

PLANNING COMMITTEE	DATE: 25/09/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	PWLLHELI

Number: 3

Application Number: C17/0366/17/LL

Date Registered: 11/04/2017

Application Type: Full - Planning

Community: Llandwrog

Ward: Talysarn

Proposal: Install 1 cattle grid

Location: Tir yn Y Fron, Caernarfon, Caernarfon, LL54 7BG

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This application intends to make changes to the public highway on the outskirts of the local village of Y Fron as defined by the Gwynedd and Anglesey Joint Local Development Plan. The development would include installing a cattle grid on the third class road between Y Fron and Rhosgadfan, approximately 50m to the north of the development boundary, along with related work to create a passing place, gate, fences and new walls.
- 1.2 The applicant has explained the intention is to close a gap between existing obstacles which surround the common land of Uwch Gwyrfai to restrict sheep and cattle from wandering off the common ground to nearby villages, roads and land.
- 1.3 The site lies in an open countryside location within a Special Landscape Area as defined by the LDP, and the Dyffryn Nantlle Landscape of Historic Interest as identified by Cadw and NRW.

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 Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 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 2011-26 adopted 31 July 2017**

TRA 1 :	Transport Network Developments
TRA 4:	Managing transport impacts
PCYFF 2 :	Development Criteria
PCYFF 3 :	Design and place shaping
AMG 2 :	Special landscape areas
AT 1:	Conservation Area, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens

2.4 National Policies:

Planning Policy Wales Edition 9, 2016

3. Relevant Planning History:

- 3.1 None

4. Consultations:

- Community/Town Council: Neutral Standpoint - observations by members :
- The site is too close to the village and is also too

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close to a dangerous bend in the road.

- Following the visual survey, the grid should be moved around five to 10m
- The location of the gate is dangerous for walkers, and consideration should be given to installing a wider gate on the northern side of the road.
- Consideration should be given to installing a curb away from the walls on the eastern side.

Transportation Unit:

No objection

The application does not include technical details in regards to the grid or the drainage system intended to be used to prevent the grid from filling with water, however, these are elements which need to be agreed with the Transportation Unit when applying for a cattle grid order under the Highways Act.

Footpaths Unit:

Not received

Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertising period has ended and correspondence was received (including a petition) objecting to the development on the following material planning grounds:

- Concerns about noise pollution, especially as the site is located within a hollow which would amplify the noise created
- Concerns about land tremors resulting from the grid.
- Evidence shows that cattle grids can have a detrimental impact on those who live within 100m of the location (there are nine houses within 100m to the site and another three within 125m).
- Cattle grids are detrimental to the tranquillity of the countryside
- This is a busy road and is used regularly by heavy vehicles such as buses, slate lorries and agricultural vehicles
- The grid would cause a danger on the highway especially due to its proximity to a junction and a bend in the road
- The grid would restrict access to walkers, cyclists and horse riders in addition and would also be an obstacle for the elderly and the disabled
- The grid would be especially dangerous to cyclists specifically when other vehicles would be using it at the same time
- The site is a location which tends to suffer flooding
- The fences, walls and gate would retain snow in the winter and block access to the village
- The fences, walls and gate would restrict open access to open land within the built form of the village
- The fences walls and gate would be detrimental to the area's visual amenities

In addition to the above objections, objections were received that were not valid planning objections, including:

- The Grazers do not live in the village and therefore do not appreciate the residents' concerns
- The applicants are likely to use old grids similar to those which have been installed elsewhere which already create noise pollution
- The applicants have not shown any examples of the fences, walls or gates
- Concerns about spending public money in order to deal with maintenance and future problems such as flooding
- There is no evidence to show where the animals which wander into the village come from, and if the development would solve the problem
- The Grazers are not willing to undertake an impartial survey on how to manage stock on the common ground
- Objection to the fact that residents' well-being and health are being endangered because of insufficient stock control by the Grazers
- The proposal is contrary to the Gwynedd Unitary Development Plan
- The Community Council would have to mow the grass in the village which is currently grazed by sheep
- An intention to intensify grazing on the common land which would be detrimental to residents amenities
- There are already four grids within 1/2 mile to the village creating the image of a gated community
- The development is in the wrong place as there are other less intrusive and effective locations to install the grid
- There are inconsistencies in the applicant's planning statement and it is misleading in regards to the consultation process beforehand
- There are deficiencies in the consultation process before the application
- Sufficient maintenance work is not carried out to the area's existing grids, and the new grid would create an additional burden on the highways budget

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- The development would be damaging to the village's economic prosperity
- There would be a fall in house prices locally
- An Ombudsman report has prevented installing cattle grids in the past
- The planning application was not advertised in the correct way
- The land is subject to Legal Action
- The location details provided in the application are incorrect

Other correspondences were also received supporting the application on the following grounds:

- The plan would ensure that grazing animals stayed on the mountain
- The current situation of sheep and cattle wandering around the village creates a danger and nuisance to residents.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 It is mandatory for planning applications to be determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Gwynedd and Anglesey Joint Local Development Plan (LDP) is the adopted 'Development Plan'. However, it is important to remember in this case, that permission is required by order under Section 82 of the Highways Act 1980 to install cattle grids on the highway. This is a process beyond the planning procedure and would deal with the development's operation and maintenance details.
- 5.2 The main planning policy that relates to changes to the transport network is the TRA 1 Policy of the LDP. This policy approves improvements to the infrastructure of existing roads if a series of criteria can be met, including that the selected site has the least possible impact on the built and natural environment, the landscape and property. In regards to this development, obvious benefits to grazers, residents and users of the highways are likely to result from steps which restrict grazing animals from wandering through villages and along local public roads. As a result, this application is considered as an 'improvement' to the highways infrastructure and therefore the principle of the development is supported under policy TRA 1.

Visual impact

- 5.3 Because of the relatively small size of this development, together with its location in an area agricultural in nature, neither the grid itself nor the surrounding fences, gate and walls would be considered as incompatible features in its landscape. Indeed, these are expected structures in such rural areas. As a result, it is considered that the application is consistent with policy TRA 1 which relates to protecting the landscape in addition to Policies PCYFF 2 and PCYFF 3 as they seek to protect visual amenities. In the same way, it is not considered that the visual impact of the development would likely have detrimental impact on the designated landscape, and therefore the proposal is acceptable under policies AMG 2 and AT 1 of the LDP.

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Private amenities

- 5.4 In respect of the possible impact on the amenities of local properties in terms of noise and interference, the closest residential house, namely Tŷ Eiddew, is approximately 45m from the site of the grid with several other residential properties within 100m. It would be necessary for all cattle grids installed by order of the Highways Act to meet the latest standards determined by BS 4008 / 2006, which contain noise mitigation measures. By undertaking the work to these standards, especially considering that the speed of transport is relatively slow due to the site's proximity to a "T" junction and the nearby bends, it is not believed that the sound levels resulting from the grid would likely be significantly different to what is generated by normal transport in terms of its amenity impact. It is therefore considered that the proposal meets the requirements of Policy TRA 1 relating to protecting local property in addition to PCYFF 2 as it relates to protecting the health, safety and amenities of local residents.

Transport and access matters

- 5.5 The Transportation Unit has no objections to the proposal in terms of highway safety although they emphasize it is necessary to receive additional permission through an order under Section 82 of the Highways Act 1980. Therefore, it is considered that the proposal complies with the requirements of policy TRA 4 of the LDP.

Response to the public consultation

- 5.6 Observations were received during the public consultation period noting several objections on the bases that they are not material planning issues and it is considered that the above discussion deals with relevant planning issues in order to make a decision on the application.

6. Conclusions:

- 6.1 Having considered the above and all the relevant planning matters including the local and national policies and guidance, as well as all the observations received, it is believed that this proposal to install a cattle grid in this location is acceptable under the requirements of the relevant policies as noted above.

7. Recommendation:

- 7.1 To approve – conditions

1. Time
2. Compliance with plans
3. Agree on the exact location, materials and design of the fences / walls / gate

Notes

Permission required under the Highways Act to install a cattle grid

Permission required under the Highways Act to undertake work within the highway