

<b>PLANNING COMMITTEE</b>	<b>DATE: 05/02/2024</b>
<b>REPORT OF THE ASSISTANT HEAD OF DEPARTMENT</b>	

**Number: 1**

**Application Number: C23/0959/15/AC**

**Date Registered: 05/12/2023**

**Application Type: Varying a Condition**

**Community: Llanberis**

**Ward: Llanberis**

**Proposal:** Application to amend condition 1 of planning permission reference C21/0934/15/AC for the installation of underground 132kV grid connection cables between the Glyn Rhonwy Pumped Storage Facility and Pentir Substation so as to extend the development commencement period for an additional 2 years.

**Location:** Glyn Rhonwy Estate Land, Llanberis, Caernarfon, Gwynedd LL55 4EL

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

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## **1. Description:**

- 1.1 This is an application to amend condition 1 of planning permission reference C21/0934/15/AC for the installation of underground 132kV grid connection cables between the Glyn Rhonwy Pumped Storage generating station and Pentir Substation so as to extend the development commencement period for an additional two years.
- 1.2 The length of the connection measures approximately 9km and is completely underground. It will initially run within the Glyn Rhonwy site, through a 0.6m wide and 1.2m deep ditch and then through a similar ditch along the verge of the A4086, A4244 and B4547 highways towards the substation in Pentir. The cables themselves would be installed within a protected duct, at a depth of 1.7m within the ditch. At the point where the cable path crosses Afon Rhythallt, it is proposed to bore into the land near the riverside and send the borer under the riverbed to land on the other side of the river. This is essential as the existing duct within the bridge is not suitable for 132kV cables.
- 1.3 Most of the land affected by the proposal is mainly previously-developed land, including roads and public pavements and green verges on the edge of public roads.
- 1.4 The installation of the underground 132kV grid connection cable was originally approved under application reference C12/0886/15/LL. An application was granted to amend the condition relating to the commencement period of the development in January 2022 under reference C21/0934/15/AC so as to provide an additional two years, i.e. until 10/1/2024. The proposal submitted seeks to amend the condition once again so as to provide a further two years for its implementation. It can be seen from the planning history below that the process of releasing conditions associated with the original planning permission continues.
- 1.5 Article 2 of the Town and Country Planning Order (Development Control Procedure) (Wales) 2012 (DMPWO) defines 'major' developments, and therefore, which ones have to go through the process of providing a 'Pre-application Community Consultation' pack. This requirement is irrelevant to proposed applications under sections 73 or 73A in order to vary a condition and, therefore, the applicant is not required to provide a 'Pre-application Community Consultation' pack with the current application.
- 1.6 The application has been assessed through a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations (Wales) 2017 and it was not deemed that an Environmental Impact Assessment needed to be submitted.

## **2. Relevant Policies:**

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

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### 2.3 Anglesey and Gwynedd Joint Local Development Plan 2011-2026 adopted 31 July 2017:

ISA 1: Infrastructure provision

ISA 2: Community facilities

PS 4: Sustainable transport, development and accessibility

TRA 2: Parking standards

TRA 4: Managing transport impacts

PS 7: Renewable technology

AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens

PS 20: Preserving and where appropriate enhancing heritage assets

AMG 2: Special Landscape Areas

AMG 5: Local Biodiversity Conservation

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PS 6: Alleviating and Adapting to the Effects of Climate Change

PS 5: Sustainable development

Supplementary Planning Guidance (SPG): Maintaining and Creating Distinctive and Sustainable Communities

Supplementary Planning Guidance (SPG): The Slate Landscape of North West Wales World Heritage Site

### 2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note 5: Planning and nature conservation

Technical Advice Note 8: Renewable energy

Technical Advice Note 12: Design

Technical Advice Note 15: Development and flood risk

Technical Advice Note 18: Transport

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Technical Advice Note 24: The historic environment

Circular Ref: WGC 016/2014 'The Use of Planning Conditions for Development Management' (October, 2014)

### 3. Relevant Planning History:

3.1 C23/0998/15/RA 'Application for partial release of requirement 4 'Step-by-step delivery plan', 5 (Part 2, 3, 4 and 5) 'Detailed plan', 6 'Construction code of practice', 6 (Part 2 [G]) 'Emergency response plan and flood risk management', 9 'Water management plan', 14 'Building compound and temporary structures', 16 'Lighting plan', 18 'Fencing and other methods of enclosure' from the Development Consent Order Reference 'OS 2021 No 1284 (W.323)' for the development of a pumped storage facility' – Yet to be determined at the time of writing this report.

C23/0868/15/RA 'Request to release requirement 7 (Part 1 [A]) 'Air Quality Baseline Monitoring Report', 7 (Part 1 [D]) 'Archaeological compensation and restoration strategy', 9 (Parts 2, 6 and 7) 'Pre-construction Water Quality Monitoring Report', 21 (Parts 1, 2 and 3) 'Archaeological Compensation and Enhancement Strategy' from the Development Consent Order reference 'AO 2021 No. 1284 (W.323)' for the development of a pumped storage facility' – Approved on 28/12/2023.

'2021 No.1284 (W.323)' 'Glyn Rhonwy generating station pumped storage Development Consent Order 2021' (Non-material amendment to the Glyn Rhonwy Pumped Storage Generating Station Order 2017 (as amended by the Glyn Rhonwy Pumped Storage Generating Station Order (Amendment) 2017) (“Order 2017”) under paragraph 2 Schedule 6 of the Planning Act 2008 (“2008 Act”)) – Approved by Welsh ministers on 17/11/2021.

C21/0934/15/AC 'Application to amend condition 1 of planning permission reference C16/0886/15/LL for the installation of underground 132kV grid connection cables between the Glyn Rhonwy Pumped Storage Facility and Pentir Substation so as to extend the development commencement period for an additional 2 years' - Approved with conditions on 10/01/2022.

C18/0328/15/LL 'Erection of two-storey B1 business use building incorporating a workshop/lab/office together with parking and planting' - Approved with conditions on 25/05/2018.

2017 No.000 'Glyn Rhonwy generating station pumped storage Development Consent Order 2017' - Granted by the Secretary of State for Business, Energy and Industrial Strategy on 08/03/2017.

C16/0886/15/LL 'An application to install an underground 132kV grid connection cable between the Glyn Rhonwy pumped storage site and Pentir substation' - Approved with conditions on 29/09/2016.

C16/0737/15/SC 'Screening opinion for the grid connection between the proposed Glyn Rhonwy pumped storage system and the substation in Pentir' - No EIA needed.

C15/0308/15/DA 'Application for a non-material amendment to previously approved application C12/1451/15/LL to amend the list of approved plans as noted under condition 2 of the permission' - Approved with conditions on 07/05/2015.

C12/1451/15/LL 'Development of a pumped storage facility to include an upper reservoir at Chwarel Fawr and associated dam, a lower reservoir at Glyn Rhonwy with associated dam,

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erection of powerhouse to include turbines, associated engineering works including the creation of new slate spoil heaps and diversion of highways' - Approved with conditions on 19/02/2014.

C09A/0583/15/R3 'Creation of new vehicular access, roads and footpath and removal of slate tip and regrading of site' - Approved with conditions on 12/01/2010.

#### 4. Consultations:

Community/Town Council: No response.

Transportation Unit: Response received on 08/12/2023:

I refer to the above application and I confirm that the transportation unit does not have any objection to amending the condition.

Natural Resources Wales: Response received on 22/12/2023:

Thank you for consulting with Natural Resources Wales (NRW) regarding the above, received by us on 05 December 2023. We do not oppose the proposed development as submitted and we provide the following advice. However, we remind you of conditions 3, 4 and 5 of the original consent, reference C16/0886/15/LL and recommend that those conditions are also included in any further consent. The following observations were also noted:

##### Protected Species

Most of the grid connection path will be located within the road verge. We are satisfied with the conclusions of the Wales Spatial Plan Technical Note Updated PEA 05 December 2023, within the context of the grid connection planning application.

##### Other Matters

Our above observations only relate specifically to matters included on our check-list, Advice Service on Development Planning: Consultation Topics (September 2018), published on our website. We have not considered the potential impacts on other matters and we cannot disregard the possibility that the proposed development can impact the interests of others.

We inform the applicant that it is they, together with planning permission, who are responsible for ensuring that they obtain all the other permits/permissions/licences relevant to their development. Please refer to our website for further details.

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Advice for the Developer:

Water courses:

The path crosses three main rivers (Rhythallt/Seiont, Caledffrwd and Cegin). The crossing from the Rhythallt/Seiont (by directional drilling) requires a dedicated Flood Risk Activity Permit although it is likely that the other two crossings will be considered exempt activities under the Environmental Permitting Regulations. It is advised that the applicant visits our

website to determine if the works are deemed Flood Risk Activities at:

<https://naturalresources.wales/apply-for-a-permit/flood-risk-activities/?lang=en> or to contact Natural Resources Wales on 0300 065 3000 for further advice and to discuss the issues likely to be raised. The applicant should be aware that there may not be a permit granted. If you have any further enquiries about the above, you are more than welcome to contact us.

Welsh Water:

Response received on 13/12/2023:

We refer to your planning consultation relating to the above site, and we can provide the following observations in respect of the proposed development. We have no objection in principle to the application to vary condition 1 on planning permission

C21/0934/15/AC, to enable a time extension; however we respectfully ask for any conditions associated with drainage to be kept on any new permission granted for the development.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries, please contact the undersigned on 0800 917 2652 or via e-mail at [developer.services@dwrwymru.com](mailto:developer.services@dwrwymru.com)

Please quote our reference number in all communications and correspondence.

Biodiversity Unit:

Response received on 19/12/2023:

No objection.

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Cadw:

Response received on 14/12/2023:

Thank you for your letter inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information submitted, we do not have an objection to the proposed development in terms of the scheduled ancient monuments or registered historic parks and gardens listed in our assessment of the application below. The national policy and Cadw's role in planning are set out in Annex A.

Assessment

Scheduled Ancient Monuments

CN168 Cae Metta Hut Group

CN200 Cefn Mawr Hut Group

CN198 Vivian Slate Quarry, Inclines, Walls and associated structures

CN225 Enclosed Hut Group north-east of Caer Mynydd

CN223 Llys Dinorwig

CN392 Parc y Gleision Standing Stone

CN231 Hut Circles north-east of Carreg Lefain

CN230 Hut and Enclosure near Mur-Moch

CN232 Hut Group near Tan-y-coed, Pont Rhythallt

CN228 Hut Group, near Galltycelyn, south of Cwm-y-glo

CN233 Hut Group and Enclosure near Cae Cerrig

CN288 Hut Circle Settlement and Rectangular Hut north of Hebron Station

CN058 Caer Carreg y Frân

CN066 Dolbadarn Castle

CN224 Settlement north-west of Waen Rhythallt

CN227 Enclosed Hut Group south-west of Bronydd

CN226 Enclosed Hut Group south-west of Caer Mynydd

CN163 Dinorwig Quarry: Hafod Owen Winding Engine, Locomotive Shed, Main

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Waterwheel and Housing

CN017 Dinas Dinorwig Camp

CN060 Glascoed Ancient Village

CN150 Glascoed Round Cairn

CN050 Pen-Isa'r-Waen Camp

CN197 Castell Llanddeiniolen

CN156 Rectangular Earthwork 110m north-west of Coed Tŷ Mawr

CN203 Gors y Brithdir Enclosed Hut Group and Ancient Fields

CN177 Dinorwig Quarry Barracks 'A' Incline

CN1492 Pen-y-gaer Camp

CN337 Dinorwig Quarry

CN374 Moel y Ci Cairn

CN376 Goetre Uchaf Barrow

CN375 Coed Nant-y-garth, standing stone to north of

CN390 Carreg Lefain Cairn

CN192 Gerlan Hut Group

CN175 Fodol Ganol Enclosed Hut Group

#### Registered Parks and Gardens

PGW(Gd)41(GWY Bryn Bras Castle (grade II)

PGW(Gd)52(GWY) Vaynol (grade I)

#### World Heritage Site

The Slate Industry of North West Wales - mountainous landscape of Dinorwig Quarry

A heritage impact assessment prepared by Wales Spatial Plan accompanies the application as an inscribed Slate Landscape of North West Wales World Heritage Site since planning permission C21/0934/15/AC was granted. The report concludes that the proposed plan will not have any permanent or operational impacts on the Site, although there may be temporary changes within the STB setting as a result of construction work, which will not be significant.



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We agree with this conclusion.

National Grid (protection of gas assets): Response received on 08/12/2023:

Thank you for your e-mail. In terms of planning application C23/0959/15/AC, no National Gas Transmission assets are affected in this area. If you would like to find out if any other assets are affected in this area, please raise an enquiry with [www.lsbud.co.uk](http://www.lsbud.co.uk). In addition, if the location or type of work changes, please raise an enquiry.

National Grid (protection of electricity assets): Response received on 15/01/2023:

They need to agree cable easement with us before doing any work on NGET land.

The observations below are still valid in relation to the fact that their cable installation needs to be coordinated with NGET to ensure that their cable is installed safely and without damaging the NGET cables going South from the Pentir substation.

Observations from the previous application:

*NGET notes Eryri Pumped Hydro Ltd's request to extend the time period for the planning application to install underground 132kV grid connection cables between the Glyn Rhonwy Storage Facility and Pentir Substation. We would make the following observations to the Council:*

*Pentir Substation*

- Part of the application is within the operational land owned and occupied by National Grid Electricity Transmission plc at Pentir substation. Any work within the National Grid's land ownership will require discussion with the National Grid regarding the granting of easement or wayleave for cables through this area.*
- NGET has its own development proposals (Pentir-Dinorwig Cable Replacement Project) at Pentir substation which has recently started; this work will continue until 2026 and any work on the site will require detailed coordination.*

*A4244*

- NGET has 400kV underground cables already installed in the A4244 from Pentir to Brynrefail. These cables form essential National Infrastructure and work on the highway in the vicinity of these cables should be carefully planned, taking into account the relevant safety guidelines so as to avoid interference with these cables. The National Grid can provide information on the location,*

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*etc. of these cables and the developer should contact [LSBUD] before commencing any work, etc.*

*Pentir-Dinorwig Cable Replacement Project*

- *Since planning permission was originally granted for this project the National Grid has developed its Pentir-Dinorwig cable replacement project. In May this year, NGET requested a screening opinion from Cyngor Gwynedd who confirmed that the work was a permitted development. Ref.: C21/0414/18/SC*
- *This project involves the replacement of the existing single 400kV cable circuit in the A4244 with two 400kV cable circuits along the highway. A path which is also used by the cables proposed in this planning application.*
- *The design and development work is ongoing with construction work on the project starting in November this year. Cable retention ducts will be installed in the A4244 under NRSW. The developer should pay attention to the location of these when commencing their own work. NGET can provide information on the location, etc. of these cables and pipes and the developer should contact the project team before commencing any work, etc. such as a programme of highway works for the developer.*
- *Information about the new cable installation project can be found on our project website. Dinorwig to Pentir / O Ddinorwig i Bentir | National Grid ET.*

Response received on 20/12/2023:

Thank you for your e-mail. It does not appear that NGET were consulted on the original planning application for the installation of a cable path. I would like to confirm whether the developer has consulted with NGET in relation to existing assets in the vicinity of their proposed cable path including our buried cables and overhead lines? It would also be useful to understand whether the developer has engaged with NGET through the process of using NGET land to secure easement for their cable routed to Pentir substation on land owned by NGET?

Gwynedd Archaeological  
Planning Service (GAPS):

Response received on 21/12/2023:

No concerns and confirmation that the application's Heritage Impact Assessment is acceptable.

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Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period ends on 05/01/2024 and a letter/correspondence was received objecting on the following grounds:

- There is no reason to extend the development commencement period as the proposal should have commenced originally 10 years ago. Public funding has been used to develop Glyn Rhonwy and the local area deserves to use it rather than a remote company that is unlikely to ever develop the site (the proposal submitted).

## 5. Assessment of the material planning considerations:

### The principle of the development

5.1 The principle of the development of installing an underground cable to connect the Glyn Rhonwy pumped storage generating station with the Pentir substation has already been established by the Local Planning Authority by means of planning permission C16/0886/15/LL. The application before us means extending the implementation period of the development by an additional two years by amending condition 1 of application C21/0934/15/AC and there are no changes to the plan. It is important to consider whether circumstances or the local and national planning policy situation have changed since the application was originally approved. The proposal can only be considered differently if there is evidence of a substantial change in circumstances in the context of these policies.

5.2 The relevant local policies that involve the acceptability of the principle of this latest application are Policies ISA 1 'Infrastructure Provision' and PS 7 'Renewable Technology'. Policy ISA 1 of the LDP states

*"Proposals to provide infrastructure or public services, including water supply, drainage, sewers, gas, electricity and other relevant services will be granted provided they do not cause significant harm to the local environment, public amenities or public safety."*

As discussed in the rest of this report, it is believed that this proposal is unlikely to cause any significant harm to the environment, public amenities or public safety.

5.3 Policy PS 7 relating to Renewable Technology states that councils should ensure that the plan area wherever feasible and viable realises its potential as a leading area for initiatives based on renewable or low carbon energy technologies. This will be promoted by means of renewable energy technologies as part of development proposals which support energy generation from a variety of sources which include biomass, marine, waste, water, ground, solar and wind, including micro generation; or free-standing renewable energy technology development. It depends on compliance with the following criteria:

- Ensuring that installations in areas covered by international or national landscape designations and visible beyond their boundaries, or areas of local landscape value, in accordance with Strategic Policy PS 19 do not individually or cumulatively compromise the objectives of the designations especially with regard to landscape character, and visual impact.

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- Ensuring that installations in accordance with PS 19 do not individually or cumulatively compromise the objectives of international, national and local nature conservation designations.
- Supporting installations outside designated areas provided that the installation would not cause significant demonstrable harm to landscape character, biodiversity, or amenity of residential or holiday accommodation, either individually or cumulatively.

5.4 Further guidance states

*"To lessen the visual impact of new overhead lines associated with such installations, especially in sensitive locations, the lines should be placed underground unless this causes significant harm to other acknowledged interests or the viability of the scheme, which cannot be negated or mitigated."*

- 5.5 The proposed cable path runs through the 'North Western Fringes of Snowdonia' Special Landscape Area, the 'Dinorwig' Landscape of Outstanding Historic Interest and borders the 'North West Wales Slate Landscape' World Heritage Site. The proposal to install this cable underground complies with the above guidance in policy PS 7.
- 5.6 As already discussed, the principle of creating a pumped storage generating station in the Glyn Rhonwy quarry has already been accepted and approved by the Secretary of State for Business, Energy and Industrial Strategy granting a Development Consent Order in 2017. Permission for a non-material amendment to the Development Consent Order was granted by Welsh Ministers in order to extend the operational period.
- 5.7 The work of creating a grid connection could usually be considered as an Associated Development but here in Wales it cannot be approved as part of the process; therefore, a formal application for permission had to be submitted separately in line with the Planning Act. It is therefore believed that the principle is acceptable and that this element is a necessary step following the planning permission that has already been granted by ensuring that a connection exists between the site where the electricity is generated and the site where it is distributed.

**Visual, general and residential amenities**

- 5.8 A section of the cable path leads through the 'North Western Fringes of Snowdonia' Special Landscape Area while the entire path is within the 'Dinorwig' Landscape of Outstanding Historic Interest designation and adjacent to the 'Slate Landscape' World Heritage Site. Installing the connection above ground would cause an unacceptable disruption to these designations; however, as the proposal is one to bury the cables, it is believed that the development avoids a harmful visual impact on these designated landscapes. Consequently, it is believed that the proposal would be acceptable from the perspective of visual amenities and therefore it complies with the requirements of policies PCYFF 2, PCYFF 3, AT 1, PS 20 and AMG 2 of the LDP.
- 5.9 This type of work, in particular considering that it would be undertaken on the verges of busy roads, is likely to affect local amenities including the amenities of residents who live near the path and who will be directly affected should it cross sections of private lands. It is also likely to cause an occasional impact when traffic management measures need to be put in place when work is undertaken on narrower sections.

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- 5.10 Despite these impacts, it is believed that they would be short-term impacts and that there would not be a long-term harmful impact on the general amenities of the area or on the affected residents. This type of work is commonplace on public roads and road verges and is often carried out without the need for planning permission. It is not believed that the development would have an unacceptable or long-term disruption on amenities; therefore, it is believed that it complies with the requirements of policy PCYFF 3 of the LDP.

#### **Transport and access matters**

- 5.11 The Transportation Unit has confirmed that there is no objection to the proposal and no observations were received from the Rights of Way Unit. Note that both units' observations on the original application (C16/0886/15/LL) acknowledged that the work is likely to have an occasional impact on movements, but that this will be a short-term impact during the construction work.
- 5.12 The developer needs to submit applications for relevant licences to carry out the work on highway lands and this will ensure that restoration work will be done to an acceptable standard.
- 5.13 It is considered that the proposal is acceptable in terms of compliance with the requirements of policies PS 4, TRA 2 and TRA 4 of the LDP and TAN 18.

#### **Biodiversity matters**

- 5.14 A revised Initial Ecological Assessment Report was provided with the application and in response to the statutory consultation period, the Council's Biodiversity Unit has confirmed that there is no objection and no observations. As most of the work will be carried out within the verges of existing public highways as a result it is not believed that there would be a notable harmful impact on protected species as mentioned in the report (December 2023) along with information received on the original application.
- 5.15 The work of boring under Afon Rhythallt means that it will cross a section of the 'Llyn Padarn' Site of Special Scientific Interest. Observations from NRW on the current application and from the Biodiversity Unit on the original application confirm that there is no objection and proposed conditions for the work.
- 5.16 Considering the observations of NRW and the Biodiversity Unit, and provided that appropriate conditions are imposed, and the relevant advice is followed and that relevant licences are secured prior to the commencement of the work, it is believed that this proposal is acceptable and complies with the requirements of policy AMG 5 of the LDP and TAN 5. On 11 October, the Welsh Government published an update to Chapter 6 of Planning Policy Wales (PPW), which deals with green infrastructure, net worth to biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. The changes to PPW have been considered, however, in this case, they do not raise any new matters that have any material influence on the recommendation.

#### **Archaeological and Heritage Matters**

- 5.17 As already discussed, the proposal leads through the 'North Western Fringes of Snowdonia' Special Landscape Area, is entirely within the 'Dinorwig' Landscape of Outstanding Historic Interest and borders the 'Slate Landscape' World Heritage Site. In addition, it is located close to many ancient monuments, registered gardens and parks. A 'Heritage Impact Assessment' was provided by the applicant in accordance with Cadw guidelines. This document has taken into

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account the heritage designations nearby and assessed the potential for the development to disrupt them. The document concludes that there will be no permanent impact but potentially a temporary visual impact (during construction) as the path of the proposed cable is located within the local road network (road, road verges, pavement, etc.).

- 5.18 A response was provided by a Cadw Officer to the public consultation stating that although there will be a potential for a temporary impact on the World Heritage Site setting, they have confirmed that this will not be significant.
- 5.19 In addition to Cadw's response, the archaeological service has confirmed that the application will not have an impact on archaeological matters (in accordance with its observations on the original application).
- 5.20 Given the responses of Cadw and the archaeological service, it can be considered that the proposal is acceptable and complies with the requirements of policies AT 1 and PS 20 of the LDP and TAN 24.

### **Flooding matters**

- 5.21 The path of the proposed connection crosses Afon Rhythallt near the village of Brynrefail and therefore, permission would be required from NRW in the form of a special licence to carry out the work.
- 5.22 NRW does not object to the proposal and therefore, it is not believed that there would be a harmful impact in terms of flooding issues. Therefore, it is believed that the proposal is acceptable in terms of its compliance with the requirements of TAN 15.

### **Language Matters**

- 5.23 Section 1 (a) of strategic policy PS 1 'The Welsh Language and culture' notes that a Welsh Language Statement will need to be provided with a proposed "retail, industrial or commercial development which employs more than 50 employees and/or has a floor area of at least 1,000 m sq. or more".
- 5.24 In accordance with the instructions of appendix 5 of Supplementary Planning Guidance (SPG): Maintaining and Creating Distinctive and Sustainable Communities, the applicant has concluded that a 'Welsh Language Statement' is not required.
- 5.25 At the time of writing the report, the Council's Language Unit had not responded to the consultation but observations are expected before the Planning Committee meeting. However, there is no evidence to hand that shows that there is a significant change to the situation and there is no change to the plan previously approved. It is therefore considered that the proposal remains in accordance with policy PS 1 and would not cause harm to the Welsh language.

## **6. Conclusions:**

- 6.1 Having considered all the relevant matters, it is not considered that the proposal of extending the time given under permission number C21/0934/15/AC in order to commence the development is contrary to the relevant local and national policies or guidance. Based on the above assessment, it is considered that the proposal continues to be acceptable subject to including relevant conditions and as included within the previous planning permissions. Acknowledging the observations objecting to the proposal regarding the delay in starting work but having fully assessed the proposal, there is no valid planning reason to reject the application.

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**7. Recommendation:**

7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the following conditions:

1. Five years
2. Complete the development in accordance with the conditions attached to permission C16/0886/15/LL and any details agreed through the condition release requests.