

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

10. Obligation & Consitions

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Planning Obligation

- 10.1 A draft section 106 Agreement (Document ABC6) is submitted by the applicants in the form of an obligation to undertake various courses of action so as to overcome concerns and objections regarding the grant of planning permission. The agreement is in the form of a covenant with the County Council to observe the restrictions set out in the Third Schedule and to perform the obligations specified in the Fourth Schedule.
- 10.2 The purpose of the Agreement is to ensure that detailed sampling, analysis and monitoring of the sediment, water quality and excavated ground would be carried out before, during and after construction. This would be necessary to protect the water quality from oil, fuel, silt, maintenance dredging, discharging and anti-fouling agents, during operation, and to monitor this through measures agreed with the CCW and the Environment Agency through an Environmental Management Plan. The developer also undertakes to provide information through surveys of ecological conditions to the satisfaction of CCW and the Environment Agency, in the form of baseline surveys and monitoring of the foreshore, wildlife and biotype of the area; to landscape the existing boatyard site and to provide public access to the marina site.
- 10.3 The CCW has some reservations about the scope of the Agreement, because it would need to be effective over the whole 10 ha site area and therefore it should be signed by all the landowners involved. In this respect the applicants expressed difficulties at this early stage, because they need to obtain planning permission in principle before negotiating with the National Assembly for Wales as owners of Crown land, rather than the local planning authority, who control only a small part of the site.

- 10.4 The Assessor, Dr Terry Holt, endorses the draft section 106 Agreement and the proposed mitigation measures it contains (Appendix 1, paras A3.15, A3.18, A3.20), but in paragraph A4.15 he highlights an omission in the ecological monitoring of birds, which ought to be rectified. The proposed monitoring of shore and water birds for a season should include the moulting period from July to September within the survey up to March. A research programme into the impact of sailing activities on moulting birds in the Eastern Menai Strait ought to be part of an "appropriate assessment" of the likely effect on the SPA, carried out by a competent authority, before the development could be allowed to proceed (Doc CCW7).
- 10.5 Clearly therefore, the contents of the draft Agreement need amendment and it would have to be signed and sealed by the land-owning parties before it could be taken into account by the National Assembly in making this decision.

Conditions

- 10.6 A suggested list of 26 conditions is set out at document YMCC4, which is agreed between the applicants and the local planning authority. These aim to control the size and design of the marina, landscaping, lighting; and to secure the protection of the RIGS site, an environmental management plan, archaeological monitoring, highway safety matters, and satisfactory foul and surface water drainage.
- 10.7 On many of these matters the applicants and the local authority would need to consult with the CCW, particularly on draft condition nos 4, 5, 6, 7, 12, 13 and 14. The CCW also request a further condition to ensure that all fuel tanks needed for the development would be installed underground.
- 10.8 If the development is to be allowed to proceed, I consider that the section 106 agreement should be amended and signed by the relevant parties, and that all the conditions mentioned above should be attached to the planning permission.