

# DEVELOPMENT MANAGEMENT COMMITTEE

24<sup>th</sup> October 2012

Present: Mrs G Hayward (Chair)  
Mr A Archer, Councillor JA Brinsden, Mr D Ellis, Councillor P Harries, Councillor M James, Councillor L Jenkins, Councillor R Kilmister, Councillor RM Lewis, Councillor R Owens, Councillor D Rees, Mrs M Thomas and Councillor A Wilcox.

*(Cleddau Bridge Hotel 10:00am – 11.20am)*

## 1. Apologies

Apologies for absence were received from Ms C Gwyther, Councillor A Lee, Councillor PJ Morgan, Mr EA Sangster and Councillor M Williams.

## 2. Disclosures of interest

The following Member(s)/Officer(s) disclosed an interest in the application(s) and/or matter(s) referred to below:

<b>Application and Reference</b>	<b>Member(s)/Officer(s)</b>	<b>Action taken</b>
<i>Minute 10 below Proposed Application for Development Consent to Construct and Operate the Atlantic Array of Offshore Wind Farm – Consultation Response under Section 42 of the Planning Act 2008</i>	Councillor A Wilcox	Withdrew from the meeting while the application was discussed

Councillor D Rees suggested that as the application on land adjacent to Binchurn Farm Llanon was in his constituency he ought to declare an interest. However the Monitoring Officer advised that Members appointed by Pembrokeshire County Council represented the County Council as a whole, rather than their individual constituencies. There was therefore no need for him to declare an interest in the application unless he had another personal or prejudicial interest.

## 3. Minutes

The minutes of the meeting held on the 26<sup>th</sup> September 2012 were presented for confirmation and signature.



It was **RESOLVED** that the minutes of the meeting held on the 26<sup>th</sup> September 2012 be confirmed and signed.

**NOTED.**

**4. Matters Arising**

With regard to Minute 8(e), Philbeach Farm, Dale to be found on page 14 of the minutes, the Head of Development Management wished to clarify that the camera lens used to take the photograph, while being the recommended 55mm lens, had not included a 35mm sensor which gave a wider angle to the photograph. The standard lens provides a border which can give the impression of a ‘cropped’ photograph. She assured the Committee that the photo had not been deliberately cropped. She also said that she did not believe the Committee had been disadvantaged as many of the Members had attended a site visit prior to consideration of the first application.

Members agreed that no disadvantage had occurred and the update was **NOTED.**

**5. Right to speak at Committee**

The Chairman informed Members that due notification (prior to the stipulated deadline) had been received from interested parties who wished to exercise their right to speak at the meeting that day. She added that, following the decision of the National Park Authority at its meeting held on the 7<sup>th</sup> December 2011, speakers on planning applications received up to the 31<sup>st</sup> December 2011 would have 3 minutes to address the Committee, while speakers on planning applications received after the 1<sup>st</sup> January 2012 would – under the new arrangements – have 5 minutes to speak:

<b>Reference number</b>	<b>Proposal</b>	<b>Speaker</b>
NP/12/0230 <i>Minute 8(a) refers</i>	Low Impact Development on 6 hectares to include dwelling, an agricultural barn, and education room, a polytunnel and volunteer sleeping space – Land adjacent to Binchurn Farm, Llanon	Mr Tim Murray (objector) Mr Huw Edwards (objector)

**6. Planning Applications received since the last meeting**

The Head of Development Management reminded Members of the protocol that had been introduced whereby “new” applications would now be reported to Committee for information. These “new” applications were ones that had been received since preparation of the previous agenda



and were either to be dealt with under Officers' delegated powers or at a subsequent meeting of the Development Management Committee. The details of these 52 applications were, therefore, reported for information and Members were informed that 22 were deemed to be invalid.

## **NOTED**

### **7. Members' Duties in Determining Applications**

The Solicitor's report summarised the role of the Committee within the planning system and stated that planning decisions had to be made in accordance with statutory provisions and the adopted Local Development Plan unless material considerations indicated otherwise. It stressed that non-material considerations had to be disregarded when taking planning decisions and stated that personal circumstances were only very rarely material to planning decisions. Members also had to consider the Human Rights Act 1998 and provided it was applied lawfully and in a fair and impartial manner, they would have complied with their statutory duties under the Planning Acts and would thereby have acted in accordance with the Human Rights Act. It was also important that Members applied the guidance contained in the Authority's Planning Code of Good Practice while carrying out their statutory duties.

It was **RESOLVED** that the report of the Solicitor be noted.

### **8. Report of the Head of Development Management**

The Committee considered the detailed reports of the Head of Development Management, together with any updates reported verbally on the day and recorded below. The Committee determined the single application as follows:

- (a) REFERENCE: NP/12/0230  
APPLICANT: R Tom O'Kane  
PROPOSAL: Low impact Development on 6 hectares to include dwelling, an agricultural barn, an education room, a polytunnel and volunteer sleeping space  
LOCATION: Land adjacent to Binchurn Farm, Llanon, Haverfordwest

The Head of Development Management explained that this application was not before the Committee for a decision as the applicant had submitted an appeal to the Planning Inspectorate on the grounds of non-determination. Members' views were, however, being sought as to how they would have dealt with the application had it been before them for determination.



The application sought planning permission for a low impact development as set out above. The application also included a compost toilet building, duck house, solar panel array, access trackways, parking area and a pond. It had generated a considerable amount of public representation, and the issues raised in these letters of support and objection were outlined in the report.

Members were reminded that a similar application at this site had been considered by the Committee at its meeting in February 2012 when it was resolved to refuse planning permission. The report went on to outline the ways that the current application differed from that previously submitted and to consider the application with regard to the Authority's Development Plan and associated Supplementary Planning Guidance, together with other material considerations, namely Welsh Government advice set out in Technical Advice Note 6.

The application fell to be considered in the main against Policy 47 of the Local Development Plan (LDP), which related to Low impact Development making a positive contribution. The Policy contained eight tests to be met in any application, with a requirement that they must all be met to justify a proposal. The Supplementary Planning Guidance in relation to Low Impact Development was also of direct relevance and the report went on to consider the proposal against each criteria of the policy, concluding that it did not conform with criteria a, b, d and f. Furthermore it was not considered that the proposal complied with a number of the more generic policies within the LDP in relation to the special qualities of the National Park, nor with the advice in national guidance, namely Technical Advice Note 6. Officers considered that the statutory purposes of the National Park Authority and its requirement to conserve and enhance the National Park's natural beauty and cultural heritage were compelling in this case, and the application was therefore recommended for refusal.

The first speaker on the application was Mr Tim Murray who expressed his gratitude to the Committee for rejecting the application when it was first considered by them in February, and asked the Members to sustain their resolve in considering the application again. Mr Murray stated that as far as he was aware the applicants had no historic connection to the land in question or to the area around Trefin, and he therefore assumed it had been purchased with the intention of developing a low impact development on the site, knowing that the land was within the National Park. He stated that the first application had failed to comply with planning policy and that those failures had been repeated in the current application. Mr Murray also believed that a number of the statements made as part of the application were at odds with reality – that there would not be environmental, social and economic benefits to the area and also financially, as the information provided suggested that it was unlikely



the applicant would earn sufficient to pay tax. He concluded by saying that the applicant claimed to have support, but he considered that the letters merely said the applicant was a good chap and this was not enough. He thanked the Head of Development Management for what he considered to be a good report.

The second speaker was Mr Huw Edwards who also objected to the application, agreeing with the recommendation made in the Officer's report. He did not consider that the application made an environmental, social or economic contribution or had any public benefit, but would only benefit the occupier: no employment would be provided, as volunteer labour would be used; there would be no support to the local school; the site would not be self supporting, relying on mains water and electricity; and there would be an increase in traffic on what was a country lane. Mr Edwards did not consider that there had been any attempt to explain why land within the National Park had been chosen and there had been no evidence of attempts to select alternative sites with existing buildings that could be reused. The buildings were not well integrated and were of a number and size which would have an unacceptable visual impact. He believed that the business plan was flawed, with a reliance on grants and that the application would not provide a sufficient livelihood for the site's owners. There was also a failure to address the accounting losses identified. The fields were north facing with poor soil and affected by strong winds, and he doubted that the trees required for food and fuel would grow. He considered that what was being sought was a functional family home, which turned agricultural land into development land, and agreed that it was in the wrong location. He considered that the Committee were trustees for the National Park and he did not wish for a precedent to be set for future applications. He requested that the application be rejected.

Mr Tom O'Kane, the applicant, had given notice that he wished to speak, however he had contacted officers the previous day to indicate that he was no longer able to attend the meeting.

Members commended the Officer for the thoroughness of her report. A number of them commented that they had visited the site with the Committee earlier in the year and had noted then how inappropriate the site was for the development, being north facing and in a windswept position close to the sea. This would make growing anything extremely difficult, without extensive use of polytunnels, and this was borne out by the stunted tree growth they had observed in the area. One Member commented that the application was little different to that refused by the Committee in February, and that the re-positioning of the buildings made them even more prominent. It was moved and seconded that the application be refused for the reasons set out in the report.



**DECISION:** That had the application been presented to the Committee for consideration and decision, it would have been refused for the following reasons:

1. It has not been adequately demonstrated that this proposal is a low impact development making a positive contribution, as defined by Policy 47 of the Pembrokeshire Coast National Park Local Development Plan, in particular criteria a, b, d and f.
2. With due regard to Reason 1, the proposal, if permitted, would therefore result in the creation of a new residential dwelling/educational resource in the countryside without justification and as such would be contrary to Policy 7 of the Pembrokeshire Coast National Park Local Development Plan which seeks to resist development in such locations except in exceptional circumstances
3. The proposed development by virtue of its position, scale and design would have a detrimental impact on the special landscape character of the Pembrokeshire Coast National Park, and which the National Park Authority has a statutory duty to conserve and enhance. As such the proposal would fail to meet policies 1 (criterion a), 8 (criterion c) 15 (criteria a, b, c and d) and 29 (criterion a) of the Pembrokeshire Coast National Park Local Development Plan.
9. **Appeals**  
The Head of Development Management reported on 7 appeals (against planning decisions made by the Authority) that were currently lodged with the Welsh Government, and detailed which stage of the appeal process had been reached to date in every case.

The Planning Officer informed Members that unfortunately the appeal relating to Llethyr, Cwm Gwaun had had to be postponed as the Planning Inspector had been unwell.

**NOTED.**

*[Councillor A Wilcox disclosed an interest in the following item and withdrew from the meeting whilst it was being considered]*

10. **Proposed Application for Development Consent to Construct and Operate the Atlantic Array of Offshore Wind Farm – Consultation Response under Section 42 of the Planning Act 2008**  
The Head of Development Management reminded Members that, as reported the previous month, RWE intended to submit an application to



the Planning Inspectorate in due course for an offshore wind farm to the south of Pembrokeshire and north of Devon in the Atlantic Ocean. As part of the process a pre-application consultation had to be carried out with local planning authorities and this formal consultation was the subject of the report.

The proposal was for a range of turbines between 188 and 278 in number with a maximum capacity of 1500MW. The height of the turbines would have a maximum hub height of 125m above sea level, and a maximum tip height of 220m above sea level. All onshore works would be provided in North Devon, with no associated development planned within the National Park or within Pembrokeshire. As previously reported, professional landscape consultants had been commissioned to assist in providing an independent assessment of the project's effects on the landscape, seascape and visual resources of the area, as well as the effects on the settings of historic landscapes and monuments.

The Officers' response was appended to the report and this raised concerns relating to visual impacts, biodiversity matters and tourism and recreation matters.

Members were concerned about the impact of the array on the National Park and were also disappointed that the pre-application submission focussed on the English context, giving less weight to the Welsh. They also noted that Exmoor National Park and Gower and North Devon AONB's would be affected by the Array, and that if the impact were anything like that experienced from the turbines sited off Llandudno, it would not be good. One Member was disappointed that the response was not stronger particularly with reference to the impact of the proposals on the Preseli Hills and he disagreed with the view expressed by the Officer that the distances would make the effects fairly minimal. Another Member considered that in a world where money talked, the economic impact of the proposals should be given greater emphasis. It was suggested that more research be undertaken to gain evidence as to the potential impact on tourism in the County. Officers agreed to look into the possibility of carrying out such research, and also clarified that it was likely that the application would be considered by the Committee early in the new year.

**NOTED.**

## **11. Delegated applications/notifications**

34 applications/notifications had been dealt with since the last meeting under the delegated powers scheme that had been adopted by the Committee, the details of which were reported for Members' information. Of these, it was reported that 3 applications had been refused, 1



cancelled, 4 withdrawn, and one had been an application for an EIA Screening Opinion which had concluded that an EIA was not required.

It was agreed, following a query, that applications for wind turbines should include the height in the description.

**NOTED.**

## **12. The Provision of Plans and Supporting Information to Development Management Committee Members**

Members had previously raised concerns that there was a lack of clarity on the plans reduced to A4 size that were reproduced in the Development Management Committee Papers. The report that day therefore outlined the options for making plans and supporting information available to Members.

It was reported at the meeting that since writing the report, further discussions had taken place with regard to the recommended option 3 which had raised concerns of transparency, with the perception that certain information was being withheld from members of the public. It was therefore suggested that Option 4, providing plans/information for applications for viewing prior to the meeting, would be the better option, until all plans and documents could be uploaded onto the Authority's website.

Members agreed that it was essential to maintain transparency, however it was noted that plans were already available for Members to view in the office at any point prior to the meeting and it was not seen as cost effective for officers to put up a lot of information which Members might not consult. It was also noted that Members could ask for particular plans to be sent to them via e-mail if they were unable to visit the office. The Head of Development Management agreed to provide Members with contact details for the Development Management admin team.

It was **RESOLVED** that the status quo be maintained, with a view to plans being available on the Authority's website when this became possible.

Mr D Ellis voted against this decision.

