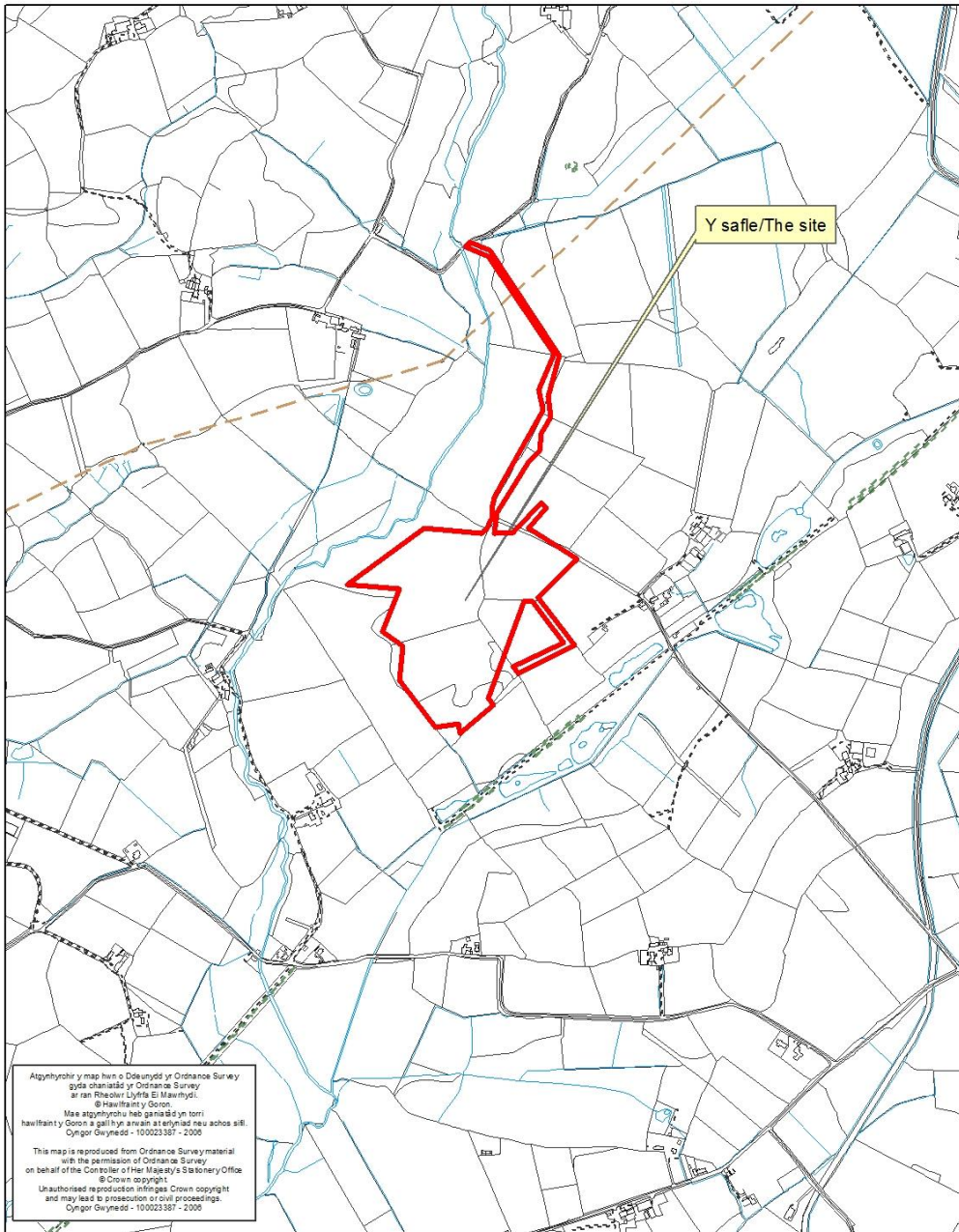


Number: 1



Rhif y Cais / Application Number : C15-0759-41-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: C15/0759/41/LL  
Date Registered: 22/07/2015  
Application Type: Full - Planning  
Community: Llanystumdwy  
Ward: Llanystumdwy

Proposal: INSTALLATION OF SOLAR PHOTOVOLTAIC (PV) FARM ON THE LAND WITH A CAPACITY OF 5MW ON 9.05 HA OR AGRICULTURAL LAND TO ALONG WITH ANCILLARY EQUIPMENT, ACCESS TRACK, BUILDING COMPOUND, SECURITY FENCE AND LANDSCAPING IMPROVEMENTS

Location: LAND AT RHOSGYLL FAWR FARM, CHWILOG, PWLLHELI, LL53 6TQ

**Summary of the Recommendation:**

TO APPROVE WITH CONDITIONS

**1. Description:**

- 1.1 This is an application to install photovoltaic solar panels on agricultural land for a period of 30 years to create a solar park; along with ancillary work to include installation of equipment to link with the electricity network, access track, building compound, security fence and landscaping improvements.
- 1.2 The application site measures approximately 9.05 hectares (22.36 acres) and comprises grade 5 grazing lands located on smooth slope approximately 2km east of the village of Llangybi. The site is in open countryside in the undulating landscape between the higher grounds in the centre of Llŷn and Cardigan Bay. There are mature trees on both sides of the site with 'cloddiau' and hedgerows around the site fields and other fields in the area.
- 1.3 The Rhosgyll Fawr Site of Scientific Interest (SSI) is 350m east of the site and the Lôn Goed runs from north to south approximately 700m east. There are several scheduled ancient monuments in the area including Betws Fawr standing stone, Ffynnon Cybi and Carn Pentyrch Camp all within 2.5km of the site. In addition, there are several Listed Buildings within 2.5km of the site including Plas Talhenbont to the south east and Betws Bach to the east.
- 1.4 The proposal involves installing solar panels to create a solar park which would generate 5MW of electricity for the National Grid. The application contains the following elements:
  - Rows of PV panels on a north-eastern axis. These panels would be up to 2.4m to their highest point with a gap of between 3m and 7m between the rows, dependent on land formation. .
  - 3 inverter stations that would measure 16m x 2.5m x 2.4m high. These structures would be in the form of a closed cabinet with equipment and this would be fenced.
  - 1 central station for distribution to the network that would be 4.5m x 5m x 2.3m high.
  - 1 customer cabin, 10m x 2.5m x 3.1m high.
  - 1 control room, 3.7m x 2.4m x 2.6m high.
  - A security fence measuring 2m high around the whole site
  - CCTV cameras on 2.5m high poles in different locations around the site.
  - Access and circulation roads 3.4m wide constructed of crushed aggregate.
  - Installation of an underground cable from the central station towards nearby 33kv network pole.
  - Temporary building compound, approximately 3000m<sup>2</sup> in a nearby field to the site.

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

- Planning, Design and Access Statement
- Ecological Assessment
- Desk-based Assessment of Agricultural Land Quality
- Desk-based Heritage Assessment
- Transport Statement
- Drainage Strategy
- Community Involvement Statement
- Landscape and Visual Impact Assessment
- Impact Assessment on Trees and Tree Protection Plan
- Biodiversity Management Plan
- Glare Assessment
- Noise Impact Assessment

1.5 This proposal has already been screened under reference C15/0399/41/SO 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.

**POLICY 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.

**POLICY 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.

**POLICY B3 – DEVELOPMENTS AFFECTING THE SETTING OF LISTED BUILDINGS**

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

**POLICY B7 – SITES OF ARCHAEOLOGICAL IMPORTANCE**

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.

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**POLICY B15 – PROTECTION OF INTERNATIONAL NATURE CONSERVATION SITES**

Refuse proposals that are likely to cause significant harm to the integrity of nature conservation sites of international importance unless they conform to a series of criteria aimed at managing, enhancing and protecting the recognised features of such sites.

**POLICY B16 – PROTECTING NATIONALLY IMPORTANT NATURE CONSERVATION SITES**

Refuse proposals that are likely to cause significant damage to nature conservation sites of national importance unless they conform to a series of criteria aimed at protecting, enhancing and managing recognised features within the sites.

**POLICY B17 – PROTECTING SITES OF REGIONAL OR LOCAL SIGNIFICANCE**

Refuse proposals that are likely to cause significant harm to sites of regional or local significance unless they conform to a series of criteria aimed at protecting, enhancing and managing recognised features within the sites.

**POLICY B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT**

Proposals that are likely to cause unacceptable disturbance or harm to protected species and their habitats will be refused unless they can conform to a series of criteria aimed at safeguarding the recognised features of the site.

**POLICY 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.

**POLICY 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.

**POLICY 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.

**POLICY C6 – 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.

**POLICY 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 conform to a series of criteria that are relevant to the features on the site and to the purpose of the development.

**POLICY B32 – ADDING TO 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.

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**POLICY B33 – DEVELOPMENT THAT CREATES POLLUTION OR NUISANCE**

Protect human amenities, the quality of public health and the natural or built environment from high levels of pollution.

**POLICY B34 – LIGHTING AND LIGHT POLLUTION**

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

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

**POLICY 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.

**POLICY 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)

**3. Relevant Planning History:** No relevant planning history.

**4. Consultations:**

Community/Town Council:	No objection
Transportation Unit:	No objection Condition required to ensure that the Traffic Management Plan includes the details of transport routes
Footpaths Unit:	No comments proposed as no public rights of way are affected.
Natural Resources Wales:	No objection

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Comments

After studying the Drainage Strategy the risk of flooding deriving from the development is acceptable.

The arrangement to dispose of surface water is also acceptable, although there is some concern that the access track surface will harden and this suggests a condition to ensure a permeable design.

Propose a condition requesting a Biodiversity Risk Assessment.

Propose a condition for a Construction Environmental Management Plan to safeguard watercourses.

The Biodiversity Management Plan is acceptable.

Welsh Water:

No objection, but propose conditions as the main water pipe runs through the site.

Flood Risk and Coastal  
Erosion Management Unit:

Comments

Propose standard conditions to protect watercourses.

Public Protection

No concerns regarding noise nuisance.

Trees Officer:

No objection

Biodiversity Unit:

No objection

Comments

- Biodiversity Management Plan – The management plan is acceptable, however, a condition is required to ensure that it will be implemented and monitored.
- Protected sites – No negative impact is anticipated on protected sites.
- Construction Environment Management Plan - A Construction Environment Management Plan should be submitted prior to the commencement of the work.
- Watercourses and Pollution – the site is close to Afon Wen which has a population of Freshwater Pearl Mussels as well as migratory fish such as salmon. The proposed excavation work and moving soil poses a risk to these creatures. The developer needs to submit a Pollution Prevention Plan to ensure that no such risk arises.
- Nesting birds – Require a condition to prevent work on the site during the nesting period.
- Fences – The application includes details of the fences and this is acceptable in terms of biodiversity
- Hedgerows – a condition is required to ensure that a wider range of species are planted in the hedgerows.
- Lighting – A condition is required to ensure that any lighting measures for the site are agreed (if required)

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Gwynedd Archaeological  
Planning Service:

Comments

The submitted archaeological report suggests historical usage of the site for agriculture, which would be unlikely to produce significant archaeological remains but would generally be conducive to the preservation of any earlier deposits. The limited existing information about the medieval and earlier resource of the locality means the potential for encountering such evidence is unknown.

In the light of this, should planning consent be granted, it is recommended that the local authority requires a programme of archaeological mitigation be undertaken in accordance with national planning guidance.

Public Consultation:

A notice was posted on site and in the local paper and nearby residents were informed. The consultation period has expired and the following objections were received based on material planning grounds:

- Impact on wildlife including the loss of habitats and the impact on protected species.
- Highway safety during the construction period
- The detrimental impact on the landscape, especially when considering the cumulative impact.
- Full consideration was not given to the impact on the amenities of every property affected.
- Approving the development may be detrimental to nearby tourist businesses and to the local visitors industry.
- Concerns regarding consistent noise
- The existing woodlands that screen the site are not under the control of the applicant and these cannot be depended upon for screening.
- The planting proposed is not sufficient to screen the site from nearby private premises.

The following objections were also received; these are not material planning matters:

- There will be no economic benefit to the area affected, such as Ynys, however the profit will go to one individual family and an international company.
- The panels will not be economically viable
- Concern that the developers will not keep their word in the future.

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- The site was chosen due to the low population and there would not be many objections
- Approving the site may set a precedent for other applications
- The prior consultation had been insufficient and misleading
- Issues concerning private access rights

In addition, the following observations were received in support of the application:

- Solar panels in the landscape are much more acceptable than wind turbines
- The existing screening of the site is good
- The site is far from any road or public right of way
- There are no sensitive vistas from high ground overlooking the site
- No new pylons will be required to link with the grid

The following general observations were made on the application:

- There should be a condition to prevent vehicles from using the narrow access roads once the development is completed
- Need to limit the noise during the construction work
- Concern regarding the species of plants used for screening
- Concern regarding the capacity of the local electricity network for more such developments without the need to upgrade them e.g. by erecting new pylons.
- A strategic policy is required regarding siting solar parks

In response to the objections a reply was received from the agent stating:

- That the development would not be visible from Rhosgyll Fawr.
- The presence of Tŷ Saith Gŵydd was recognised in the application.
- The noise assessment confirms that there will be no unacceptable noise impact emanating from 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 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



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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.

- 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 proposal is not located within or in proximity to the Llŷn AONB; nor is it likely to have any damaging impact on views in or out of the Llŷn AONB or the Snowdonia National Park. 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 9.05ha. 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 undertaken, the application site is located within Landscape Character Area G10 Midland Llŷn, and the work proceeds to state that there is some capacity within this area (outside the AONB and landscape that forms its setting), for PV solar energy developments on a micro level (i.e. at a scale of less than 1 hectare) only. However, it is important to note that this assessment also highlights that sensitivity varies locally within the Landscape Character Area and that consideration should be given to the evidence submitted to support the application together with a site visit, before deciding whether or not the nature of this specific site means that a development on a larger scale than what is recommended in the work carried out by Gillespies can be accommodated.
- 5.5 In this case, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) for the proposal. The landscape within the site and around it, particularly the mature vegetation that is associated with the hedgerows and the field boundaries, together with the nearby woodlands, assist in integrating the development with the surrounding landscape. The LVIA concludes that due to the low nature of the development, existing vegetation and the undulating form of the landscape, the impact of the proposal will only be minor on the landscape character of the local area. There would be no significant detrimental impact on the AONB or on any views in or out of the protected area. The LVIA also refers to mitigation measures in the form of additional landscaping including filling in gaps in the existing hedgerows and walls.
- 5.6 Given that the site of the solar panels is already very well hidden from the outside of the site and by ensuring via a planning condition to reinforce the screen for even more efficient seclusion, it is not considered that there would be a significant harmful impact on the area's landscape stemming from the development. There will be no harmful impact on notable views from any public vantage point. Therefore, it is considered that the proposal complies with the requirements of criteria 2, policy C27.

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- 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 the installation of 3 inverter stations, 1 central station, 1 customer cabin and a control room. It is considered that these structures would be fairly small in size and they could be in a colour that would reflect agricultural buildings seen around the area. It is also proposed to erect a stock proof security fence extending to a height of 2m around the site, along with CCTV cameras located on 2.5m high poles. The fence around the site would be fairly high, but due to the presence of the mature hedgerows around the site it is considered that neither the fence nor the CCTV cameras will add significantly to the visual impact and again a condition can be attached regarding the colours in order to be in keeping with the location. On these grounds, it is considered that the ancillary equipment is suitable and that it is not likely to have a substantial impact on the landscape; thus 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. The application includes linking to the national network via underground cables and 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 significant increase in these problems during the period of operation and the Public Protection Unit has no concerns regarding the development. 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 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 and matters relating to water flow and biodiversity are discussed further below. On the whole, by imposing suitable conditions, it is considered that the proposal will comply 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, only traffic during the construction phase is relevant, and the Council's Transportation Unit has confirmed that it has no objection to the application as long as an acceptable Traffic Management Plan is in place prior to the commencement of the development. 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 Gwynedd 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. In this case, a report submitted as part of the application confirms that the land is classified as 5; therefore, the proposal complies

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with the requirements of policy C28 above. It is also noted that it is proposed to continue to graze sheep on the site whilst the solar panels are in place.

- 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 Gwynedd 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 discussed above, this proposal includes constructing buildings for equipment, however, these would be relatively small and their final finish could be agreed via an appropriate condition. It is also proposed to install a security fence and CCTV. Due to the existing hidden nature of the site along with the proposal to strengthen the screening, it is considered that the buildings and the structures associated with the PV panels are suitable, and they will not cause significant harm to the landscape; thus the proposal complies with the requirements of policy B22.
- 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. It is considered, that by ensuring that the supporting structures are finished in a way that reflects the agricultural buildings and the rural nature of the site, 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 reinforcing the hedgerows around the fields where the panels will be located. It is agreed that these landscaping measures are suitable, however, observations have been received from biodiversity stating that only gorse will be planted and we would wish to see more variety of native trees and scrub planted. This is considered reasonable and this can be ensured via an appropriate planning condition. 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. Correspondence has been received from nearby dwellings who mainly object on the grounds of the impact on the landscape and the views from their property. In accepting

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that it is possible that parts of the site will be visible from the property, due to the landform, existing vegetation and the distance between the property and the site, it is not deemed that the development would be obtrusive for the occupants or that its impact on the landscape would be harmful enough to justify refusing the application.

- 5.20 Objections have been received on the grounds of the development's impact on road safety. The application documents recognise that the biggest impact of the development will be limited to the construction phase of 12 weeks. Gwynedd Council's Transportation Unit confirms that it is possible to ensure that the flow of traffic can be controlled effectively by imposing a planning condition to agree on a traffic management plan and it is considered that this will safeguard residential and general amenities to an acceptable level during the construction period. Although this is a substantial site, it is not considered that the proposal will lead to an over-development of the site in this case, and it is considered that only parts of the site will be visible from outside and in the wider landscape. Therefore, it is considered that the proposal complies with Policy B23 above.
- 5.21 Policy B33 protects human amenities, health quality and the natural or built environment from high levels of air, water or soil pollution. Concerns were received from residents regarding the impact of noise and the Public Protection Unit had no concerns regarding noise emanating from the development. It is therefore considered that the proposal complies with policy B33.
- 5.22 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. 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. 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**

- 5.23 Policy CH33 of the Gwynedd Unitary Development Plan relates to ensuring safety on roads and streets. In this case, there will only be an increase in the flow of traffic during the construction and decommissioning periods. The development is acceptable in principle by the Transportation Unit, however, a Traffic Management Plan will need to be agreed prior to commencement of the development. Therefore, it is considered that the proposal complies with the requirements of Policy CH33.

### **Conservation and Archaeology Matters**

- 5.24 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 Heritage Desk-based Assessment and confirmed that there is some potential for further archaeological finds on the site. This 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.
- 5.25 Policy B7 also requires that the setting of sites of archaeological importance is protected. The development would be visible from the Carn Pentyrch Monument, located 2.5km to

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the north west, and this was assessed in the Heritage Desk-based Assessment. The conclusion of the assessment was that although the site would be visible from the monument, it would not harm the historical context or impair on the extensive views from the site and we agree with this analysis.

- 5.26 Considering the above and ensuring a suitable work programme for archaeology, it is considered that the proposal conforms with the requirements of policy B7.
- 5.27 Policy B3 protects the setting of listed buildings and 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. The site is located within 2.5km of many listed buildings but according to the Archaeology and Cultural Heritage Assessment, there would be no impact on any listed building. As referred to above, the site is surrounded by mature trees, hedgerows and *cloddiau* and therefore it is not considered that the proposal would stand out prominently in the landscape. It is also proposed to reinforce the existing vegetation on the site and in the site's vicinity. 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**

- 5.28 The objections received raise concern regarding the impact of the development on biodiversity and the presence of protected species in the area. Neither the Biodiversity Unit nor Natural Resources Wales have any objections to this aspect of the application, if appropriate mitigation and controlling measures are ensured for the site and the vicinity to protect the interests of biodiversity features.
- 5.29 By ensuring that the Biodiversity Management Plan is implemented and that suitable conditions are in place to protect the interests of protected species and habitats, it is considered that the plan would meet the requirements of policies B15, B16, B17 and B20 of the UDP which aims to protect distinctive biodiversity features.

### **Flooding matters**

- 5.30 A Drainage Strategy was received as part of the application which assesses the site and the development in terms of the impact on surface water. The Flood Risk and Coastal Erosion Management Unit, the Biodiversity Unit and Natural Resources Wales agree with the results of the report and agree that the flow could be dealt with in a suitable way by imposing appropriate conditions, including ensuring that a Pollution Prevention Plan is submitted, therefore, it is considered that the proposal will not cause an unacceptable increase in surface water and thus the proposal complies with the requirements of policy B32 of the UDP.

### **Operational period**

- 5.31 The application seeks an operational period that is longer than is customary for such developments. Upon considering that the development would continue to be a temporary one and that the addition to the period is not significant in terms of any planning consideration, it is considered that approving the development for 30 years, rather than the customary 25 years, is acceptable.

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## Response to the public consultation

5.32 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.

### 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 with conditions

1. The commencement time of the development;
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. Permission for 30 years, method statement for clearing the site and land repair.
5. Agree on the materials/colour of the frames and anti-glare covers;
6. To agree on the colour of the fence and camera poles;
7. Agree and complete a landscaping plan and a landscape management plan;
8. Agree on and implement an Archaeological Works Programme;
9. Any electricity cables from the development to the electricity connection should be installed underground.
10. Agree on a lighting system for the site.
11. Highway Conditions – Traffic Management Plan
12. Complete the development in accordance with the Biodiversity Management Plan and the monitoring plan.
13. Agree and implement a Construction Environmental Management Plan.
14. No construction work during the bird nesting season;
15. Agree on the external materials of all buildings