeguarding the setting of a listed building. A number of listed buildings are located within the built form of the town of Tywyn. St. Cadfan's Church is of specific interest as it is a grade I listed building. This church is of special interest as it has preserved most of the original building on the site which was constructed in the twelfth century. The above-mentioned Assessment confirms that there would be a moderate-adverse impact on this building, and that the development could have an

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impact on the appreciation of this building but that landscaping and planting work could alleviate this impact.

- 5.24 Policy B12 of the Unitary Development Plan aims to safeguard landscapes, parks and gardens of special historical interest from developments which would cause significant damage to their character, their appearance or their setting. As previously mentioned, the site is located within the Dyffryn Dysynni Landscape of Special Historic Interest, the responses of Natural Resources Wales, CADW and the Gwynedd Archaeological Planning Service note that there will be no significant impact on this designation in light of the development. Therefore, it is considered that the proposal complies with policy B12 above.
- 5.25 No response was received from the Council's Senior Conservation Officer, however, CADW's response notes that it is unlikely that the proposed development would have more than a local impact on the registered historic landscape. In light of this, it is not considered that the proposal is likely to cause significant damage to the setting of the listed buildings, and it is therefore considered that the proposal complies with the requirements of policy B3.

### **Biodiversity Matters**

- 5.26 Policy B20 of the Unitary Development Plan states that proposals which are likely to cause disturbance or unacceptable damage to protected species and their habitats will be refused unless they conform to a series of criteria aimed at protecting the recognised features of the site. An Ecological Survey was submitted with the application and Natural Resources Wales confirms that its contents is acceptable. In response to the consultation, the Biodiversity Unit states that there is a need for conditions to ensure that the following information is submitted and approved prior to the commencement of any development on site in order to protect the biodiversity characteristics of the sites and the vicinity:
- A mitigation method statement to avoid harm to reptiles must be provided and agreed upon prior to the commencement of any work.
  - Details showing the location of reptiles' hibernating sites must be provided, along with plans to construct them.
  - An ecological management plan must be provided in order to create a suitable meadow for the skylark to nest in the area to the north of the solar farm. Details regarding this plan had already been received at the time of preparing this report but no confirmation whether or not its contents is acceptable has been received.
- 5.27 By ensuring that an agreement is accepted to operate in a method that will protect the interests of biodiversity on the site by means of a condition, it is considered that the plan would meet the objectives of policy B20 of the Unitary Development Plan.

### **Flooding**

- 5.28 As already noted, the site lies within a C1 flood zone as defined in the Development Advice Maps which are included in Technical Advice Note 15: Development and Flood Risk. Policy B29 seeks to manage specific developments in flood zones which are included in Technical Advice Note 15: Development and Flood Risk. A Flood Consequence Assessment was submitted with the application which confirms that flood risk for the site would be low and that the proposal would not lead to surface water problems. In terms of flooding, the response of Natural Resources Wales states

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that the site is only protected by the sea wall/Cambrian railway and confirms that solar developments are developments that are less vulnerable to damage. In their conclusion, they also state that the site is unlikely to be affected by flooding during the lifespan of the development, and as the panels would be located approximately 0.8m above ground level this would mean that there would be fewer potential flooding impacts. Given the above, it is considered that the proposal complies with policy B29.

### **Response to the public consultation**

5.29 The above assessment gives full consideration to observations received on the application as a result of the public consultation period and it is considered that there are no relevant planning matters that outweigh the relevant planning policies. A concern has been raised regarding the viability of the development as well as the fact that the development would not provide sufficient benefit to the local community. Therefore, it must be emphasised that any arrangement for achieving any community and economic benefits would be outside the planning system, and that it would not be a matter that would affect or outweigh the considerations of the relevant local and national policies which have already been discussed. A concern was also raised that approving the development could lead to a dangerous precedent for other similar developments, however it must be emphasised that every planning application is considered on its own merits. A depreciation of property values is not a material planning consideration.

5.30 In response to a public consultation, a concern was expressed that a sewer crossed the site, no response to the application was received from Welsh Water and it is considered that any planning permission can include relevant conditions proposed by Welsh Water. It is not considered that the proposal would have a significant impact on community safety not on agricultural livestock. Although it is obvious that a seaside town like Tywyn is economically very dependent on tourism, it is considered that no evidence is available to justify that there could be any impact on tourism in light of approving the development and as a result this does not outweigh the material planning and policy considerations which have been listed above.

### **6. Conclusions:**

6.1 As a result of the above assessment, it is not considered that the proposal is contrary to any relevant policy noted above, neither are there any other relevant planning matters to state otherwise. The proposal is therefore considered acceptable subject to relevant conditions.

### **7. Recommendation:**

7.1 To approve – conditions

1. Five years
2. To complete the development in accordance with the plans
3. The panels must be located as shown in the plans, or as agreed in writing with the Local Planning Authority.
4. Agree on the materials/colour of the frames and anti-glare covers
5. To agree on the colour of the fence and camera poles
4. To agree on and complete a landscaping plan and a landscape management plan

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5. Agree on and implement a Surface Water Management Plan and a Construction Environmental Management Plan.
6. Agree on and implement a Biodiversity Management Plan
7. Agree on and implement a Traffic Flow Management Plan for the works
8. Agree on and implement an Archaeological Works Programme
10. Any electricity cables from the development to link to the electricity connection should be installed underground, and this should be agreed beforehand with the Local Planning Authority.
11. Within 25 years of completing the development or if the solar panels approved in this application remain unused for the purposes of generating electricity for 12 months, they must be permanently removed from the land and the site should be restored to its original condition.
12. Welsh Water standard conditions
13. Agree on the external materials of all buildings
14. Highways conditions
15. The details of the site's lighting system, including the type, exact location, luminosity level and the method of protection from pollution or light overflow must be submitted to the Local Planning Authority for written approval and to be fully operational before the permitted development is completed and before the site is operational.