

Hearing Session 6

NATURAL AND BUILT ENVIRONMENT

9.30 am, Wednesday 14 September 2016

**Anglesey and Gwynedd Joint Local
Development Plan**



**CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL**

This Statement has been produced by the Isle of Anglesey County Council and Gwynedd Council to set out their response to the matters and issues raised by the Inspector for the Hearing relating to the Natural and Built Environment in the submitted Anglesey and Gwynedd Joint Local Development Plan.

This Statement relates to the elements of the Plan that have been raised by the Inspector as matters to be discussed. Where appropriate the Statement draws on and cross-refers to the main sources of information used in the preparation of the Plan such as the outcomes of public consultation, the Sustainability Appraisal, the Background Documents and the supporting Topic Papers. Document reference numbers are given where appropriate.

For the purpose of clarity within this statement any Matters Arising Changes suggested to the Deposit Plan and/or a Focussed Change to the Plan, is shown in bold **Red** and underlined. Any Focussed Change text to the Deposit Plan is shown in **Bold** underlined text.

Matters & Issues Agenda

1. Introduction

2. Procedural matters

1. Does Policy PS16 and Table 23 provide an appropriate strategic policy framework for the consideration of development proposals and the protection and conservation of the natural environment, and especially Areas of Outstanding Natural Beauty (AONBs)?

- 1.1 **Response** - Yes. The Councils consider that the Plan (subject to the Focus Changes) provides an adequate strategic policy framework for the consideration of development proposals and the conservation of the natural environment within the Plan area, including the AONBs. The Councils' believes that Table 23 and Policy PS16 adequately outline the strategic planning policy, provide the necessary context for delivering the Plan's vision and objectives, and accords with the relevant national policy and legislation.
- 1.2 However, on reflection the Councils recognise that the use of the word 'site' in criterion 2 of Policy PS16 could be construed as not being applicable to large designated areas such as AONBs and National Parks. This was not the Councils' intention. Consequently, if deemed acceptable and appropriate by the Inspector, the Councils would therefore like to propose the following amendment to the second bullet point of Strategic Policy PS16 (to be addressed via Matters Arising Changes):
- "Protecting and enhancing **sites designations** of international, national, regional and local importance and, their settings in line with National Policy".
- 1.3 Additionally, further discussion with Horizon Nuclear Power has revealed the need to further amend policy PS16 to ensure that it better reflects national planning policy and legislation. Details of the possible amendment are included in the Statement of Common Ground between the Isle of Anglesey County Council and Horizon Nuclear Power which will be discussed in Hearing Session 9: Wylfa Newydd.
- 1.4 The Councils also wish to draw attention to the increased emphasis to the AONBs in the Plan offered via Focus Changes NF82 (i.e. new policy relating of AONB Management Plan and NF85 (i.e. introducing a new sentence to the end of paragraph 7.5.13 of the explanatory text to Policy AMG2 relating to the need to give consideration will also need to be given to the relevant AONB Management Plan).

2. Is the protection afforded to the Special Landscape Areas (SLAs) listed within the explanation to Policy AMG1 supported by robust evidence?

2a Is the Plan consistent with the findings and recommendations of the LUC Review of SLAs in Gwynedd and Anglesey?

2.1 Yes. The Councils believe that Policy AMG1 is consistent with the findings and recommendations of the LUC Review of SLAs in Gwynedd and Anglesey. National planning policy at paragraph 5.3.11 states that Special Landscape Areas, should be soundly based on a formal scientific assessment of the nature conservation, landscape or geological value of the site. Therefore, in accordance with this national planning policy guidance the Councils commissioned LUC to review existing SLAs against a published methodology. The approach taken for the SLA review in Gwynedd and Anglesey followed the LANDMAP guidance (LANDMAP and Special Landscape Areas: LANDMAP Information Guidance Note - June 2008) set out by CCW (now Natural Resources Wales), whilst ensuring the method is robust and makes the best use of available local evidence and the knowledge of the Councils' planners, landscape architect and LUC's landscape professionals. On the basis of this approach the Plan has identified 16 areas that merit designation as SLAs. These areas are named in the explanation to Policy AMG1 and shown on the Constraints Maps.

2b Does Policy AMG1 provide an appropriate policy framework for the consideration of development proposals within or closely related to the SLAs?

2.2 **Response** - Yes. The Councils' consider that Policy AMG1 (subject to Focussed Change NF83) provides an appropriate framework for the consideration of development within or closely related to SLAs. The Councils recognise that development in close proximity to SLAs could have an adverse impact on the special qualities for which that landscape has been included within the SLA, and has therefore aimed to ensure that proposals 'directly outside' which may have a significant adverse impact on the SLA is covered by the third paragraph of policy Policy AMG1. However, on reflection the Councils recognise that the use of the term 'directly outside' fails to recognise that developments in relatively close proximity to SLAs, but not directly outside may have a significant adverse impact. Consequently, if deemed acceptable and appropriate by the Inspector, the Councils would therefore like to propose the following amendment to the third paragraph of policy AMG1 (to be addressed via Matters Arising Changes):

"Where there are reasonable grounds to suggest that proposals may result in a significant adverse impact on the SLA (either located within or ~~directly outside~~ **closely related**) the Council will require a Landscape and Visual Impact Assessment in order to further consider the impact of the development on the designated area."

3c Is the approach to Special Landscape Areas consistent with national policy on local landscape designations (Non-Statutory designations)?

2.3 **Response** - The Councils consider that their approach to SLAs is consistent with national planning policy and particular paragraph 5.3.11 of Planning Policy Wales (8th Edition January 2016). As set out in response to question 3a the Councils have ensured that the SLAs included in the Plan are based on a robust and detailed assessment methodology. The Councils consider that the LUC Review of SLAs in Gwynedd and Anglesey and the subsequent designation of the SLA's within the LDP fulfil the requirement as set out in paragraph 5.3.11 of Planning Policy Wales.

3. Does Policy AMG2 provide sufficient clarity on its aims and objectives for protecting and conserving the landscape character defined within Landscape Character Areas (LCAs)?

3d Are the LCAs referred to within Policy AMG2 supported by robust and up to date evidence?

3.1 **Response** - Yes. LCAs have been designated as part of the separate 'Landscape Strategies' for both Anglesey and Gwynedd, which were originally published in 1999. The Strategies were developed using the Countryside Council for Wales LANDMAP methodology, which establishes a systematic method for recording and retrieving information about landscapes' specific qualities. In response to changes within the LANDMAP methodology by CCW in 2003 (i.e. the introduction a quality assurance programme for checking LANDMAP studies) independent consultants were appointed by both Councils to undertake a review of the LCAs identified within the original Landscape Strategies. The LCA review for Anglesey (prepared by TACP) was published in 2011, whilst the review for Gwynedd (prepared by LUC) was published in 2012. Copies of both publications have been made available as Background Documents to the LDP (DC.010 & DC.011). The Councils are not aware of any significant amendments to the evidence base provided by LANDMAP/ Natural Resources Wales (NRW) that would require review of the LCAs boundaries or strategies. The Councils consider that their approach to LCA's is consistent with national planning policy Planning Policy Wales (8th Edition January 2016) in particular the requirements as set out in paragraph 5.3.11 of the PPW.

4. Does Policy AMG3 provide an appropriate policy framework for the consideration of development proposals on the coast, including the Heritage Coast? Does the Policy comply with national planning policy?

4.1 **Response** - Yes. The Councils consider that the criteria 1-5 of Policy AMG3 provide an appropriate policy framework for the consideration of development proposals on the coast including the Heritage Coast. In this respect the Councils consider that the Policy is consistent with the guidance outlined in Section 5.7 of PPW (8th Edition January 2016).

- 4.2 Whilst Heritage Coasts is a non-statutory designations do not directly affect the status of the area in planning terms, the Councils consider, on reflection that the wording of paragraph 7.5.17 could highlight the need to consider the features which contributed to the designation of such areas (i.e. to conserve the best stretches of undeveloped coast) in making development management decisions in accordance with paragraph 5.7.4 of PPW. Consequently, if deemed acceptable and appropriate by the Inspector, the Councils would therefore like to propose the following amendment to paragraph 7.5.17 of policy AMG3 (to be addressed via Matters Arising Changes):

“Within the coastal areas that are **designated protected** as a Heritage Coast an emphasis will be placed on **safeguarding the special qualities which contributed to their designation** by protecting and promoting the natural beauty of the coast, facilitating access for the public and public appreciation, maintaining the environmental quality of the waterfronts and promoting sustainable types of social and economic development”.

5. Does the Plan provide effective protection to the natural environment? Does the approach taken reflect the relative significance of international, national and local designations consistent with Planning Policy Wales chapter 5?

- 5.1 **Response** - Yes. For the reasons outlined in the Councils response to questions 1, 2, 3 4 and 6 of this Hearing Statement, the Councils are confident the Plan's policies (subject to the Focussed Changes (NF80-86 together with the further suggested amendment advocated in the Councils response to questions 2 and 4), supported by the national planning policy contained within PPW and UK/European legislation, provide an effective level of protection to the natural environment.
- 5.2 The Councils are satisfied that the approach they have taken differentiates between the significance given to international/national and local designations and is consistent with the advice contained in Chapter 5 of PPW. International and national designations are afforded protection in legislation and through national planning policy and is not necessary to repeat such protection in the Plan. However, Strategic Policy PS16 sets out the overarching approach towards the natural environment and criteria 3 specifically to the need to consider national policy. The Plan then in table directs the reader to the relevant national policy and legislation. Therefore any development proposals that are likely to affect international and national designations will be determined in accordance with Policies PCYFF 1, PS 16 and national policy as set out PPW and relevant TANs e.g TAN 5 Nature Conservation and Planning (2009), TAN Coastal Planning (1998).
- 5.3 Policies AMG1, AMG2, and AMG5 relate to local designations, whereas Policy AMG4 deals specifically with protected species which may or may not be found on internationally, nationally or locally designated sites but are nonetheless important biodiversity sites. The Councils are satisfied that these policies (subject to the suggested Focused Changes) are consistent with the national planning policy advice in respect of non-statutory designations in PPW, in particular paragraph 5.3.11, 5.4.4 and 5.4.5 . Policy AMG3 of the LDP deals with developments along the coast and

again the Councils are confident that this policy is consistent with the national planning policy as set out section 5.7 of PPW.

6. Does the Plan through Policies AMG4 and AMG5 provide an appropriate level of protection for statutory and non-statutory sites of importance for local biodiversity and nature conservation?

6.1 **Response** - Yes. Certain sites are afforded protection under European legislation or Acts of Parliament and are supported by national planning policy and appropriate references to these are made in Policies PS16 and Table 23 of the Plan.

6.2 Policy AMG4 provides protection for species identified as priorities in the UK and Local Biodiversity Action Plans, which may or may not be found on statutory or non-statutory designated sites. Policy AMG5 relates to protecting sites of regional or local significance. The Councils are satisfied that policy AMG 4 (subject to Focused Change NF 86) and Policy AMG5 together with national planning policy contained within Planning Policy Wales, TAN 5 Nature Conservation and Planning (2009) and UK/European legislation provide an appropriate level of protection and is consistent with section 5.4 of PPW.

7. Is the Plan sufficiently flexible to respond to changing circumstances and does it include clear and appropriate mechanisms for the implementation and monitoring of the Plan's objectives?

7.1 **Response:** The Councils are satisfied that the Plan is sufficiently flexible to respond to changing circumstances .The Plan will be underpinned by a robust Monitoring Framework which will be used to monitor the implementation of policies and proposals contained in the Plan. This will directly feed into the Annual Monitoring Report (AMR) and, in turn used to inform any future Plan reviews.

7.2 Targets, indicators and trigger points have been set out in the monitoring framework set out in Chapter 8. If particular targets are not met, trigger points will be activated and investigated in the Annual Monitoring Report to establish whether any further actions are required e.g. revision of policies or a review of the Plan.

7.3 In response to an enquiry by the Inspector (DA.002) the Councils have refreshed the framework in order to improve its presentation (DA.010c). The Councils are prepared to make minor changes to the Monitoring Framework to ensure it provides the best possible mechanism to monitor and take advantage of evolving best practice as incorporated in recently adopted Plans.

8. Any other matters

8.1 **Response** - None

Heritage Assets

1. Does the Plan provide an adequate framework for the protection of heritage assets?

- 1.1 Response** - Yes. The Councils consider that the Plan provides an adequate policy framework for the protection of heritage assets within the Plan area. The inclusion of Policy PS17 and Policies AT 1-AT 4 (subject to Focussed Changes NF87-89, if deemed acceptable and appropriate by the Inspector) are considered to give heritage assets significant priority within the context of delivering the Plan's vision and objectives and accords with the relevant national policy and legislation.

2. Is the Plan consistent with the requirements of other legislation and national planning policy?

- 2.1 Response** - Yes. The policy has been prepared in line with relevant legislation and national policy and is consistent with the requirements of the following:

- Planning (Listed Buildings and Conservation Areas) Act 1990;
- Ancient Monuments and Archaeological Areas Act 1979
- Planning Policy Wales Edition 8 January 2016 (PPW)
- Circular 60/96
- Circular 60/96
- Circular 1/98

3. Any other matters

- 3.1 Response** - None