

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 4

Application Number: C23/0806/00/LL

Date Registered: 16/10/2023

Application Type: Full

Community: Barmouth

Ward: Barmouth

Proposal:

Proposed works at the Viaduct Gardens region of Barmouth to include:

1: Repairing, strengthening and raising the height of an approximately 60m section of sea wall,

2: Erecting a new setback wall and floodgate/barrier in the area behind the primary sea wall

3: Install a new drainage network to manage surface water and overtopping in the area behind the setback wall and floodgates,

4: Installation Property Flood Resilience (PFR), in the quay area.

5: Installation of a new surface water outfall pipe that protrudes from the sea wall into the harbour.

Location: Viaduct Gardens, Stryd Yr Eglwys, Barmouth, LL42 1EL

Summary of the

Recommendation: TO APPROVE WITH CONDITIONS

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

1. Description:

- 1.1 This is an application to improve the flood protection mechanisms. The work includes:-
- Repair, strengthen and raise the height of approximately 60m length of sea wall;
 - Erection of setback walls with new floodgates in the area behind the main sea wall;
 - Installation of new drainage network in order to manage surface water and flooding in the area behind the setback walls and flood gates;
 - Installation of new surface water outfall pipe that protrudes from the sea wall to the harbour;
 - Installation of flood resilience equipment in properties in the quay area.
- 1.2 A sea wall would be re-built and surfaced with stone from the existing wall and then there would be a parapet wall section measuring approximately 1.2 metres above the nearby floor level. The existing rock armour would be redistributed on the highest part of the beach across the front of the sea wall and reinforced with additional rocks as required. A new setback wall would be erected along the northern boundary of Viaduct Gardens, which would include glass on the highest section. The work would also include a plan to manage surface water, which would include floodgates, gutters, drains and a variety of adaptations to the existing system as well as a new surface water outfall on the beach. At the end of the work, the public space in Viaduct Gardens would be restored through landscaping work and the installation of new street furniture.
- 1.3 The application is supported by the following assessments:
- Design and Access Statement
 - Ecology Impact Assessment
 - Ecological Appraisal Evaluation
 - Construction Methodology
 - Habitats Regulations Assessment - Preliminary Screening Report
 - Habitats Regulations Assessment
 - The Proposed Development and the Welsh language
 - Landscape and Visual Statement
 - Heritage Statement
 - Noise and Vibration Assessment
 - Flood Consequence Assessment
- 1.4 The site is partially located within the Barmouth development boundary. The site is located in the southern end of Barmouth near the estuary of Afon Mawddach in the Viaduct Gardens area of the town. It lies near the A496 and the Cambrian Railway runs through the application site. The site lies within the Mawddach Landscape of Outstanding Historic Interest and within a Special Landscape Area. A part of the site lies within the Conservation Area. The site is partially located within the Pen Llŷn a'r Sarnau Special Conservation Area and the Aber Mawddach Site of Special Scientific Interest. The Coedydd Derw Special Landscape Area and Ystlumod Meirion Sites and Llechwedd Abermaw (Barmouth Hillside) Site of Special Scientific Interest are located within 20 metres of the site. The site lies within flood zones C1 and C2 as shown on the development advice maps associated with Technical Advice Note 15: Development and Flood Risk. On the flood maps for planning, this site is within zone 3. There is a mix of residential and commercial units nearby.
- 1.5 The proposed development does not fall within the description and criteria noted in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. The proposed development is not in accordance with the description and the criteria noted in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Wales)

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Regulations 2017. Considering that the proposal is a project to improve the sea defences, it falls into column 1, part 10(m) of Schedule 2. A development of any size in the 10(m) category needs to be screened to determine whether the proposal is an Environmental Impact Assessment Development. The proposal has been screened and assessed in accordance with the development criteria under Schedule 3 and it is considered that the proposed development is unlikely to have substantial impacts on the environment and therefore there is no need to submit an environmental impact assessment with the planning application.

1.6 The application is submitted to the Committee as it involves a site that is 0.5 hectares or more.

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 considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan. Although the Anglesey and Gwynedd Joint Local Development Plan (LDP) pre-dates the latest version of Planning Policy Wales (PPW), it is considered that the policies that are relevant to this application in the Joint LDP remain consistent with PPW.

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 drawing up the following recommendation, the Council has sought to ensure that the needs of the present day are met without endangering the ability of future generations to meet their needs also.

2.3 The Anglesey and Gwynedd Joint Local Development Plan 2011-2026 adopted on 31 July 2017

PS 1: The Welsh language and culture

ISA 1: Infrastructure Provision

TRA 4: Managing transport impacts

PS 5: Sustainable development

PS 6: Alleviating and adapting to the effects of climate change

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

ARNA 1: Coastal Change Management Area

PS 19: Protect and/or enhance natural environment

AMG 2: Special landscape areas

AMG 4: Coastal Protection

AMG 5: Local Biodiversity Protection

PS 20: Protecting and where appropriate enhancing heritage assets

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

AT 4: Protection of non-designated archaeological sites and their setting

Supplementary Planning Guidance (SPG):

SPG: Maintaining and Creating Distinctive and Sustainable Communities

2.4 National Policies

Future Wales: The National Plan 2040

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Planning Policy Wales (Edition 12 - February 2024)

Technical Advice Note 5: Planning and Nature Conservation

Technical Advice Note 12: Design

Technical Advice Note 14: Coastal Planning

Technical Advice Note 15: Development and Flood Risk

Technical Advice Note 18: Transportation

Technical Advice Note 20: Planning and the Welsh language

3 Relevant Planning History:

C97M/0192/00/R3 – Reinforce the foundations, repair and extend a sea wall and close and infill an existing slipway - Approved 17 November 1997.

4. Consultations:

Community/To
wn Council: No objection.

Transportation: I refer to the above application and I confirm that the transportation unit does not have an objection to the proposal.

Welsh Water: We write further to our previous consultation reference PLA0075995 dated 6th November 2023 in which we offered a holding objection on the application. Since then, we have welcomed the opportunity to engage with the Applicant in order to discuss the proposals and the relationship with our network of assets in the area.

As you will be aware from our last correspondence the proposed development site is crossed by several wastewater and clean water assets with their approximate positions being marked on the attached plans. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. Having regard to the Proposed Site Plan, it would appear that several elements of the proposed development would be located above and within the easements and protection zones of our assets.

The outcome of the discussions with the applicant concluded that further investigations are required to accurately locate our assets and measures put in place to ensure the assets are suitably protected and that our access is maintained. We therefore advise that if you are minded to grant Planning Consent for the above development, we are only able to support if the following conditions and advisory notes are included on any planning permission. We also request that a landscaping scheme is conditioned as the current landscaping plan does not ensure adequate access to our assets.

Conditions

No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) means of enclosure and retaining structures;
- iv) other vehicle and pedestrian access and circulation areas;

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

v) hard surfacing materials; vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and vi) water features.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

The landscaping details shall include a plan showing the relationship between the landscaping works and the public wastewater and clean water assets including kiosks, covers and the line of sewers and water mains.

The landscaping works shall be carried out in accordance with the approved details prior to completion of the development.

Reason: To protect the integrity of the public wastewater and clean water assets and avoid damage thereto.

No development shall take place until details of a scheme to protect the structural condition and ongoing access of the public water mains crossing the site have been submitted to and approved in writing by the local planning authority. The scheme shall include an asset location survey and detailed design outlining the measures taken to secure and protect the structural condition and ongoing access of the public water mains. No other development pursuant to this permission shall be carried out until the approved protection measures have been implemented and completed. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.

Reason: To protect the integrity of the public watermain(s) and avoid damage thereto.

No development shall take place until details of a scheme to protect the structural condition and ongoing access of the public wastewater assets crossing the site have been submitted to and approved in writing by the local planning authority. The scheme shall include an asset location survey and detailed design outlining the measures taken to secure and protect the structural condition and ongoing access of the public wastewater assets. No other development pursuant to this permission shall be carried out until the approved protection measures have been implemented and completed. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.

Reason: To protect the integrity of the public wastewater assets and avoid damage thereto.

Also include advice for the developer.

Water and Environment Unit YGC:

As the proposal is a plan by their service, they do not propose planning observations.

Biodiversity Unit:

The site of proposed works is currently used as a recreational leisure area (Viaduct Gardens) with a sea wall already in situ. The proposed works seeks

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

to improve the current sea defense alongside installing other flood defense measures to improve the flood defense in the area (as stated within this application).

Ecological Reports:

- Ecological Impact Assessment (EcIA) By Arup dated 10 July 2023
- Information to Inform a HRA by Gwynedd Consultancy dated November 2023

Designated Sites

The proposal is partly within two Designated Sites:

- Pen Llyn a'r Sarnau SAC
- Mawddach Estuary SSSI

The proposal is near two designated sites (within 20 meters):

- Meirionnydd Oakwoods and Bat Sites SAC
- Barmouth Hillside SSSI

Habitats Regulations Assessment

The proposal is unlikely to have a significant effect on the following European Sites: Northern Cardigan Bay Special Protection Area and the Meirionnydd Oakwoods and Bat Sites SAC as concluded in the EcIA and concurred by NRW.

However, this proposal is likely to have significant effect on the Pen Llyn a'r Sarnau SAC. NRW have highlighted their concerns regarding the small loss of intertidal habitat within the footprint and the potential alteration of coastal process due to the proposed elevated pipe.

Cyngor Gwynedd and NRW are the competent authorities under the Conservation of Habitats and Species Regulations 2017 (as amended), must before deciding to give consent for a project which is likely to have a significant effect on a SAC, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives.

The development will be both in the marine environment and on land. The responsibilities of Cyngor Gwynedd and NRW overlap: A Marine Licence from Natural Resources Wales for projects below Mean High Water Spring tide level (MHWS) out to 200nm; and Planning permission under the Town and Country Planning Act for projects at the coast down to Mean Low Water Spring tide level (MLWS).

In this case as the impact to the SAC is within the marine environment it makes sense for NRW to be the lead competent authority because:

1. NRW has the best technical expertise - when a technical issue is the most important factor in assessing the impact of the proposal
2. All the impacts of the proposal are in the marine environment.
3. NRW has the main interest in this site (marine)
4. NRW are in the position to manage the complex aspects of this proposal and the requirements under the Habitats Regulations.
5. NRW will be integral to the compensation programme.

I believe that NRW as the lead competent authority in this case has undertaken an appropriate assessment for the Marine Licence.

The document to inform a HRA (YGC November 2023) undertakes a full and extensive assessment of the processes required under the Habitats Regulations

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

for assessing projects and plans through all stages required under regulations 63 & 64.

The appropriate assessment concludes:

“The described measures are considered to reduce with risk of construction activity to the extent that there would be no adverse effect on the integrity of the Pen Llyn a’r Sarnau SAC. However, residual effects do remain due to the loss of habitat attributed to coastal squeeze and minor direct habitat loss, which cannot be mitigated.”

The HRA report then goes on explore mitigation measures and to consider in-combination effects.

The HRA report concludes the integrity test stating “In terms of habitat loss as a result of coastal squeeze, these impacts cannot be mitigated. Therefore, a conclusion of adverse effect on the integrity of the Pen Llyn a ‘r Sarnau must be drawn. The assessment must then proceed to discuss alternative options, IROPI and compensatory measures.”

The HRA report explore alternative options and concludes that there is no feasible alternative options have been identified, imperative reasons of overriding public interest will need to be demonstrated. The HRA report confirms that the project is of imperative reasons of overriding public interest. It then explores the requirement for the provision of compensatory measures. Under section 10 for compensatory measures, the HRA report refers to the Welsh Government policy clarification note for the use of National Habitat Creation Programme in delivering FCERM projects, section 3.6 states:

“The compensatory measures necessary to offset those losses can be delivered as part of a strategic approach to address the adverse effects of implementing SMP policies, through the National Habitats Creation Programme.”

I agree with all of the reasoning and conclusions in the HRA report. This development is required for imperative over-riding public interest and compensation will be delivered through the National Habitats Creation Programme. However, Cyngor Gwynedd must consult the Welsh Government before determining this application.

I have no objection to this proposal.

Eryri National Park:

Eryri National Park Authority does not have any comment to make on the application.

Environmental Health Unit and Public Protection:

Thank you for consulting with the Public Protection Unit regarding the above. The Service has considered the application, and our observations are as follows:

MANAGING NUISANCE

Construction work can cause noise and dust problems for nearby residents. I note from the application that the proposed development is very close to residential property. The developer has submitted a noise and vibration assessment as a part of the planning application, which outlines the suggested mitigation measures. However, no details have been submitted on managing

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

dust from construction activities. A Construction Environmental Management Plan (CEMP) should be submitted to ensure necessary management measures are agreed prior to commencement of development. The developer must provide a detailed plan on how to Manage Nuisance (dust, noise and vibrations) as a part of the CEMP, and all of the work should be done with an agreement on the approved plan.

CONDITION: Before the work commences, a Construction Environmental Management Plan (CEMP) must be submitted to the Local Planning Authority for written approval, which includes a detailed plan on measures to reduce noise and vibration, and manage dust (if applicable). Reason: to protect the amenities of the area

NOISE AND VIBRATION ASSESSMENT

The proposal has been the subject of a Noise and Vibration Impact Assessment carried out by a specialist contractor, Bureau Veritas UK Limited. The details of the noise and vibration impact assessment made are outlined in the following document: Noise and Vibration Assessment – Flood Protection Barmouth, UK.19366481/01 (NIA). By noting NIA in the comments, this is the document and version that I am referring to.

My observations on specific chapters are as follows:

1 FOREWORD There are inconsistencies with the working hours in the document. It is noted in point 3.8 that the construction work will only be carried out during the week. However, point 1.5 notes that the construction working hours will be: Monday to Friday: 0800-1800, Saturday: 0800-1300; and no work on Sundays. These are the working hours generally accepted by the service. It is also noted that the work will be introduced in phases in order to avoid the main school holidays and bank holidays, including Christmas, Easter, Summer Holidays and all bank holidays.

Good public relations and communication are essential to mitigate complaints. As noted in point 7.5, the applicant will need to inform neighbours/nearby businesses of the proposed working hours for the development, and the measures to take in order to protect amenities (noise and vibration). The communication should include a contact point for enquiries or complaints about noise and/or vibration, as well as a phone number and/or e-mail. Appropriate measures should be in place to respond to any complaints.

CONDITION: Except in emergencies or with the prior written agreement of the Local Planning Authority, it is not permitted to undertake any actions authorised or required by this permission, including operating the equipment, and importing materials, outside the following hours: 08:00-18:00 Monday to Friday (daily) and 09:00-13:00 Saturday. There will be no site activities relating to any of the uses prescribed under this condition on Sundays or Bank Holidays. A copy of the communications to be sent to the local residents affected needs to be submitted to the authority before the work commences. The letter must include a schedule of work with proposed working hours, a contact point and a complaints line phone number. The Contractor should put

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

a suitable response procedure into practice.

Reason: to protect the amenities of the area

4 CONSTRUCTION NOISE ASSESSMENT

An estimate of the impacts of noise and vibration as a result of the construction work has been projected by using the methods described in BS 5228: 'Managing Noise and Vibration on Construction Sites and Open Sites'. During the demolition and construction work, the best practical methods should be used to reduce noise and vibration from the work. Noise and vibration levels during the construction work should comply with the levels noted in BS 5228.

Table 3.1 of the NIA introduces construction noise thresholds adopted for the development to show the potential noise impacts. The threshold for construction noise during the day during the week (0800-1800) is 65 dB, within category A of the ABC method. As noted in Table 4.1, the Peak Activity Noise Level projected on the Nearest Sensitive Receptor (NSR) varies between 63dB and 67dB, provides a variance of between -2 and +2 dB. We agree with this assessment that the impacts of construction noise on the NSRs is acceptable with the suggested noise mitigation measures and best practice as outlined in Section 7.

CONDITIONS:

- Mitigation measures must be implemented (as outlined in section 7 of the NIA), to ensure that construction noise levels are within Category A of the ABC method.
- Noise barriers will be imposed along the northern boundary of the site for construction work near NSR1 shown to experience a detrimental impact from construction noise to achieve a reduction in construction noise up to 10 dB.
- Before the development work commences, a Noise Management Plan should be produced for the construction period and submitted to the authority for written approval.

Reason: To protect the residents of the area

5 & 6 SHORT-TERM STOCKPILING NOISE AND VIBRATION ASSESSMENT

Point 1.4 notes that stockpiling can only be used for the temporary work when constructing the new wall. The NIA concludes that the vibration from the sheet piling has been assessed as minor (estimated level of vibration of between 2.5 - 3.7 mm/s) and that no further mitigation measures are needed. However, it is anticipated that noise from the sheet piling will have a potentially substantial detrimental impact on the nearest sensitive receptors (the noise level above the threshold during the day during the week varies from 5 - 9 dB).

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

As discussed in section 5, it is noted in 7.3 that screening the main noise source (vibrating hammer) is impractical as it will be located up to 10m above ground level. Therefore, they have advised that sheet piling should be avoided, if possible.

CONDITION: If sheet piling is needed, the hours should be restricted to 2 hours in the morning (10:00 - 12:00) and 2 hours in the afternoon (14:00 - 16:00). Also, further mitigation measures should be implemented by shrouding the piling hammers, and/or pre-cutting (loosening) the land before driving.

Reason: To protect the residents of the area

Note to the applicant:

Authorising the planning consent does not in any way indemnify against the implementation of a statutory nuisance should complaints confirmed within the terms of reference of Part III of the Environmental Protection Act 1990 come to hand. For further information, contact the Environmental Health Service

Natural
Resources
Wales:

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 16 October 2023.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, we advise that your Authority ensures that appropriate compensatory measures with respect to Protected sites are secured. If compensation measures are not secured, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding protected sites should be attached to any planning permission granted. Without the inclusion of this condition, we would object to this planning application:

Condition – Construction Environmental Management Plan

A Marine Licence will be required for the work below Mean High Water Springs. We recommend that you contact our Marine Licensing Team (marinelicensing@naturalresourceswales.gov.uk) with regard to mitigation measures secured under the Marine Licensing regime and with respect to the Marine Licensing Team's Habitats Regulations Assessment (see Protected Sites advice below).

Protected Sites

We have concerns that a significant effect from the proposed development on the Pen Llŷn a'r Sarnau Special Area of Conservation (SAC) cannot be ruled out. We refer to the additional /revised information received which includes:

- Habitats Regulations Assessment (HRA), YGC, Ref: CPF8169, 23/11/2023, Version 0.03
- Coastal Processes Assessment, ABPmer, Document ref: R.4365, 23/11/23, Version 3
- Water Framework Directive Assessment, YGC, Ref: CPF8169, 21/11/2023, Version 0.03

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

- Planning Application Proposed Site Layout, YGC, 285699-ARP-XX-DR-GEN-150, P02, 31.05.23
- Proposed Drainage Sections – New Outfall, YGC, 285699-ARP-XX-DR-CIV-290, P03, 06.10.23

We agree with the conclusions of the revised shadow HRA in that the proposal will not have a likely significant effect on the Northern Cardigan Bay SPA and the Meirionnydd Oakwoods and Bat Sites SAC.

Further to the revised plans and drawings, we have the following concerns regarding the direct and indirect impacts of the proposal on the Pen Llyn a'r Sarnau SAC.

Direct impact/loss SAC Annex 1 feature

The Shadow HRA concludes that the new outfall (and associated protection works) will result in a loss of 67m² of Annex 1 habitat (Intertidal Mudflats and Sandflats).

Indirect impact/loss SAC Annex 1 feature

We agree with the assessment from the coastal processes assessment that indirect effects are expected to be negligible.

Coastal squeeze

We note from the applicant's coastal squeeze assessment that there is potential for up to 0.75ha of coastal squeeze losses associated with the works, which are considered to be an upgrade to the coastal defence within a section of the Shoreline Management Plan identified as 'Hold the Line'. The Shadow HRA concludes that this habitat loss would constitute an adverse effect on the Intertidal Mudflats and Sandflats feature of the SAC.

Conclusion

We note that your Authority has undertaken a HRA (Memo from Emily Meilleur dated (6/12/2023)) which is in agreement with the conclusion of the Shadow HRA that the project would result in an adverse effect on the site integrity of the Pen Llyn a'r Sarnau SAC.

We therefore advise that, for planning permission to be granted, Regulation 64 and 68 of the Conservation of Habitats and Species Regulations 2017 must be satisfied. If your Authority is satisfied that there are no alternative solutions and that the project must be carried out for imperative reasons of overriding public interest, then compensatory measures would need to be secured to secure the coherence of the national site network.

We note that section 3.6 of the Welsh Government policy clarification note titled 'Use of the National Habitat Creation Programme in delivering Flood and Coastal Erosion Risk Management projects' (August 2021) states that the losses attributable to coastal squeeze "can be delivered as part of a strategic approach to address the adverse effects of implementing SMP policies, through the National Habitats Creation Programme (NHCP)".

Section 2.6 of NRW's Guidance Note 062 states that the "NHCP should provide compensation for both coastal squeeze and footprint losses associated with projects". We note that the Shadow HRA states that habitat compensation is to include both the coastal squeeze (0.75ha) and footprint losses (67m² or 0.0067ha). We advise that you ensure that appropriate compensation is secured through the NHCP.

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

As explained above, a Marine Licence application has been submitted. It will be for your Authority to decide as to whether mitigation and compensation measures should be secured through the planning regime. We recommend that you liaise with NRW's Marine Licensing Team on this matter, and with respect to their HRA.

Construction impacts

We believe that construction (pollution) impacts on the intertidal mudflats and sandflats feature can be adequately mitigated with an effective Construction Environmental Management Plan (CEMP). The mitigation in the EcIA should be embedded into the CEMP. We therefore advise that the following condition be attached to any planning permission granted:

Condition –

No development, including site clearance, shall commence until a site-wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: invasive species management; species and habitats protection, avoidance and mitigation measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption.
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

Water Framework Directive (WFD) Assessment

Your Authority should carry out a WFD assessment, using information made available by the applicant. We recommend that you liaise with NRW's Marine Licensing Team on this matter.

Marine and Diadromous Fish

We have no concerns to raise with respect to marine and diadromous fish which may be present in the Mawddach Estuary.

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Flood Risk

We have reviewed the FCA (Barmouth Viaduct Gardens, CPF 8169, dated 20/09/2023) provided in support of the above planning application.

The FCA has demonstrated that the scheme will provide betterment in terms of flood risk to the area around Viaduct Gardens in line with Welsh Government's guidance, Adapting to Climate Change: Guidance for Flood and Coastal Erosion Risk Management Authorities in Wales, dated August 2022.

The scheme consists of:

- Repairs/strengthening and raising the sea wall along the frontage of Viaduct Gardens to 5.6m AOD (0.29m above the 0.5% +cc AEP tidal event).
- Erecting a new setback wall and flood gates/barrier behind the frontage of Viaduct Gardens to 5.3m AOD.
- A new drainage scheme to manage surface water in the area behind the setback wall and flood gates.
- New local drainage to manage surface water and overtopping volumes in the area between the seawall and the new setback wall/flood gates.

Raising the wall to 5.6m AOD would ensure the wall is not overtopped by the 'still water level' of 5.31m AOD in the 0.5% + cc AEP tidal event. Wind and wave action may still result in overtopping of the new wall. However, the scheme does provide an area for containment of these waters as shown on the Proposed Site Layout Dwg. No. 285699-ARP-XX-DR-GEN-150 Rev. P05. Should this area become filled, any additional flows will be directed onto the road and back to the sea via the new drainage scheme (See Fig.20).

The scheme will allow for potential future raising of the secondary set-back wall to a level of 5.8m AOD should this be required in the future.

We welcome the proposed mitigation measures (Section 5.2) which include:

- Deployment of temporary defences during the construction phase (temporary works) for the scheme.
- Consider the erection of signage on flood gates to mitigate Health and Safety risks.

Protected Species

We note that the Ecological Impact Assessment report submitted in support of the above application (ARUP, Reference: 285699-ARP-XX-RP-ENV-004, P01, 10 July 2023) has identified that European Protected Species were not using the application site. We therefore have no further protected species comments to make on the application as submitted.

Gwynedd
Archaeological
Planning
Service:

Thank you for consulting us on the above application. Having reviewed the area of proposed works with reference to the regional Historic Environment Record (HER), I have determined that there is a potential for archaeological impact and would like to draw you attention to the comments below.

The proposed development is for engineering works to a section of sea wall located in the Viaduct Gardens region of Abermaw. The structure itself is composed of various phases of reconstructed sea wall in order to maintain flood defences. The Statement of Significance submitted as part of this application acknowledges the semi-degraded condition, as well as the potential for earlier phases of structure, especially where beach erosion has exposed timber supports.

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

The sites falls under PRN: 19734 which is the former site of the harbour. The exact location and extent of the site is unknown, although some early photos and maps are available for interpretation. Much of the area was altered during the installation of the railway towards the end of the 19th century, however the regional HER suggests that earlier features may still be identifiable within the sea wall itself – in particular mooring rings. The national NMR records multiple shipwrecks in and around the mouth of the harbour, although their exact state and survival are variable.

Whilst records suggest the town was largely inaccessible prior to its post medieval expansion, there is medieval evidence in the settlement, and indeed possible prehistoric occupation throughout the area. This includes the possible hillfort Dinas Oleu immediately to the north (NPRN: 302781; PRN: 1140) and the scheduled hut circle Gellfawr in an adjacent field (ME179).

As such the proposed work has the potential to impact both built and sub-surface archaeological remains, and therefore an appropriate programme of archaeological mitigation is required in order to ensure no deposits are unduly lost or destroyed without record. In addition, a record of the existing, extant remains on-site should be recorded prior to the commencement of works, to ensure they are fully and properly recorded in the event of incidental damage or loss. The temporary rock armour must be removed before this work can be conducted, in order to ensure a full record is produced.

In the light of these comments and in accordance with Planning Policy Wales (2021) and TAN 24: The Historic Environment, it is recommended that the planning authority should require that appropriate archaeological mitigation is undertaken, should planning be granted.

The following condition wording is suggested to secure such a scheme of work:

a) No development (including site clearance or groundworks) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and all archaeological work completed in strict accordance with the approved details.

b) A detailed report on the archaeological work, as required by condition (a), shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.

Reasons:

1) To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2021 and TAN24: The Historic Environment.

2) To ensure that the work will comply with Management of Archaeological Projects (MAP2) and the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA).

The archaeological mitigation should entail a pre-commencement Building Record (Level 2) – produce a visual archival entry for the structure prior to further alteration, and to detail key features where identified.

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

In addition a formal programme of archaeological work known as a Watching Brief should be conducted on an intensive basis on all ground-disturbing works. Both of the above should be supported by appropriate desk-based research in order to provide context to the investigation.

An appropriate, qualified archaeological contractor should be appointed to undertake the work, a database of which can be found at <https://www.archaeologists.net/civirm> -contact-distance-search (Chartered Institute for Archaeologists). The appointed archaeological contractor must agree a specification for the work with GAPS before commencing the project.

Welsh
Language
Services:

The risk/impact on the language identified by the applicant:

The author noted (page 15) "It is not likely that the proposed work will have a significantly negative or positive impact on the Welsh language in the area and it will not influence the pattern of the Welsh language in the area.

Language Unit's brief opinion: Agree or Disagree that the document includes a fair analysis of key factors. Evidence to support the opinion and the assessment of impact. Any changes that are needed.

The Language Unit does not have any observations on this application.

Network Rail:

Thank you for your email dated 16 October 2023 together with the opportunity to comment on this proposal. Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

Rights of Way
Unit:

It does not appear that there are any recorded Rights of Way that will be affected by this proposal.

Public
Consultation:

A notice was posted on the site and neighbouring residents/nearby properties were informed. No observations were received.

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The site is partially located within the Barmouth development boundary. With a part of the site located within the development boundary and no option for an alternative location to provide the work, it is considered that the proposal is acceptable in terms of Policy PCYFF 1 of the LDP.
- 5.2 The proposal would involve re-building the sea wall and surfacing it with stone from the existing wall and then the parapet wall section would be around 1.2 metres above the nearby floor level. The existing rock armour would be redistributed on the highest part of the beach across the front of the sea wall and reinforced with additional rocks as required. A new setback wall would be erected along the northern boundary of Viaduct Gardens, which would include glass on the highest section. The work would also include a plan to manage surface water, which would include floodgates, gutters, drains and a variety of adaptations to the existing system as well as a new surface water outfall on the beach. At the end of the work, the public space in Viaduct Gardens would be restored through landscaping work and the installation of new street furniture.
- 5.3 Policy AMG 4 refers to Coastal Protection and asks for proposals to show that a preponderant economic and social benefit will derive from the development. Also, proposals must ensure that there is no unacceptable harm to water quality, public access, the built environment, the character of the landscape or seascape and biodiversity impacts. The policy prioritises locations with close visual connections to existing buildings or structures. Also, it requires that no other alternative suitable locations along the coastline have been developed and that the proposal complies with local policies, including ARNA 1.
- 5.4 The application has been supported by significant evidence in the various statements submitted with the application in order to justify the work in question. Due to the nature of the development and that it relates to improvements to sea defences, it is necessary that the work is located in the site in question and on the coast. The coastal work is located close to the existing built form and it will ensure improvements to the sea / flood defences in this part of Barmouth. It is considered that the principle of the coastal work in this location complies with policy AMG 4, but the environmental aspects will be discussed further along in the report.
- 5.5 Policy ARNA 1 is relevant to this aspect of the plan and it notes that Proposals for new coastal protection plans or plans which replace an old provision are only approved if it can be shown that the work is consistent with the management method for the front-face submitted in the Shoreline Management Plan, and that there will be no material detrimental impact on the environment.
- 5.6 In the Shoreline Management Plan, the policy for this part of Barmouth, which includes the harbour section and the access road, as well as seaside defences notes Hold the Line. The Shoreline Management Plans states "There would be a need to maintain and raise defences around the harbour and to maintain the road and railway defences and probably to further reinforce the defence at Ynys y Brawd. This is seen as being sustainable and sustains the important use of the harbour and access to the town." Therefore, it is considered that the principle of sustaining and increasing the height of defences around the harbour, the road and the railway is acceptable in principle based on policy ARNA 1. However, the plan must comply with a number of other policies which consider the impact on the environment and this is discussed further later on in the report.

Language Matters

- 5.7 As a part of the application, a 'Proposed Development and the Welsh Language' document was submitted. This assessment concludes that it is not likely that the proposed work will have a significantly negative or positive impact on the Welsh language in the area and it will not

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

influence the pattern of the Welsh language in the area. The Language Unit was consulted and they had no observation to offer. Due to the nature of the development in question, it is unlikely that the proposal would have a detrimental impact on the language. On this basis, and on the grounds of the information submitted, it is considered that the application has met the requirements of Policy PS 1 and Supplementary Planning Guidance - 'Maintaining and creating distinctive and sustainable communities' and the proposal is acceptable in terms of the linguistic impacts.

Design and Visual Amenities

- 5.8 Policy PCYFF3 notes that proposals will not be approved unless they comply with a number of criteria, including that the proposal reiterates and improves the character of the site, the building or area in terms of its setting, appearance, scale, height, mass and elevation treatments; that it respects the context of the site and its place within the local landscape; that it uses materials that are appropriate to their nearby areas and incorporates soft landscaping; that it improves the transport and secure and integrated communication networks; that it restricts run-off surface water and flood risks and pollution prevention; that it achieves an inclusive design that allows access for all and that it helps create healthy and active environments, and considers the health and well-being of future users.
- 5.9 The site is partially located within the Barmouth development boundary. The area includes a number of structures including signage, lights, flagpoles, walls and railings and various items of street furniture. There is also an electricity sub-station and kiosk within the site and the railway viaduct is a prominent feature. The proposal would involve re-building the sea wall and surfacing it with stone from the existing wall and then the parapet wall section would be around 1.2 metres above the nearby floor level. The existing rock armour would be redistributed on the highest part of the beach across the front of the sea wall and reinforced with additional rocks as required. A new setback wall would be erected along the northern boundary of Viaduct Gardens, which would include glass on the highest section. The work would also include a plan to manage surface water, which would include floodgates, gutters, drains and a variety of adaptations to the existing system as well as a new surface water outfall on the beach. At the end of the work, the public space in Viaduct Gardens would be restored through landscaping work and the installation of new street furniture.
- 5.10 A Landscape and Visual Statement was received as a part of the application. The site includes a public space and the Landscape and Visual Statement assesses this space to be of a medium local value and that it is not open to changes such as the type in question. It is noted that the character of the landscape is of medium sensitivity to change. It is noted that the views for nearby receptors, e.g. residents of the site are of a high value locally but that these views have already been deteriorated by the dominant viaduct and the mixed visual clutter of the site and therefore that the tendency of the type of changes proposed is low. The tendency to change overall is therefore medium. During the construction period, the Landscape and Visual Statement states that there would be a medium negative impact to visual receptors but that this impact would be temporary and short-term. Regarding the operational period it is considered that the overall landscape impact would be a low-level neutral change in the overall quality, condition and character of the landscape. Throughout, the Landscape and Visual Statement concludes in terms of the visual impact of the operational period of the plan, that the proposal would lead to a neutral low-level impact on the visual amenities of people. In terms of the plan as a whole, the Landscape and Visual Statement concludes that the development is unlikely to cause any material landscape and visual impacts.
- 5.11 The new engineering and flood protection elements will be slightly higher and more prominent in the landscape, but they have been designed to correspond with the location, alignment and nature of the existing structures on the site. The space will retain its existing function as an open space. At the end of the work it is intended to re-design the Viaduct Gardens area and simplify it with

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

landscaping features and street furniture that would improve the overall condition, quality and character of the space. A detailed landscaping plan would need to be received for this element and it would be possible to impose a condition to submit and reach agreement on these exact details should it be decided to approve the application. Throughout, it is not considered that the proposal is likely to have a detrimental impact on the visual amenities of the area.

- 5.12 The site is located within a Special Landscape Area. Currently, the area includes a number of various structures, including street furniture, electricity sub-station, kiosk, and the railway viaduct is relatively dominant in the views from the area. Given the location in the middle of the built form of Barmouth and nearby to the railway viaduct, it is not considered that the changes proposed to the sea defences are likely to have a detrimental impact on the character of the Special Landscape Area nor on the views of it.
- 5.13 The boundary of Eryri National Park lies approximately 430 metres to the south-east of the site. With the site located near the railway viaduct and the built form of Barmouth forming its backdrop, it is not considered that the proposal would cause harm to views in and out of the National Park. Therefore, it is not considered that the proposal would have a detrimental impact on the character of the National Park.
- 5.14 In the same way as a number of developments, the most detrimental impacts will be seen during the construction phase and this will be acknowledged in the Landscape and Visual Statement. It is considered that the proposal, in terms of its form and finish, is acceptable and offers a quality development in terms of the visual amenities by displaying a design and features which presents and creates a development that would be suitable and appropriate to the site and within the wider area. As a result, it is considered that the proposal is acceptable based on the relevant requirements of Policy PCYFF 3, PCYFF 4, AMG 2 and AMG 4 of the LDP.

Conservation and Archaeology Matters

- 5.15 As a part of the application, a Heritage Statement was received. This assessment concludes that the areas assessed would have a low to medium heritage significance. A part of the site falls within the Conservation Area and some listed buildings are located in the vicinity. A number of various structures are to be seen in the application area but as it currently stands, this includes the existing sea defences, the electricity sub-station, street furniture, kiosk and railway viaduct. The proposal in question involves changes to the sea defences including raising the height of the wall and building a setback wall which would include glass in the highest section. However, it is not considered that the proposal would have a detrimental impact on the character of the Conservation Area / listed buildings or their settings. The site also lies within the Mawddach Landscape of Outstanding Historic Interest. It is considered that the impact of the proposal would be local and that it would not impact the wider historical landscape. It is considered that the proposal is acceptable in terms of Policy PS 20 and AT 1 of the LDP.
- 5.16 Observations were received from the Gwynedd Archaeological Planning Service on the proposal. The observations reference the potential of the site for archaeological features and therefore they recommend imposing conditions on any planning permission to ensure a programme of archaeological work for the development. It is considered that from imposing an appropriate condition to carry out archaeological work that the proposal is acceptable in terms of Policy AT 4 of the LDP.

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Residential and General Amenities

- 5.17 Policy PCYFF 2 of the LDP aims to protect residential amenities. It is likely that the greatest impact from the development will be seen during the period of constructing the coastal defences work.
- 5.18 As part of the application a Noise and Vibration Assessment was received. The observations received from the Public Protection Department acknowledge that the development will have the potential to have a negative impact in terms of nuisance, noise and vibration on the residential properties in the area if the mitigation measures are not in place. To this end, the Public Protection Service has recommended a number of conditions to attempt to reduce the proposal's impact on the local community. It is considered that it would be appropriate to include conditions in relation to matters such as construction working hours, piling working hours, mitigation measures / noise barriers, agreement on a construction environmental management plan. By imposing suitable conditions as recommended by the Public Protection Department, it is considered that the impact on the amenities of the local neighbourhood can be managed to an acceptable level.
- 5.19 Once the construction phase is completed, it is not considered that the development will give rise to an unacceptable impact on residential or general amenities and the proposal is considered to be acceptable based on the relevant criteria in policies PCYFF 2.

Highways Matters

- 5.20 Access will be gained to the site off the A469 with materials and construction equipment being transported to the site using the existing roads network. Whilst carrying out the work of installing the new roads drainage network, the A496 will be restricted to a single lane, working with traffic management methods and appropriate diversions in place to manage traffic flow. The exact timings and the timetable will be in place after the appointment of a contractor. The Transportation Unit has no concerns regarding the proposal. It is not considered that the proposal would have a detrimental impact on road safety and is acceptable in terms of Policy TRA 4 of the LDP.

Flooding Matters

- 5.21 The application is supported by a Flood Consequence Assessment (FCA). The work includes:-
- Repairing, strengthening and raising the sea wall along the front of Viaduct Gardens to 5.6m AOD (0.29m above a 0.5% +cc AEP tidal event).
 - Erecting a new setback wall and floodgates / flood barrier behind the front of Viaduct Gardens to 5.2m AOD.
 - Planning new drainage to manage surface water in the area behind the setback wall and floodgates.
 - New local drainage to manage surface water and culverts that overtop in the area between the sea wall and the setback wall/new floodgates.
- 5.22 Observations were received from Natural Resources Wales (NRW). These observations state that the FCA has indicated that the plan will be an improvement in terms of the flood risk to the area surrounding Viaduct Gardens in accordance with the Welsh Government guidance, Adapting to Climate Change: Guidelines for Authorities on Managing Flood Risks and Coastal Erosion in Wales, dated August 2022. NRW states that raising the wall to 5.6m AOD would ensure that it would not be overtopped by 'still water levels' of 5.31m AOD during the AEP 0.5% + cc flood event. However, the wind and wave activity could still lead to overtopping the new wall. However, the plan provides an area for collecting these waters and should this area be filled, any additional flows would be directed back to the road and back to the sea by means of the new

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

drainage plan. In addition, it was noted that the plan would allow for erecting the setback wall in the future to a level of 5.8m AOD if necessary. NRW's observations also state that they welcome the mitigation measures included in part 5.2 of the FCA.

- 5.23 Having considered the observations and content of the FCA and observations of NRW, it is considered that the proposal in question would provide an improvement in terms of flood risk in this area of Barmouth. It is considered that it would be appropriate to include the FCA as one of the documents that should be complied with if it is decided to approve the application. In doing so, it is considered that the proposal is acceptable in terms of TAN 15 and policy PS 5 and PS 6 of the LDP.

Biodiversity and Ecology Impacts

- 5.24 Many policies are relevant to this aspect of the application. Policy PS 19 deals with conserving and / or enhancing the natural environment and policy AMG 5 protects Local Biodiversity Conservation. Policy AMG 4 seeks to maintain, enhance and protect the coastline.
- 5.25 As a part of the application, a Habitats Regulations Assessment, Habitats Management Assessment - Preliminary Screening Report, Ecological Impact assessment and Preliminary Ecological Appraisal were submitted. These Assessments have considered physical and coastal processes, water quality and deposits, marine ecology and nature conservation, geological ecology and nature conservation; and coastal protection and flood protection.
- 5.26 The Council's Habitats Regulations Assessment concludes that this proposal is likely to have a substantial impact on the Pen Llŷn a'r Sarnau SAC. NRW has drawn attention to their concerns regarding the loss of a small intertidal habitat within the footprint and potential change to coastal process due to the proposed high pipe.
- 5.27 Cyngor Gwynedd and NRW are competent authorities under the Habitats and Species Protection Regulations 2017 (as amended), and they must decide, prior to granting permission to a project which is likely to have a substantial impact on a SAC, either alone or collectively with other plans or projects, to undertake appropriate assessments of the project's implications for that site, considering its conservation objectives. The proposal submitted falls within the marine environment and on the land and therefore the responsibilities of the Council and NRW overlap in terms of appropriate assessment matters. With the impact on the SAC falling within the marine environment, then NRW takes the reins as the lead competent authority. An application for a Marine Licence was submitted to NRW and an appropriate assessment has been carried out as a result.
- 5.28 As noted above, the Council's Habitats Management Assessment concludes that this proposal is likely to have a substantial impact on the Pen Llŷn a'r Sarnau SAC. Article 6(4) of the Habitats Directive provides an exception which enables a plan or project to be approved in restricted circumstances, although it has or could have a detrimental impact on the integrity of the European site. Under Article 6(4), a plan or project cannot proceed unless three sequential tests are met:
- *There must be no feasible alternative solutions to the plan or project which are less damaging to the affected European site(s);*
 - *There must be "imperative reasons of overriding public interest" (IROPI) for the plan or project to proceed; &*
 - *All necessary compensatory measures must be secured to ensure that the overall coherence of the network of European sites is protected.*
- 5.29 The information provided by the applicant in the Habitats Regulations Assessment outlines that there are no feasible alternative solutions and that there were outweighing essential public benefit reasons relating to the project. Based on the evidence submitted, the Authority is satisfied that these tests have been satisfied. The applicant intends to use the 'National Habitats Creation

PLANNING COMMITTEE	DATE: 18/03/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Programme' (NHCP) to compensate for the loss of mudflats and sandflats and the loss of land due to the coastal squeeze and this is noted within their Habitats Regulations Assessment.

- 5.30 As previously noted, the development requires a marine licence. The applicants submitted an application for a Marine Licence to NRW, which has been approved. As part of this process, NRW consulted with the Welsh Government and therefore, there is no requirement to repeat the advertisement process with the Welsh Government via the planning process and as such, the Habitats Regulations Assessment considerations and process have already been met.
- 5.31 When imposing conditions, it is considered that the proposal is in accordance with policies PS 19, AMG 4 and AMG 5 of the LDP.

Any other matters

- 5.32 Welsh Water has a number of assets within the application site that it wishes to ensure are protected as a result of the development. Welsh Water has recommended a number of conditions to ensure that the impact of the proposal on these assets are assessed and protected and it is considered appropriate to include the conditions as recommended by Welsh Water, should it be decided to approve the application.

6. Conclusions

- 6.1 Having considered the above and all material planning matters fully including local and national policies and guidance, it is believed that this proposal complies with the requirements of the relevant policies as noted above.

7. Recommendation

- 7.1 To approve – conditions

1. Commencement within five years.
2. In accordance with the plans and documents submitted.
3. Public Protection conditions - timings
4. Submit and reach agreement on a CEMP
5. Submit and reach agreement on soft and hard landscaping details.
6. Implement the landscaping details.
7. Plan to protect the structural condition and permanent access of the mains public water supply which crosses the site.
8. Plan to protect the structural condition and permanent access to the public waste water assets crossing the site.
9. Construction period working hours.
10. Sheet piling hours.
11. Implementation of noise level mitigation measures.
12. Installation of noise barriers.
13. Submission and agreement on a Noise Management Plan for the construction period.
14. Archaeological conditions.

Note:-

SuDS

NRW, Network Rail, Public Protection and Welsh Water advice to the developer.