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Eich cyf. Your ref: 1297/46P

Ein cyf. Our ref: A-PP 145-07-027

Dyddiad: 9 January 2003

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 77

APPLICATION BY ANGLESEY BOAT COMPANY LTD FOR THE PROPOSED DEVELOPMENT OF A MARINA AND FACILITIES BUILDING, CAR PARK AND BOAT STORAGE AT GALLOWS POINT, BEAUMARIS, YNYS MON

1. Following the meeting of Planning Decision Committee 2002/6 on 25 July 2002 to consider the above application a letter dated 29 July 2002, from Richard Edwards AM, Chair of that Committee was sent to you indicating that following consideration of the report of the Inspector Clive Cochran DipArch Reg Arch MSc MRTPI who held a local inquiry into the application, and that of Dr Terry Holt of the Liverpool Marine and Coastal Studies Laboratory appointed as the Assessor to deal with the evidence on marine biology and ecology issues, the Planning Decision Committee was minded for the reasons given in the letter to disagree with the Inspector's recommendation that the application be dismissed and to allow, subject to conditions, your client's application, subject to the submission of a signed and sealed Section 106 agreement including provisions for monitoring of water quality. A copy of that letter is enclosed at Annex A to this letter which also includes a reproduction of the Inspector's conclusions set out in his report and a copy of a letter from the National Assembly for Wales dated 11 June 2001 seeking additional landscape and ecological information. A copy of the Inspector's report and that of the Assessor was previously enclosed with the letter of 29 July 2002.

2. The letter of 29 July 2002 indicated that on receipt of the completed agreement a grant of planning permission implementing the Planning Decision Committee's decision would issue. At its meeting on 25 July 2002 the Planning Decision Committee agreed that the question of whether any agreement subsequently submitted met the requirements set out in the letter of 29 July 2002, the settling of points of detail relating to conditions and the issue of planning permission implementing the Planning Decision Committee's decision should be delegated to officials.

3. With regard to the question of the Section 106 agreement and the conditions to be imposed on any planning permission the letter of 29 July 2002 contained the following paragraph:-

"27. The Inspector recommended that if the National Assembly were minded to grant planning permission for the proposed development a Section 106 agreement, submitted to the inquiry in draft form as Document ABC 6, should be submitted, amended as recommended by the Assessor in paragraph A4.15 of his report and satisfying the further criteria referred to in paragraph 10.5 of the Inspector's report, before the grant of planning permission. The Planning Decision Committee agree, for the reasons given by the Inspector and the Assessor, that this amended agreement should be submitted signed and sealed by the relevant parties prior to

the grant of planning permission. The Planning Decision Committee also considered that a grant of planning permission should be subject to conditions on the lines of those referred to by the Inspector at paragraphs 10.6 to 10.7 of his report and at inquiry document YMCC4."

4. A certified copy of a signed Section 106 agreement dated 21 October 2002 between your client Anglesey Boat Company Limited and the Isle of Anglesey County Council, the Crown Estate Commissioners and Sir Richard Thomas Williams- Bulkeley and Michael John Stewart Preece was submitted to the Assembly's Planning Division under cover of your letter dated 20 December 2002. A certified copy of the agreement was also submitted under cover of the Isle of Anglesey County Council's letter dated 19 December 2002. I am satisfied that the provisions of the Agreement meet the requirements of the Inspector and the Assessor referred to at paragraphs 10.4 and 10.5 of the Inspector's report.

5. As indicated at paragraph 27 of the letter of 29 July 2002 the Planning Decision Committee considered that a grant of planning permission should be subject to conditions on the lines of those referred to by the Inspector in his report. The Inspector noted that the Countryside Council for Wales requested a further condition to ensure that all fuel tanks needed for the development would be installed underground. I consider that a condition should be imposed whereby details of the installation of fuel tanks are to be submitted to and agreed by the Local Planning Authority. Suggested condition 18 refers to a management scheme for the routing and control of construction traffic. Welsh Office Circular 35/95 states that planning conditions are not an appropriate means of controlling the right of passage over public highways. I accept the Inspectors conclusion that the A545 road has the capacity to cater for both the construction and operation traffic likely to be generated by the proposed marina and the condition has been modified to exclude any control

of the right of passage over public highways.

Formal Decision

6. For the reasons given in the letter of 29 July 2002 from the Chair of Planning Decision Committee 2002/6, and subject to the comments on conditions indicated above, I hereby grant planning permission, implementing the decision of the Planning Decision Committee set out in that letter, for the construction of a marina and facilities building, car park and boat storage at Gallows Point, Beaumaris, Anglesey in accordance with planning application (ref. 1/12/C/266) dated 5 April 1999 subject to the conditions at Annex B to this letter.

7. This letter, a copy of which has been sent to the Director of Planning Anglesey County Council, does not convey any approval or consent which may be required

under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

R. O. Evans

Head of Decision Branch

Planning Division

Enc: Leaflets "H", "HC" and "CSDPA"