

# Town & Country Planning Act 1990 Section 77 Anglesey County Council Planning Application by Anglesey Boat Company Ltd.

Gallows Point Marina Report L6805/  
X/00/513782

## 11. Final Conclusions

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### Recommendations

- 11.1 In considering this application I have taken into account the environmental information provided in the ES reports, the representations made by the CCW and other bodies and persons about the environmental effects of the proposed development in accordance with the Regulations. I conclude that the environmental impact of the proposals on the landscape of importance and the existing mussel farming industry would be one of considerable harm. National and local policies on major developments within AONBs and Schedule 4 of the Regulations for Environmental Impact Assessment make the consideration of alternative sites, including environmental effects, a material consideration in determining the application.
- 11.2 Applicants for planning permission do not normally have to prove the need for their proposed development, or discuss the merits of alternative sites. However, a number of judicial decisions have established certain categories of development where a duty to consider the existence of alternative sites may arise. The nature of such developments and national or regional need may make the availability, or lack of availability, of suitable alternative sites material to the planning decision.
- 11.3 Government policy in paragraph 5.3.8 of Planning Guidance (Wales) - Planning Policy states, inter alia, that a proven lack of alternative sites can justify an exception to the presumption against commercial development within an AONB. In closing submissions to the Inquiry, counsel for the applicants expressed the view that only alternative sites outside the AONB need be considered. This approach assumes however that the development of any site within the AONB would be equally damaging to the natural beauty of the place, and therefore the applicant only has to show that there are no other suitable sites available outside the AONB.

- 11.4 The guidance in PGW also requires an assessment of the "scope for developing elsewhere outside the area or meeting the need for it in some other way" as well as an assessment of "the detrimental effect on the environment and the landscape, and the extent to which that could be moderated". In my view, nothing in this advice would rule out the assessment of the suitability of alternative sites within the AONB, and a comparison of their relative impacts on the landscape quality of the area.
- 11.5 The marina proposal would undoubtedly generate much needed employment and business for this economically deprived area, and the proposed mitigating measures, safeguards and monitoring procedures would be likely to be effective in safeguarding the marine environment. However, I find that the development would cause substantial visual harm to the coastal landscape of the AONB, and it would adversely affect future productivity and economic prospects for the Menai Strait mussel fishery.
- 11.6 From the assessment made in the ES, there appears to be a viable alternative site on the east side of the Point, where the development would cause significantly less visual harm to the natural landscape of the AONB, and where it would not encroach onto the Several Fishery Order areas leased out to the mussel fishermen. In these circumstances, I find that there are no exceptional grounds for allowing this major development within the AONB to proceed.