

## APPENDIX B – CHAPTER 7.5

### Chapter 7.5 – Managing Growth and Development – Natural and Built Environment

#### Conserving and enhancing the natural environment

Ref	Section	Rep. ID	Proposed Focussed Change	Justification
NF 80	7.5.1	319	<ul style="list-style-type: none"> <li>• A key role of the planning system is to ensure <b><u>the natural environment is protected effectively by managing the type, design and location of development.</u></b> <del>that society's land requirements are met, in ways which do not impose unnecessary constraints on development whilst ensuring that all reasonable steps are taken to safeguard or enhance the environment.</del></li> <li>• <b><u>The planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.</u></b></li> <li>• It is important that biodiversity and landscape considerations are taken into account at an early stage in both development plan preparation and development control.</li> <li>• The Natural Environment and Rural Communities Act 2006 places a duty on every public authority, in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.</li> <li>• Both Councils have prepared Local Biodiversity Action Plans.</li> <li>• <del>The planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate</del></li> </ul>	To reflect the JLDP's positive approach towards conserving and enhancing the natural environment.

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			<p>for losses where damage is unavoidable.</p> <ul style="list-style-type: none"> <li>Local authorities have a statutory duty to have regard to the Area of Outstanding Natural Beauty's (AONB) purposes, which is the conservation and enhancement of their natural beauty.</li> <li>The duty to have regard to National Park and AONB purposes applies to activities affecting these areas, whether those activities lie within or outside the designated areas.</li> </ul>	
NF 81	7.5.2	320	7.5.2 Nature Conservation: <b>Habitats and</b> species of principal importance for the purpose of conserving biodiversity are covered under Section 42 (Wales) of the NERC Act (2006).	To improve clarity and precision of the paragraph.
NF 82	New Policy	805	<p><b><u>Proposals within or affecting the setting and/ or significant views into and out of the Areas of Outstanding Natural Beauty must, where appropriate, have regard to the Area of Outstanding Natural Beauty Management Plan.</u></b></p> <p><b><u>Explanation</u></b>  <b><u>This policy aims to ensure that the aims and objectives of the AONB Management Plans are fully taken into account when considering development proposals. The Management Plan will provide a clear and agreed description of those features that constitute the special character, appearance and historic value that contribute to their natural beauty. The Plans will carry significant weight in determining planning applications.</u></b></p>	To draw attention to the importance of giving consideration to the Management Plans the planning application stage.
NF 83	Policy AMG1	892, 365	<p>POLISI AMG1: SPECIAL LANDSCAPE AREAS</p> <p>When considering proposals within Special Landscape Areas (SLA) as identified by the proposals map and listed below, there will be a need to appropriately consider the scale and nature of the development thus ensuring that there is <b>no significant adverse</b> <del>detrimental</del> impact on the landscape. The development should aim to <b>maintain, enhance or restore the recognised character and qualities</b> <del>add to the historic, visual, geographical, ecological and cultural features of the SLA.</del></p> <p>Proposals should address and coincide with the prepared 'Statement of Significance'.</p>	In order to provide consistency of wording with the rest of the policy and with paragraph 7.5.10

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			<p>Where there are reasonable grounds to suggest that proposals may result in a significant adverse impact on the SLA (either located within or directly outside) the Council will require a Landscape and Visual Impact Assessment in order to further consider the impact of the development on the designated area.</p> <p>In exceptional circumstances, where development is necessary and could result in significant impact on the landscape, appropriate mitigation and compensation measures should be provided.</p>	
NF 84	Policy AMG2	1445, 893	<p>POLICY AMG2: PROTECTING AND ENHANCING FEATURES AND QUALITIES THAT ARE <b><u>DISTINCTIVE</u></b> <del>UNIQUE</del> TO THE LOCAL LANDSCAPE CHARACTER</p> <p>Proposals that would have an <b><u>significant</u></b> adverse impact upon landscape character as defined by the Landscape Character Areas included within the current Landscape Strategy for the relevant authority, must demonstrate through a landscape assessment how landscape character has influenced the design, scale, nature and site selection of the development.</p> <p>A proposal will be granted provided that it doesn't have an <b><u>significant</u></b> adverse impact upon features and qualities which are unique to the local landscape in terms of visual, historic, geological, ecological or cultural aspects. Measures should be taken to ensure that the development doesn't:-</p> <ol style="list-style-type: none"> <li>1. Cause significant adverse impact to the character of the built or natural landscape;</li> <li>2. Fail to harmonise with, or enhance the landform and landscape;</li> <li>3. Lose or fails to incorporate traditional features, patterns, structures and layout of settlements and landscape of both the built and natural environment.</li> </ol> <p>Particular emphasis will be given to the landscapes identified through the Landscape Character Areas as being of high and outstanding quality because of a certain landscape</p>	To provide a better description of the scope of the policy of the policy title. Also to set a qualifying requirement for the policy.

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			quality or a combination of qualities. Additional consideration will also be given to developments which directly affect the landscape character and setting of the AONBs or the National Park.	
NF 85	Policy AMG2	805	7.5.2 The aim of this policy is to protect the range of various landscape features within the Plan area which have been recognised within the Landscape Character Areas. Further information regarding the Landscape Character Areas can be found within the relevant Landscape Strategy for each authority, and in the relevant LANDMAP data. Both sources of information should be taken into consideration when considering the impact of development upon landscape character. <b><u>Where appropriate, consideration will also need to be given to the relevant AONB Management Plan.</u></b>	To ensure that appropriate reference is made to the AONBs Management Plan.
NF 86	Policy AMG4	1675	<p>POLICY AMG4: LOCAL BIODIVERSITY CONSERVATION</p> <p>Proposals must protect and, <b><u>where appropriate</u></b>, enhance biodiversity that has been identified as being important to the local area by:</p> <ol style="list-style-type: none"> <li>a. <b><u>Avoiding significant harmful impacts through the sensitive location of development.</u></b></li> <li>b. <b><u>Considering opportunities to create, improve and manage wildlife habitats and natural landscape including wildlife corridors, stepping stones, trees, hedges, woodlands and watercourses.</u></b></li> </ol> <p>Proposals <b><u>affecting sites of local biodiversity importance</u></b> will be refused unless they can conform with all of the following criteria:-</p> <ol style="list-style-type: none"> <li>1. <del>Ensure</del> That there <del>are</del> is no other satisfactory alternative site available for the development.</li> <li>2. <del>Ensure that the development is in a suitable location, avoiding locations</del></li> </ol>	To improve its clarity, avoid duplication with national policy and to reflect the importance and status of local biodiversity sites.

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			<p>that are of international, national and local biodiversity importance</p> <ol style="list-style-type: none"> <li data-bbox="752 323 1731 387">2. <b><u>The need for the development outweighs the importance of the site for nature conservation;</u></b></li> <li data-bbox="752 411 1731 475">3. <b><u>That appropriate mitigation or compensation measures are included as part of the proposal.</u></b></li> </ol> <ol style="list-style-type: none"> <li data-bbox="752 499 1541 528">3. Provide measures to mitigate potential detrimental impact.</li> <li data-bbox="752 552 1485 580">4. Protect and enhance the nature conservation features.</li> <li data-bbox="752 604 1731 668">5. Create, improve and manage wildlife habitats and natural landscape including wildlife corridors and stepping stones.</li> <li data-bbox="752 692 1731 756">6. Contribute towards achieving the targets set in the Local Biodiversity Action Plan.</li> </ol> <p>Where necessary, an Ecological Assessment which highlights the relevant biodiversity issues should be included with the planning application.</p> <p><del>When a development can't protect or enhance biodiversity and the need for the development outweighs the importance of the site for nature conservation it should be clearly shown that there is no other appropriate location available and there are appropriate mitigation or compensation measures in place.</del></p> <p><b>Explanation:</b></p> <p>7.5.19 The aim of this policy is to ensure protection and improvements to local biodiversity. In particular, this policy will be a way of protecting those species and habitats that have been identified within the Gwynedd and Anglesey Local Biodiversity Action Plans.</p>	

Ref	Section	Rep. ID	Proposed Focussed Change	Justification
			<p>7.5.20 Section 40 of the Natural Environment and Rural Communities Act 2006 (“the NERC Act”) places a duty on all public authorities to consider the task of protecting biodiversity, provided this is consistent with exercising those functions appropriately.</p> <p>7.5.21 Any application that may have a detrimental impact on protected species must be supported by an Ecological Assessment undertaken by a qualified professional. It will be essential to ensure that any survey related to the Ecological Assessment is undertaken at appropriate times of the year. When determining the need to carry out an Ecological Assessment there will be a number of qualifying factors that will require consideration, including scale, type and location of the development. Further guidance relating to the requirement for an Ecological Assessment can be received by contacting the relevant Biodiversity Officer for the Authority. Supplementary Planning Guidance will be published to provide advice on the matter.</p> <p>7.5.22 In considering applications that could have a detrimental effect on locally important species and habitats, consideration will be given to the potential impact of the development could have on the conservation status of the species and habitat. The Council can impose planning conditions as a way of overcoming and mitigating any possible negative effect that could arise from the development should permission be granted.</p> <p>7.5.23 In exceptional circumstances <b>some situations</b>, mitigation measures <b>for species and habitats of local interest</b> can include appropriate measures to reduce the levels of disturbance, the creation of other appropriate habitats to maintain and improve the population that is affected or to facilitate the survival of individual species.</p>	

## Preserving and enhancing the Heritage Assets

Ref	Section	Rep. ID	Proposed Focussed Change	Justification
NF 87	7.5.31 (Table 25)	653	<p><b>Listed Buildings:</b></p> <ul style="list-style-type: none"> <li>• Listing means that when a building is included on a Listed building Register, it is necessary to apply for 'Listed Building consent' from the LPA before carrying out works which would affect the building's character as a building of special architectural or historic interest</li> <li>• Under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is a criminal offence to demolish a listed building, or alter or extend such a building in a way which would affect its character, without consent, and the penalties for this can be heavy.</li> <li>• Listed building Consent is required for demolition or any work which is the opinion of the Authority, affects the character of a listed building works of maintenance or repair do not usually need consent provided that the materials, detailing, and finished effect match the original work exactly.</li> </ul> <p><b>Conservation Areas:</b></p> <ul style="list-style-type: none"> <li>• There is a duty on LPA's in exercising its planning functions to 'pay special attention to the desirability of preserving or enhancing the character or appearance of the area' (Section 72 of the 1990 Act).</li> <li>• Conservation area consent is required for the demolition of unlisted buildings in the area (Section 74 of the 1990 Act).</li> <li>• Anyone wishing to carry out works to a tree, which would require consent if there were a tree preservation order in place, must give six weeks' notice of their intention to do so to the local authority.</li> </ul>	To clarify that this statement is based on case law

			<p>There is no statutory requirement to have regard to the provisions of the development plan when considering applications for listed building or conservation area consent*</p> <p>In terms of associated planning applications for changes of use of a listed building or development that affects the setting of a listed building the Council will expect applicants to demonstrate how their proposals have been arrived at in the context of the PPW aim to identify the optimum viable use that is compatible with the character and setting of the listed building, or takes full account of the setting of any listed building in the vicinity and that developers demonstrate that the setting will not be harmed.</p> <p>Conservation Areas are shown on the Constraints Map and listed in Appendix 7 of the Plan.</p> <p><b><u>*The Courts have accepted that Section 54A of the 1990 TCPA Act (Section 38(6) of the 2004 Act does not apply to applications for Listed Building (LB) or Conservation Area (CA) consent but that development plans should contain policies relevant to development control decisions which should be taken into account when determining applications for LBCA consent</u></b></p>	
NF 88	Policy AT3	675	<p><b>POLICY AT3: LOCALLY OR REGIONALLY SIGNIFICANT NON-DESIGNATED HERITAGE ASSETS</b></p> <p><b>Proposals will be required to conserve and seek opportunities to enhance buildings, structures and areas of locally or regionally significant non-designated heritage assets, which create a sense of local character, and identity and variation across the Plan area, by for example:</b></p> <ol style="list-style-type: none"> <li>1. <b>The sympathetic re-use of redundant and under-used historic buildings and areas which are consistent with their conservation; and</b></li> <li>2. <b><del>Opportunities to enhance the Plan area's historic public realm by</del> Ensuring that all development within the Plan area's historic public realm, including transport and infrastructure work, is sympathetic to the historic environment;</b></li> <li>3. <b><u>Appropriate siting, massing, form, height, scale, detail and use of local materials.</u></b></li> </ol>	To improve the clarity of the scope of the policy

			<p><del>Distinctive elements of the Plan area's historic environment which creates a sense of local character and identity and variation across the Plan area, will be conserved, enhanced and their potential to contribute towards wider social, cultural, economic and environmental benefits will be exploited.</del></p> <p>Explanation:</p> <p>7.5.43 There are a significant number of historic assets whilst not meeting the very special criteria to merit inclusion on a statutory list are, nevertheless, of value to the identity of the Plan area due to their contribution to local built character and/ or social or economic associations. For example, these include*:</p> <ol style="list-style-type: none"> <li>i. the individual and distinctive character and appearance of the Plan area's historic market towns and villages</li> <li>ii. historic buildings and structures related to the quarrying industries</li> <li>iii. historic rural structures</li> <li>iv. ecclesiastical sites including churches, chapels and monuments</li> <li>v. the transport network heritage</li> </ol> <p>*(this list is not exhaustive)</p> <p>7.5.44 Whilst it would be inappropriate to afford these 'assets' the same level of protection as those that have been formally designated, they are still worthy of retention for their contribution to local character and identity. Consequently Policy AT3 will ensure that full consideration is given to the conservation and continued use of such buildings as part of the protection and enhancement of the special identity of the Plan area. <b><u>This approach will ensure that their potential to contribute towards wider social, cultural, economic and environmental benefits will be optimised.</u></b></p>	
NF 89	Policy AT4	494	<p>7.5.46 When assessing a development proposal affecting archaeological remains, which are of local importance, or their setting, consideration will be given to the following factors:</p> <ol style="list-style-type: none"> <li>i. significance of the remains;</li> <li>ii. reasons for locating the development in this location;</li> <li>iii. practicality of incorporating mitigation measures to minimise the development's impact; and safeguard the site's archaeological value.</li> </ol>	To explain the requirement of the policy.

			<p><b><u>Where the remains are not considered to be of national importance and their protection ('preservation in situ') is not considered appropriate (by the LPA and their archaeological advisors) then alternative mitigation ('preservation by record') will be the appropriate course of action in accordance with Circular 60/96. Further guidance will be provided in the SPG on Heritage Assets.</u></b></p>	
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## Waste Management

Ref	Section	Rep. ID	Proposed Focussed Change	Justification
NF 90	7.5.56	1448	<p><b><u>7.5.56 Collaboration between planning authorities is extremely important to monitor progress towards establishing an integrated and adequate network of waste disposal. Monitoring is a means of ensuring that there is sufficient capacity within the local region to treat waste as well as assessing if the current provision is appropriate.</u></b></p>	Further clarification should be included which will emphasise the need for collaboration and monitoring. Suggest including a new paragraph after 7.5.55.
NF 91	Policy GWA3	615 796	<p><b><u><sup>1</sup> Low level waste (LLW) is radioactive waste having a radioactive content not exceeding 4 GBq/te (gigabecquerels per tonne) of alpha or 12 GBq/te of beta/gamma activity. LLW makes up more than 90% of the UK's radioactive waste legacy by volume but contains less than 0.1% of the total radioactivity.</u></b></p> <p><b><u><sup>1</sup> Very low level waste (VLLW) is a sub-category of LLW and is defined as either low volume VLLW or high volume VLLW. The principal difference between the two definitions is the need for controls on the total volumes of high volume VLLW being deposited at any one particular landfill or other waste facilities.</u></b></p>	To ensure clarity it is recommended that a definition of what is meant by Low and Very Low Level Radioactive waste is included.

## Minerals

Ref	Section	Rep. ID	Proposed Focussed Change	Justification
NF 92	Policy PS19	619	STRATEGIC POLICY PS19: MINERALS The Council(s) will contribute to regional and local demand for a continuous, <del>secure and sustainable</del> supply of minerals by <b>in accordance with the key objectives and principles of sustainable development by:</b>	For clarity the wording of the policy could be slightly amended.
NF 93	Policy MWYN2	621	<b>SUSTAINABLE SUPPLY OF MINERAL RESOURCES</b> <del>A land bank of permitted reserves for aggregate will be maintained in accordance with national and regional guidelines</del> <b>Explanation:</b> <del>7.5.66 The Plan should ensure that an adequate and sustainable supply of mineral resources can be produced to meet the area's needs without compromising the environment, amenity, geodiversity, or future resource needs. In practice, ensuring an adequate and sustainable supply of aggregates will mean enabling the apportionment set out the RTS First Review to be met. National guidance requires the maintaining a 7 year land bank of Sand and Gravel and 10 year land bank of crushed rock aggregate reserves for the duration of the Plan. Where it is not possible to maintain the land bank permitted reserves, the preferred areas of search identified in the plan will serve to maintain the provision of mineral reserves.</del>	The explanation paragraph will be included within the introduction to the Minerals section of the plan (after para 7.5.61).
NF 94	Policy MWYN4	505	POLICY MWYN43: MINERAL DEVELOPMENTS Mineral exploration, working or extension to existing operations will be granted to maintain the Plan area's landbank of aggregates, or to meet a demonstrated need for other minerals provided the following criteria are met: 1. There is no unacceptable harm to the amenity or health of local residents in terms of visual impact, levels of dust, noise, vibration, <del>odour</del> and light as a result of the operation itself or the resulting traffic movements;	To ensure accuracy reference to 'environmental capacity' will be deleted as it is beyond the remit of the Local Planning Authority.

Ref	Section	Rep. ID	Proposed Focussed Change	Justification
			<ol style="list-style-type: none"> <li>2. There is a suitable buffer between mineral development and sensitive development;</li> <li>3. There is no unacceptable harm to the stability and support of adjacent land;</li> <li>4. The development is sensitively screened and landscaped;</li> <li>5. The development will not have a significant adverse impact on sites of international, national, regional or local environmental, nature conservation, landscape and /or heritage importance;</li> <li>6. The proposal does not sterilize or otherwise prevent the working of other significant mineral deposits;</li> <li>7. <del>The proposal does not increase the extent of active mineral working in a particular locality beyond its environmental capacity;</del></li> </ol>	
NF 95	Para 7.5.70	254 255 317 380	<p>7.5.70 Even though mineral working is a temporary use of land it can have considerable impact on the local amenity and on the environment, some impacts could render the development unacceptable. This policy seeks to identify those aspects of mineral development that require control in the interest of the local amenity and the environment. MPPW required development plans to set out the criteria that will be applied to mineral proposals and lists the issues to be addressed. Many of these issues are addressed by policies elsewhere within the Plan and National Policy. As with many other types of development, mineral operations can have a cumulative adverse impact on the environment and/or local amenity. <b><u>Due consideration should also be given to the economic and environmental benefit which may possibly arise from mineral working.</u></b></p>	For clarity, the policy should make reference to the economic and environmental benefits which may occur from mineral workings, the wording should therefore be amended accordingly.
NF 96	Policy MWYN6	258 259 318	<p>POLICY MWYN65: BUFFER ZONES AROUND MINERAL SITES</p> <p>Planning applications for mineral extraction within the buffer zones identified on the Proposals Map will not normally be permitted unless a new buffer zone can be provided to reflect the minimum distances referred to in MTAN 1 : Aggregates, <b><u>unless there are clear and justifiable reasons for reducing the distance, i.e. where there is very limited impact from the mineral extraction site.</u></b></p>	To ensure clarity the policy will be amended to refer to circumstances where there may be a justifiable reason for reducing the distance.

Ref	Section	Rep. ID	Proposed Focussed Change	Justification
NF 97	Para 7.5.81	263	<p>7.5.81 Borrow pits are temporary mineral workings developed to supply a particular construction project. Borrow pits can offer significant environmental benefits over mineral supply from existing reserves by reducing transport distances. <b>Major contracts may require the supply of large quantities of minerals over a short timescale which may cause significant environmental impact and disturbance to local communities. Borrow pits</b> They should be located <b>within or</b> near to the project and preferably supply material direct without the use of public roads. There needs to be clear environmental benefits for the use of a borrow pit <b>as opposed to supply from secondary or recycled aggregates, or from established mineral working sites identified in the development plan.</b> and <del>Restoration</del> works should be to <del>the</del> a high standards <b>expected on mineral sites.</b></p>	To ensure clarity the policy will be amended to refer to circumstances where environmental impacts may derive from borrow pits.
NF 98	Policy MWYN10	381	<p>POLICY MWYN109: RESTORATION AND AFTER CARE</p> <p>Applications for mineral working will be refused unless a comprehensive scheme for restoration, aftercare and after use, including details of proposed funding where necessary is included. Schemes must show progressive working and restoration unless it can be demonstrated that this is not practical without sterilising permitted reserves. The scheme should address the following matters:</p> <ol style="list-style-type: none"> <li>1. The existing use of the site</li> <li>2. Adjoining land uses</li> <li>3. The proposed after-use of the site</li> <li>4. The surrounding landscape character</li> <li>5. The proposed final landform</li> <li>6. The in-situ soil resource, its conservation during site working, and its use in the progressive restoration and afteruse</li> <li>7. Timetable detailing the progressive restoration of the site to a high standard</li> <li>8. The potential for natural recolonisation or for enhancing or providing wildlife habitats, agriculture, forestry, geoconservation and amenity use</li> </ol>	To ensure clarity the policy will be amended to refer to economic, recreational and environmental benefits which may arise from the development.

Ref	Section	Rep. ID	Proposed Focussed Change	Justification
			9. The potential for community, <b><u>economic and recreational benefit</u></b> 10. Other policies of the Plan	