

RHYBUDD O GYFARFOD / NOTICE OF MEETING



Awdurdod Parc Cenedlaethol Eryri

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Cyfarfod : *Pwyllgor Cynllunio a Mynediad*

Dyddiad: *Dydd Mercher 30 Mehefin 2021*

Amser *10.00 y.b.*

Anfonir cyfarwyddiadau ymuno at yr Aelodau ar wahân

Meeting: *Planning and Access Committee*

Date: *Wednesday 30 June 2021*

Time: *10.00 a.m.*

Joining instructions will be sent to Members separately

Aelodau wedi'u penodi gan Gyngor Gwynedd

Members appointed by Gwynedd Council

Y Cyngorydd / Councillor:

Elwyn Edwards, Alwyn Gruffydd, Annwen Hughes,

Judith Mary Humphreys, Edgar Wyn Owen,

Elfed Powell Roberts, John Pughe Roberts, Gethin Glyn Williams;

Aelodau wedi'u penodi gan Gyngor Bwrdeistref Sirol Conwy

Members appointed by Conwy County Borough Council

Y Cyngorydd / Councillor:

Philip Capper, Wyn Ellis-Jones, Ifor Glyn Lloyd;

Aelodau wedi'u penodi gan Llywodraeth Cymru

Members appointed by The Welsh Government

Mr. Brian Angell, Ms. Tracey Evans, Mrs. Sarah Hattle,

Mr. Tim Jones, Mr Owain Wyn.

AGENDA

- 1.* **Chairman**
To elect a Chairman of the Committee for the ensuing year.
- 2.* **Vice-Chairman**
To elect a Vice-Chairman of the Committee for the ensuing year.
3. **Apologies for absence and Chairman's Announcements**
To receive any apologies for absence and Chairman's announcements.
4. **Declaration of Interest**
To receive any declaration of interest by any members or officers in respect of any item of business.
5. **Minutes**
The Chairman shall propose that the minutes of the meeting of this Committee held on 19th May, 2021 be signed as a true record (copy herewith) and to receive matters arising, for information.
6. **Appointment of Members to serve on the Planning and Access Committee Inspection Panels**
To submit a report by the Director of Planning and Land Management. (Copy herewith)
7. **Protocol – Public Speaking at the Planning and Access Committee**
To submit a report by the Director of Planning and Land Management. (Copy herewith)
8. **Update Reports**
To submit update reports, for information. (Copies herewith)
9. **Report by the Director of Planning and Land Management**
To submit a report by the Director of Planning and Land Management on policy matters. (Copy herewith)
- Supplementary Planning Guidance (3): Planning and the Welsh Language
10. **Delegated Decisions**
To submit the list of applications which have been determined in accordance with delegated authority, for information. (Copy herewith)
11. **Planning Appeals**
 - (1) To submit an oral report by the Director of Planning and Land Management on the Inspector's decision to allow, an appeal by Mr. Alun Lewis against an enforcement notice issued by the Authority for "without planning permission, operational development to construct a two-storey extension on the eastern gable end of the dwelling", Nant Cwmbran Isaf, Nasareth, Caernarfon, LL54 6DS.
(A copy of the Inspector's decision is enclosed - Copy herewith)

- (2) To submit an oral report by the Director of Planning and Land Management on the Inspector's decision to dismiss an appeal for the construction of a dwelling, Land by The Cemetery, Dinas Mawddwy, SY20 9LL. Appeal by Mr. D. Evans and Miss E. Williams against the decision of the Authority.
(A copy of the Inspector's decision is enclosed – Copy herewith)
- (3) (a) To submit an oral report by the Director of Planning and Land Management on the Inspector's decision to dismiss an appeal against the failure of the National Park Authority (NPA) to issue a decision in respect of application Ref: NP5/61/LU565C which sought a certificate of lawful use or development (LDC), within the prescribed timescales. However, given that the NPA's Notice of Decision was subsequently issued within its jurisdiction period, the appeal procedure subsequently reverted to an appeal against the NPA's refusal to grant an LDC. Appeal by Mr. R. Evans of Harlech Estates (Commercial) Ltd. against the decision of the Authority.
(A copy of the Inspector's decision is enclosed – Copy herewith)
- (b) To submit an oral report by the Director of Planning and Land Management on the Inspector's decision to dismiss an appeal by the Authority for a full award of costs against Mr. R. Evans of Harlech Estates (Commercial) Ltd.
(A copy of the Inspector's decision is enclosed – Copy herewith)

* Your attention is drawn to standing order 5.8 which states that "No Member shall serve as Chairman or Vice-Chairman of more than one Committee".

**SNOWDONIA NATIONAL PARK PLANNING AND ACCESS COMMITTEE
WEDNESDAY 19th MAY 2021**

Councillor Elwyn Edwards (Gwynedd) (Chairman)

PRESENT:

Members appointed by Gwynedd Council

Councillors Alwyn Gruffydd, Annwen Hughes, Judith Humphreys, Edgar Wyn Owen, Elfed Powell Roberts, John Pughe Roberts;

Members appointed by Conwy County Borough Council

Councillor Philip Capper, Wyn Ellis Jones, Ifor Glyn Lloyd;

Members appointed by the Welsh Government

Mr. Brian Angell, Ms. Tracey Evans, Mr. Owain Wyn;

Officers

Mr. G. Iwan Jones, Mr. Jonathan Cawley, Mrs. Jane Jones, Mr. Aled Lloyd, Mr. Richard Thomas, Mrs. Sara Thomas, Ms. Alys Tatum, Mr. Rhydian Roberts, Mrs. Anwen Gaffey.

Apologies

Councillors Freya Bentham, Gethin Glyn Williams; Mrs. Sarah Hattle, Mr. Tim Jones.

1. Chairman's Announcements

The Chairman advised, that today's meeting was subject to the Covid-19 Regulations on how the Authority conducts its business, and that:-

- a Notice of the Meeting had been published, and the Agenda and reports were available on the Authority's website.
- the meeting was not open to the general public.
- the meeting was being recorded and will be available on the Authority's website.

2. Declarations of Interest

No declarations of Personal Interests were made in respect of any item.

3. Minutes

A Member asked that the following matters be include to ensure completeness of the minutes:-

6 (1) NP5/50/147P - Construction of Rural Enterprise dwelling (re-submission), Nyth Robin Campsite, Panteidal, Aberdyfi.

- it was not clear in the minutes whether a private individual had addressed the Planning and Access Committee, and
- it was not minuted that the Director of Corporate Services had agreed to present a report on future options for live broadcasting of meetings.

In response,

- the Director of Planning and Land Management advised that the individual had been expected to address the meeting on behalf of the Community Council. If this was not the case, he should not have been allowed to address the meeting as a private individual as the applicant had already spoken in favour of the application. The Director of Planning and Land Management agreed to present the current protocol for review to a future meeting of the Planning and Access Committee.

- the Director of Corporate Services advised that discussions on live broadcasting of meetings had not been part of the Nyth Robin Campsite application decision. He provided the Member with a short summary on progress to date.

Matters arising from the minutes:-

6 (1) NP5/50/147P - Construction of Rural Enterprise dwelling (re-submission), Nyth Robin Campsite, Panteidal, Aberdyfi.

- Members appointed to the Authority by Gwynedd or Conwy County Borough Councils should not be referred to as local members in the context of the planning committee.
- all Members should have an open mind when considering planning applications, whilst pre-disposition was acceptable, pre-determination was not.

RESOLVED

1. subject to noting the above, the minutes of the Planning and Access Committee meeting held on 14th April 2021 were accepted and the Chairman signed them as a true record.
2. that the Public Speaking Protocol be presented for review to the next meeting of the Planning and Access Committee.
3. to note that the Director of Corporate Services would present a report on future options for live broadcasting of meetings to a future meeting of the Authority.

4. Reports by the Director of Planning and Land Management

Submitted – Reports by the Director of Planning and Land Management on planning applications and compliance matters.

Please see the Schedule of Planning Decisions attached.

5. Update Reports

Submitted – Update reports by the Director of Planning and Land Management on planning applications and compliance matters.

Please see the Schedule of Planning Decisions attached.

6. Delegated Decisions

Submitted and Received – List of applications determined in accordance with delegated authority.

RESOLVED to note the report.

7. Planning Appeal

Submitted and Received – copy of the following appeal decision:-

Appeal by Mr. Les Stephan against the Authority's decision to refuse outline planning permission for the erection of two holiday lets with associated pedestrian access, at Craig-y-Lanch, Aberdyfi. LL35 0HW (Appeal dismissed)

The meeting ended at 11.50

SCHEDULE OF PLANNING DECISIONS – 19th MAY 2021

Item No.

4. **Report by the Director of Planning and Land Management**

- (1) NP5/53/580 – Llyn Tegid Reservoir Safety Project, comprising: reinforcement of the back faces of the northern lake and River Dee reservoir embankments; upgrading the rock armour protection to the front face of the lake embankment; realigning the lake embankment in the ‘bandstand’ area; reorganising and landscaping the lake foreshore overflow car park and Penllyn leisure centre outside seating area; and, increasing the accessibility of associated footpaths along the northern lake embankment, left bank of the river Dee and right bank of the Afon Tryweryn, Llyn Tegid, Bala.
- Reported** – Case Officer presented the report and background and advised there were 5 individual representations, not 3, as was stated in the report. The Case Officer proposed a revised recommendation which would omit the need for a legal agreement in relation to the proposed mitigation scheme. This was because most of the mitigation scheme was within the application red line boundary, and having taken legal advice, was satisfied this could be delivered via planning condition. To this end it was proposed to alter condition No. 10 to require the submission of copies of completed agreements with relevant landowners and a long-term management plan for the mitigation scheme prior to the commencement of the development.

Public Speaking

Andrew Basford, on behalf of Natural Resources Wales, addressed the Planning and Access Committee and asked Members to consider the following:-

- Andrew Basford was the Project Manager for the Llyn Tegid Reservoir Safety Project.
- the scheme would ensure that Llyn Tegid could withstand extreme weather for the future and recent storm events had shown that the lake’s embankments gave vital protection from flooding to the whole town.
- NRW were required to act now as part of its legal duty under the Reservoirs Act and by not carrying out the works, NRW would be subject to enforcement risking possible fines and criminal court action.
- the reservoir embankments will be strengthened by replacing the stone protection along the lake foreshore and by reinforcing the dry side of the embankments. This was to ensure they can withstand wave action and have improved stability during extreme weather events.
- the stone replacement work will involve the removal of self-seeded trees - mainly ash - which were growing in and weakening the lake embankments. The scheme would mitigate the loss of trees by planting approximately 2.8 trees for every tree lost.
- NRW will enter into a management agreement for the establishment of a corridor of trees planted behind the embankment between the Penllyn Leisure Centre and Bala Rugby Club.
- NRW have consulted with local people and taken comments on board. NRW will improve footpaths for all abilities, create new seating areas, enhance the lakeside car park and create new hedgerows and wildflower meadows. NRW will also incorporate enabling works as part of the scheme to facilitate the possible future expansion of the railway.
- subject to securing planning approval and the appointment of a contractor, work was expected to start in the Autumn and last for up to two years. NRW will work closely with the community to try to find ways to keep disruption to a minimum.

Working areas would be fenced off, footpaths will need to be diverted and the first activity would be the removal of the trees on the lakeshore embankment.

- NRW recognises the environmental value of the area and its importance to the local community for recreation and for tourism. The Llyn Tegid Reservoir Safety scheme will uphold this value and provide protection to the town of Bala for its current and future generations.
- Andrew Basford thanked Members for the opportunity to address the meeting.

Members considered the application and discussed the following in detail:-

- in response to a question, the applicants' representative confirmed that the embankment level would not be raised.
- a Member requested an additional condition to ensure the use of native plants of local provenance be included within the planting scheme.
- regarding the types of benches being placed around the lake, the applicants' representative confirmed that NRW would always work closely with the Local Planning Authority and the local community.
- a Member requested that a SuDS (Sustainable Drainage Scheme) be integrated into the landscaping scheme.
- Members were assured the stone being used on the embankment would be a hard stone from a suitable local source.
- Members asked for NRW's assurance that their procurement policy would maximise the local economic benefit for businesses and employ a local workforce.
- in response to a question relating to long term maintenance work and agreements with other landowners, Members were advised that NRW had a legal duty to inspect and maintain the project and Andrew Basford reassured the committee that it was in NRW's interest to do this in the long term.
- Members were advised that terms were still being discussed with 3rd parties.

RESOLVED subject to revising Condition 10 and including an additional condition in relation to the provenance of the plants, to **grant** permission in accordance with the recommendation.

- (2) NP5/77/265B – Change of use of part of agricultural building to re-locate guns and ammunition sales business granted under reference NP5/77/265A, Bryn Derw, Cilfor, Talsarnau.

Reported – Case Officer presented the report and planning considerations. Two additional letters of objection reported.

RESOLVED to **grant** permission in accordance with the recommendation.

- (3) Change of use of outbuildings to single dwelling which is within curtilage of a Listed Building to include 2 bedrooms kitchen lounge and shower room and all associated works, Plas Gywair, Llangower.

Reported – Case Officer presented the update report and background.

RESOLVED to **grant** permission in accordance with the recommendation with a Section 106 Agreement to secure the affordability of the dwelling and restrict occupancy to a person satisfying the local person criteria in need of affordable housing.

5. Update Reports

- (1) Enforcement Notices, Listed Building Enforcement Notices served under delegated powers and List of Compliance Cases – **For Information**

Arising thereon, Members were provided with further details on the following:-

- (i) Members discussed the increase in pod and campervan infringements. A Member referred to a website, which officers were aware of, that lists various sites the public can use for overnight parking. The Acting Planning Manager agreed to use the Authority's social media platforms to provide the public with the correct advice.
- (ii) in response to a question, the Acting Planning Manager advised that officers follow a process before making the judgement that it was 'not expedient to proceed'.
- (iii) NP2/14/18D – Nant Cwmbran Isaf, Nasareth, Caernarfon.
The Director of Planning and Land Management will present the Planning Inspector's appeal decision to the next meeting of the Planning and Access Committee.

RESOLVED to note the reports.

- (2) Section 106 Agreements – **For Information**
RESOLVED to note the report.

- (3) Outstanding Applications where more than 13 weeks have elapsed – **For Information**
RESOLVED to note the report.

ITEM NO. 6

MEETING	Planning and Access Committee
DATE	30 June 2021
TITLE	APPOINTMENT OF MEMBERS TO SERVE ON THE PLANNING & ACCESS COMMITTEE INSPECTION PANELS
REPORT BY	Director of Planning and Land Management
PURPOSE	To appoint Members.

1. **SUMMARY**

The Planning and Access Committee is invited to nominate Members to serve on the following Inspection Panels. The Panels are fully vacant with names of previous membership included, for information only, to assist members.

2. **RECOMMENDATION**

To appoint Members to serve on the following:-

Inspection Panels

(Potential for 8 meetings each a year)

If previous Members wish to now serve on a different inspection panel, it would be appreciated if notice could be given before the Committee.

Northern Area

(9 Members)

- 1) Cllr. Philip Capper
- 2) Cllr. Alwyn Gruffydd
- 3) Cllr. Wyn Ellis-Jones
- 4) Cllr. Ifor Glyn Lloyd
- 5) Cllr. Edgar Wyn Owen
- 6) Cllr. Judith Humphreys
- 7) Mr. Owain Wyn
- 8) Ms. Tracey Evans
- 9) **Vacancy**

Southern Area

(9 Members)

- 1) Cllr. Elwyn Edwards
- 2) Cllr. Annwen Hughes
- 3) Cllr. Elfed Powell Roberts
- 4) Cllr. John Pughe Roberts
- 5) Cllr. Gethin Glyn Williams
- 6) Mr. Brian Angell
- 7) Mrs. Sarah Hattle
- 8) Mr. Tim Jones
- 9) **Vacancy**

ITEM NO. 7

MEETING	Planning and Access Committee
DATE	30 th June 2021
TITLE	Public Speaking Protocol
REPORT BY	Director of Planning and Land Management
PURPOSE	To update the Public Speaking Protocol

1. Introduction

2. The Authority has allowed public speaking at the Planning and Access Committee for many years. It is considered this has been successful, enabling an opportunity for a limited number of speakers at planning committee, whilst still allowing the committee to function efficiently.

3. Review of the Protocol

4. A Public Speaking Protocol was prepared when the principle of public speaking at committee was first established, and this has been the one used by the Authority since then. Given the length of time since the adoption of the original Public Speaking Protocol, it was considered appropriate to review its contents. This would also allow an opportunity for Members and Officers to familiarise themselves with its contents.
5. Having reviewed the contents of the original Protocol, it was apparent that the content was still largely fit for purpose and officers therefore do not consider any significant change is required.
6. Therefore changes to the updated version (Appended to this report) have been limited to a few minor amendments and the addition of a section on Virtual Planning and Access Committees.

7. Conclusion

8. It is considered that the revised Public Speaking Protocol appended to this report will enable the continued successful use of public speaking at the Planning and Access Committee into the future.

9. Recommendation:

For Members to approve the Appended Public Speaking Protocol as presented.



Public Speaking at the Planning and Access Committee

PROTOCOL

1. Introduction

- 1.1. In order to be open and user friendly to the public, the Authority has allowed public speaking at the Planning and Access Committee for many years. This works well and is generally well received by those wishing to speak for or against a particular planning application, and may help the committee reach a more informed decision. The principle of public speaking at planning committee is well established by most Local Planning Authorities.
- 1.2. This is a protocol for staff, planning applicants and members of the public to follow with regard to requests to speak at planning committee. The content broadly follows the first iteration that was produced by the Authority many years ago, but has been updated to include guidance on virtual planning committees which has obviously arisen in light of the Covid pandemic over the last year.

2 Advertising the Public Speaking Scheme

- 2.1. Each applicant (or their agent) will be sent the leaflets: 'Public Speaking', 'Planning Committee: What Happens?' and 'Delegation Scheme' with the acknowledgement of their planning application.
- 2.2. Each member of the public who submits written comments on an individual planning application will be sent the leaflets: 'Public Speaking' and 'Planning Committee: What Happens?' with the acknowledgement of their correspondence.
- 2.3. All town and community councils have already received the leaflet 'Responding to Planning Applications'.
- 2.4. The leaflets will also be available on the Authority's website, at planning surgeries and in main reception area.

3 The Procedure for Speaking at Committee

- 3.1. The applicant (or their agent) can apply to speak at Committee with regard to their own application.
- 3.2. Only members of the public who have previously sent written comments about a planning application can apply to speak at the Committee with regards to that application only.

- 3.3. Town or Community Council representatives can also apply to speak at the Committee.
- 3.4. Requests to address the Committee must be made in writing. The deadline for submitting a request is 12 noon on the Friday prior to the Committee.
- 3.5. All requests will be forwarded to the following email address:
cynllunio@eryri.llyw.cymru

4 Receiving a request to address the Committee from the Applicant

- 4.1. In the case of receiving a request to address the Committee by the applicant (or their agent), and no other person has requested to speak for the application, the applicant (or their agent) should be contacted on the Friday afternoon prior to Committee to confirm their attendance along with the date, time, venue and item number of the application on the agenda.
- 4.2. The applicant (or their agent) can only address the Committee once. Therefore, where the decision on the application is deferred until a future Committee, the applicant (or their agent) cannot apply to address the Committee for a second time.

5 Receiving one request to address the Committee from an Objector

- 5.1. In the case of receiving one request to address the Committee from an objector, a check will need to be made on whether the person has previously submitted written comments or if they have previously addressed the Committee on the same application.
- 5.2. Once the check is complete, the person should be contacted on the Friday afternoon prior to Committee to confirm their attendance along with the date, time, venue and item number of the application on the agenda.
- 5.3. If the person has not previously submitted written comments or they have previously addressed the Committee on the same application, they should be informed that they will not be able to address the Committee.
- 5.4. If the applicant (or their agent) has not submitted a request to speak for their application, they should be contacted (on the Friday afternoon prior to Committee) to inform them that an objector will speak at the Committee. The applicant (or their agent) should be reminded of their right to reply.
- 5.5. In such circumstances, the applicant (or agent) should be informed that they have until 5.00 p.m. Monday to inform the Authority of whether they also wish to address the Committee.
- 5.6. If an applicant (or their agent) subsequently informs the Authority that they wish to address the Committee, confirmation should be given of the date, time, venue and item number of the application on the agenda.

6 Several objectors request to address the Committee

- 6.1. Only one person can speak for or against an application. However the Chair has the discretion to allow more than one speaker, but this will usually only be in exceptional circumstances.
- 6.2. If several people wish to speak, the objectors must get together and decide upon a spokesperson and inform the Authority. Normally this will mean an officer emailing all objectors who wish to speak (as a group) – and asking them to arrange amongst themselves who should speak. Officers will ask the objectors if they are content to share their contact details with others prior to doing this.
- 6.3. Checks will need to be made to ensure that the people wishing to speak have previously submitted written comments.
- 6.4. If any of the people have not previously submitted written comments, they should be informed that they will not be able to address the Committee.
- 6.5. The remaining people who wish to speak should be contacted (on the Friday afternoon prior to the Committee) and informed of the situation.
- 6.6. The objectors should be informed that they have until 5.00 p.m. Monday to decide upon a spokesperson and to inform the Authority. Once confirmation of the spokesperson is received, confirmation of the time, date, venue and item number of the application should be given.
- 6.7. If the applicant (or their agent) has not submitted a request to speak for their application, they should be contacted (on the Friday afternoon prior to Committee) to inform them that an objector will speak at the Committee. The applicant (or their agent) should be reminded of their right to reply. Procedure points 5.4 to 5.6 above should be followed.
- 6.8. The Committee can only be addressed once. Therefore, where the decision on the application is deferred until a future Committee, an objector cannot apply to address the Committee for a second time or in circumstances when another objector has previously addressed the Committee.

7. The objectors cannot decide upon a spokesperson

- 7.1 The Scheme states that if the objectors cannot decide upon a spokesperson, the first person who submitted a request to address the Committee will be allowed to speak. However, the Chair has the discretion to allow more than one speaker in exceptional circumstances.
- 7.2. In this situation, the Planning Manager will confirm that the first person who submitted a request will be allowed to address the Committee or will consult with the Chair of the Committee if they feel there is sufficient evidence to suggest that there are exceptional circumstances to consider allowing more than one speaker.
- 7.3. The objectors shall be informed and the speaker will receive confirmation of time, date, venue and item number of the application on the agent.

8. Receiving an application from a Town or Community Representative

- 8.1 If an application is received by a Town or Community Council to speak for or against an application, the representative should be contacted (on the Friday afternoon prior to Committee) to confirm their attendance along with the date, time, venue and item number of the application on the agenda.
- 8.2. If the applicant (or their agent) has not submitted a request to speak for their application, they should also be contacted (on the Friday afternoon prior to Committee) to be informed of the situation. Procedure points 5.5 and 5.6 apply.

9 Receiving a request to address the Committee from a person in favour of an application who is not the applicant or their agent

- 9.1. If an application is received by one or more members of the public (who is not the applicant or their agent) to speak in favour of an application (and they have previously submitted written comments), the applicant (or their agent) should be contacted (on the Friday afternoon prior to Committee) to be informed of the situation.
- 9.2. The applicant (or their agent) should be given the name and contact details of the person or persons and informed that they have until 5.00 p.m. Monday to discuss the situation and inform the Authority of who will be the spokesperson for the application. Once confirmation of the spokesperson is received, confirmation of the time, date, venue and item number of the application should be given.
- 9.3. In the event that no agreement can be reached on a spokesperson, the applicant (or their agent) will be allowed to address the Committee.

10 At the Planning and Access Committee

- 10.1. Prior to the Committee meeting a list should be produced for the Chair outlining each item number whereby speakers are to address the Committee. Under the specified items the name and address of the speaker should be given and whether they are to speak for or against an application or if they are representing a Town or Community Council.
- 10.2. Speakers will be given an opportunity to address the Committee once the Chair announces the item and the Officer has given additional information on the application.
- 10.3. Speakers will be heard in the following order:
- i. Objector
 - ii Town / Community Council Representative
 - iii Applicant / Agent / Supporter
- 10.4. The Chair will announce each speaker. Each speaker will then be given three minutes to address the Committee. They should not use any photographic equipment, displays or handouts.

- 10.5. The Members Services Officer will time the speaker and will signal to the Chair when three minutes have elapsed.
- 10.6. The Chair will use their discretion on when to stop the speaker if they continue over the three minutes.
- 10.7. The application will then be discussed by the Committee and the Chair will question the speaker(s) if any clarification is needed.
- 10.8. The Chair will have ultimate discretion on the conduct of the Committee meeting. In cases of dispute, the Chair's ruling is final.

11. Virtual Planning Committee

- 11.1 In the case of Virtual meetings (currently held using the Zoom platform, but this could potentially be on any platform), the speakers will receive a brief training session on the platform being used (whether it is zoom, teams etc) by one of the Authority's IT officers, usually a day or two prior to the committee.
- 11.2 If the committee meetings are not open to the public, the speakers will be held in a waiting room until the agenda item commences. They will have to leave the committee at the end of their particular agenda item. However, should the committee meeting be open to the public, the speakers will be able to attend the entire duration of the committee, should they wish to do so.
- 11.3 If any speaker is unable to participate in the remote meeting due to technical difficulties on the day, the Director of Planning & Land Management or one of the other Planning Officers will be able to read out any written statement provided.. Any written statement must be received by 5pm on the Monday prior to the committee. Failure to make this deadline may result in the Statement not being read out..
- 11.4 The meeting will be recorded for minute taking and a recording presented on our website after the meeting. Any speaker must notify the Authority if they do not give their consent to being recorded. Guidance will be provided to the speaker on how to present on the day. IT Officers will also be available with any further support should this be necessary.



PLANNING AND ACCESS COMMITTEE

30 JUNE 2021

ENFORCEMENT NOTICES, LISTED BUILDING ENFORCEMENT NOTICES SERVED UNDER DELEGATED POWERS AND LIST OF COMPLIANCE CASES

SNOWDONIA NATIONAL PARK AUTHORITY
PLANNING AND ACCESS COMMITTEE, 30TH JUNE 2021
LIST OF COMPLIANCE CASES

New cases

	Reference	Date of initial complaint or Date observed by Compliance Officer	Location of Site	Details of Alleged Planning Breach	Current Position
1	NP4/11/ENF397	April 2021	Land to West of A470(T) junction with A5 near Waterloo Cottage, Betws y Coed	Use of land for camping with associated structures	Letter sent to the owner.
2	NP4/30/ENF69H	April 2021	The Peacock Lounge, Conway Old Road	Use of car park for provision of food and drink	No breach. Close file.
3	NP5/60/ENF19B	March 2021	Hen Gelligemlyn, Ganllwyd	Excavation works	Contact made with the owner. The matter is being discussed.
4	NP5/65/ENF328C	June 2021	Heulfryn, Llanelltyd	Stationing of static caravan	Letter sent to the owner.
5	NP5/69/ENF301F	June 2021	Llwyn Du Caravan Park	Erection of children's climbing frame	Letter sent to the owner.

Awaiting Retrospective Application/Listed Building Consent Application/CLEUD Application

	Reference	Date of initial complaint or Date observed by Compliance Officers	Location of Site	Details of Alleged Planning Breach	Position at time of last committee meeting	Updates since last committee meeting
6	NP2/11/ENF709A	February 2021	Gelli'r Ynn Uchaf, Nantmor	Engineering works to create new access and driveway including removal of trees.	Contact made with the owner to advise that planning permission is required.	
7	NP4/16/ENF227C	July 2020	Gwalia Stores, Dolwyddelan	Change of use from retail to dwelling	Application not received. Contact made with the owner to seek an update. Further discussions held with the owner. Awaiting application.	No application received. Consider expediency of taking formal action.
8	NP4/26/ENF195C	April 2021	Llwynau, Capel Garmon	Siting of Pod	Letter sent to landowner.	Awaiting submission of application.
9	NP4/26/ENF266W	January 2020	Zip World Fforest, Betws y Coed	Erection of building & creation of footpaths	Site meeting carried out. Awaiting application. Further contact made with landowner's agent.	

10	NP5/50/ENF562P	July 2020	62 Plas Panteidal, Aberdyfi	Extension to decking Area	Letter sent to the owner. No response received to date. Contact made with the owner.. Site visit to be arranged following lockdown. The matter is being discuss further with the owner.	Owner confirmed that Certificate of Lawfulness will be submitted to establish that the decking has been there for over 4 years.
11	NP5/51/ENF446E	April 2019	Cae Gwian Forestry, Bontddu	Works to Forestry Tracks	Site meeting has been held with the forestry manager. To submit a retrospective planning application to try and regularise the unauthorised works. Further contact made and an application is due to be submitted in January 2021. No application received. Awaiting update.	
12	NP5/58/ENF58G	November 2019	Bryn y Bwyd, Talybont	Engineering Works and Possibe Siting of Caravan/Chalet	Contact made with the owner and a site meeting has taken place. Currently assessing the works that have taken place and whether any of these benefit from permitted development rights. Requested an update on the 6th May. Awaiting a response. The owner has been contacted to advise planning permission is required for the creation of a bund and also the shower/toilet facility. Awaiting planning application.	A retrospective planning application has been received but currently invalid.

13	NP5/58/ENF144K	December 2018	Land at Tan y Coed, Talybont	Siting of Static Caravan used for Residential Purposes	Contact made with the owner of the land. Site meeting taken place where the siting and use of the caravan was discussed. Owner currently considering their options to regularise the situation. A Planning Contravention Notice has been served to ascertain further details about the use of the caravan. Replies have been received and currently being assessed.	Further contact made with the owner – May 2021. Awaiting a response.
14	NP5/62/ENF107B	October 2020	Bron Meini, Llanbedr LL45 2HL	Decking in rear garden	Contact made with the owners who have been advised that planning permission is required. Owner has suggested that he will amend the proposal and will apply for pre-application advice. Site visit carried out. Awaiting application	Application received but invalid. Matter has been discussed with the owner. Awaiting further information and plans.
15	NP5/77/ENF345	February 2021	Bryn Mair, 21 High Street, Talsarnau	Chimney removed	Contact made with the owner to advise that planning permission is required. Response received, application to be submitted. Awaiting submission of application.	

Retrospective Applications Received

	Reference	Date of initial complaint or Date observed by Compliance Officers	Location of Site	Details of Alleged Planning Breach	Position at time of last committee meeting	Updates since last committee meeting
16	NP4/26/ENF97J	December 2020	Maes Madog, Capel Garmon	Erection of hot tub structure, outbuilding and alterations to drive entrance.	Contact made with the owner who has been informed that planning permission is required. Application received. Pending consideration	Pending decision
17	NP5/58/ENF44E	October 2020	12 Glan Ysgethin, Talybont LL43 2BB	LPG tank to front of dwelling	Contact made with the owner who has advised that an application will be submitted to retain the tank. Application received, invalid. Awaiting plan. Application valid. Pending decision.	Pending decision
18	NP5/58/ENF592B	January 2021	Ael y Bryn Hotel, Dyffryn Ardudwy	Unauthorised works to building	Contact made with the owner who has been informed that planning permission is required. Application received.	Pending decision

19	NP5/69/ENF16C	August 2020	Land near Castell Mawr, Llanegryn	Development not built in accordance with the approved plans	Contact made with the owner and a site meeting held. Further discussions with agent. Awaiting application. Update received from the agent. Application due to be submitted mid February.	Application received. Pending consideration
20	NP5/69/ENF41D	October 2020	Land opposite Quaker's burial ground, Llwyngwriil	Stationing of touring caravan	Owner has confirmed that an application will be submitted for the retention of the caravan. Application valid. Pending consideration.	Application refused. Enforcement action now being considered.
21	NP5/71/ENF473	June 2017	Bronant Stores, 1 Pen y Banc, Llanuwchllyn	Untidy Condition of the Building	<p>According to land registry, there has been a recent change in ownership. To make contact with the new owner in respect to the poor condition of the building.</p> <p>A planning application has been received for the conversion and change of use of the former shop to form an extension to the adjoining dwelling.</p> <p>Planning permission refused on design grounds and inappropriate materials. Appears the property is currently for sale on the open market.</p> <p>A further planning application has been submitted in relation to this property but it is currently invalid.</p>	Planning application is now valid and currently being processed. In the meantime the owner has improved the condition of the building by re-painting it.

Awaiting further information or awaiting replies to a Planning Contravention Notice or a Section 330 Notice

	Reference	Date of initial complaint or Date observed by Compliance Officers	Location of Site	Details of Alleged Planning Breach	Position at time of last committee meeting	Updates since last committee meeting
22	NP3/21/ENF46D	January 2020	2 Tai'r Cae, Carneddi, Bethesda	Dumping of Silt & Soil	Contact made with the owner of the land. Site meeting was arranged but did not take place due to lockdown. Letter sent to the owner/occupier to re-arrange site visit. No response received.	
23	NP4/11/ENF100F	March 2021	Tan y Bryn, Pentre Felin, Betws y Coed	Development not built in accordance with approved plans (NP4/11/100F)	Site visit carried out. Contact made with the owner to advise that planning permission is required for the changes.	Owner has confirmed that the works will be amended to comply with the approved plans. Have requested a timescale for the works.
24	NP4/11/ENF104F	April 2021	Gwynant, Betws y Coed	Stationing of static caravan	Contact made with the owner.	No breach. Close file.

25	NP4/11/ENF112B	May 2019	Ty'n y Merddyn, Ffordd Gethin, Betws y Coed	Erection of a Building within the Garden	Site visit undertaken and owner advised planning permission is required for the building. The owner has intimated a retrospective planning application will be submitted in due course. The owner has contacted to advise they have instructed a planning agent to submit an application. Awaiting contact/application from the agent.	Planning application received. Pending decision.
26	NP4/11/ENF337	May 2020	Hendre Rhys Gethin, Pentre Du, Betws y Coed	Permanent Residential Use of Touring Caravan	A valid Enforcement Notice is currently in place for this alleged breach, whereby it requires cessation of the residential use of the caravan and for the caravan to be removed. It appears that the landowner has not complied with the requirements of the Enforcement Notice. Legal action being initiated. Further communication with landowner. No response from landowner, matter referred to legal. Instructions sent to legal to commence Prosecution proceedings.	Instructions sent to legal.

27	NP4/13/ENF53A	January 2021	Bron Heulog, Capel Curig	Eathworks being carried out	Letter sent to the owner/occupier. No response received.	Not expedient to take action. Close file
28	NP4/13/ENF247	February 2020	Land Near Deunant, Capel Curig	Engineering Works, Retaining Walls and Possible Encampment	Land registry search undertaken. Letter sent to the owner and currently await a response. No response has been provided. Site visit carried out. No further works taken place. Monitoring.	
29	NP4/16/ENF405	March 2018	Land Opposite Tan y Castell, Dolwyddelan	Dumping of Building Material and Waste	<p>Owner advised to clear the land of building materials and restoring the land back to its original state. Also advised to remove the touring caravan. Site visit undertaken in January 2019 where it was noted the building material and waste was still on the land. Enforcement Notice served on the 26th September 2019 and took effect on the 1st November. The Notice is due to be complied with by the 1st May 2020. A visit is due to take place during August/September.</p> <p>A site visit has been undertaken where it was noted only part of the Enforcement Notice had been complied with. Currently corresponding with the owner to ensure full compliance with the requirements of the Notice.</p>	Contact made with the owner. A time period of 28 days was given to fully comply with the requirements of the Enforcement Notice. A site visit is due to take place in June 2021.

30	NP4/26/ENF261B	January 2020	Y Felin, Plas yn Rhos, Rhydlanfair	New Structure	Contact made with the owner and a site meeting is currently being arranged. Site meeting arranged.	.
31	NP4/26/ENF338A	February 2021	Bron Heulog, Capel Garmon	Poor condition of site	Site visit carried out. Consider expediency of taking formal action.	.
32	NP5/50/ENF607A	August 2019	Garth, Aberdyfi	Extended Decking	<p>Site meeting held with the owner of the property. Appears planning permission is required for what is currently being erected. The owner has been advised of this and the Authority continue to liaise with them. Requested an update January 2021.</p> <p>Owner has contacted to advise they are currently considering their options, including the submission of a retrospective application. The pandemic has delayed progress in taking this forward. Still discussing options with the owner as to how this can be resolved.</p>	

33	NP5/55/ENFL142A	June 2017	3 Glandwr, Bryncrug	Untidy Condition of Property	<p>Section 215 Notice served on the 18th February 2019. No appeal has been forthcoming, therefore the Notice has taken effect. The Notice must be fully complied with by the 22nd January 2020. A recent site visit has taken place where it was noted the Notice had not been complied with. A letter has been written to the owner advising that to avoid further proceedings they must comply with the requirements of the Notice imminently.</p> <p>No remedial works have taken place and prosecution proceedings are now being considered.</p> <p>A further site visit has taken place where it was noted the requirements of the Section 215 Notice have not been complied with.</p> <p>Prosecution proceedings to be initiated and instructions sent to the Authority's Solicitor.</p>	
34	NP5/56/ENF165	October 2020	Land to west of A487, Pantperthog, SY20 9AT	Engineering works	<p>Contact made with the owner to advise them that planning permission was required and to cease work. Site visit undertaken. Expediency of taking formal action is being considered.</p>	

35	NP5/57/ENF95Q	March 2021	Tan y Fron Caravan Park, Dolgellau	Engineering works	Contact made with the owner to discuss the matter. Site visit carried out. No breach.	No breach. Close file.
36	NP5/57/ENF1071E	March 2021	Bryn y Gwin Farm, Dolgellau	Engineering works	Contact made with the owner and the matter is being discussed.	Site visit carried out.
37	NP5/57/ENF901F	April 2021	Dolgun Uchaf, Dolgellau	Stationing of pods without planning permission	Contact made with the owner. Matters being discussed.	No breach. Close file.
38	NP5/58/ENF19L	April 2021	Sarnfaen Farm Campsite, Talybont	Stationing of pods without planning permission	Contact made with the owner. Site visit carried out.	
39	NP5/58/ENF434D	February 2021	Ty'n y Pant, Dyffryn Ardudwy	Stationing of touring caravans and untidy condition of land	Letter sent to the owner.	No response received to the letter. Site visit to be carried out.
40	NP5/58/ENF616	December 2018	Land adjacent Coed y Bachau, Dyffryn Ardudwy	Siting of Static Caravan used for Residential Purposes	Contact made with the owner and a site meeting has taken place. Planning Contravention Notice served and replies received. Advised to re-locate the caravan within the garden curtilage of the property. To progress this matter, a further site meeting is currently being arranged.	Letter sent to the owner requesting a site meeting. Awaiting a response.
41	NP5/61/ENF532D	March 2021	Swimming Pool, Harlech	Use of car park for overnight stay of motorhomes.	Email sent to the centre. No response received to date.	Response received. The matter is being discussed.

42	NP5/62/ENF426	April 2021	Land near Plas Gwynfryn, Llanbedr	Stationing of static caravan	Contact made with the owner to advise that planning permission is required. The matter is being discussed further.	
43	NP5/65/ENF115A	October 2019	Land at Hengwrt, Llanelltyd	Dumping/Storage of Mattresses and Carpets	Requested an update from NRW on the current situation of this case. It is understood the waste material is currently being removed but only at one lorry load a week. Anticipated the waste will be removed Sept/October time. NRW have instigated prosecution proceedings. NRW have advised a hearing has taken place where a not guilty plea was given. A two week trial at Cardiff Crown Court has been scheduled for the beginning of August 2021.	Contact is being made with the owner. Awaiting a response.
44	NP5/67/ENF335	September 2020	Tarren Y Gesail, Pantperthog	New mountain bike tracks	Contact made with the owner who has confirmed that the track is being removed and the land re instated. Awaiting further information. Site visit to be arranged following lockdown.	Site visit arranged.
45	NP5/68/ENFT118A	January 2021	Hen Bryn y Gelynen, Croesor	Pod	Email sent to the centre. No response received to date.	Second email sent.

46	NP5/74/ENF79B	April 2021	Tyn y Pwll Carafan Park, Dinas Mawddwy	Engineering works	Contact made with the owner. Site visit carried out. The matter is being discussed.	Contact made with Gwynedd Council and NRW to discuss the works that have taken place.
47	NP5/74/ENF492	April 2021	Ty Nant, Dinas Mawddwy	Unauthorised structure in garden	Contact made with the owner. The matter is being discussed.	Owner confirmed that the structures will be taken down.

Cases where formal action is being considered/has been taken.

	Reference	Date of initial complaint or Date observed by Compliance Officers	Location of Site	Details of Alleged Planning Breach	Position at time of last committee meeting	Updates since last committee meeting
48	NP2/14/18D	February 2019	Nant Cwmbran Isaf, Nasareth, Caernarfon	Without planning permission, operational development to construct a two- storey extension on the eastern gable end of the dwelling.	Enforcement Notice served on the 22 nd September 2020 and due to take effect on the 27 th October 2020.	The appeal decision was received on the 18th May, whereby the Inspector has allowed the appeal and granted planning permission for the extension. The Enforcement Notice is quashed and the file is now closed.

					<p>Requirements to comply with the Notice: Remove the two-storey extension on the eastern gable end of the dwelling. Remove from the land all building materials and rubble arising from compliance with requirement (i) above, and restore the land to its condition before the breach took place by levelling the ground and reinstating with grass and/or gravel.</p> <p>Enforcement Notice Appeal submitted. Currently awaiting a formal start date for the appeal from the Planning Inspectorate.</p> <p>Enforcement Notice Appeal has now commenced. The ministerial target for the decision for this appeal is the 18th June 2021.</p> <p>Enforcement Appeal ongoing.</p>	
49	NP2/16/ENF448	May 2017	Hendre Ddu Quarry, Cwm Pennant	Unauthorised Quarrying and Track Creation	<p>Site visit undertaken on the 12th April. Unauthorised works carried out, enforcement proceedings commenced and a Temporary Stop Notice has been served in respect to the extraction of mineral waste from slate tips and the construction of new tracks.</p>	

					<p>The Notice ceases to have effect on the 3rd July 2019. An Enforcement Notice is currently being drafted.</p> <p>No further works have been carried out. Expediency report being undertaken in relation to the works carried out.</p>	
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Listed Building Cases

	Reference	Date of initial complaint or Date observed by Compliance Officers	Location of Site	Details of Alleged Planning Breach	Position at time of last committee meeting	Updates since last committee meeting
50	NP5/54/ENFLB33M	January 2020	Nannau Hall, Llanfachreth	Poor Condition of Building	<p>It has been brought to the Authority's attention that the lead from the roof of the building has been removed and that the overall condition of the building is deteriorating rapidly.</p> <p>A site visit has confirmed this.</p>	<p>The external conditions survey has now been completed and it is evident any temporary or permanent repairs will be costly. Confidential discussions are now ongoing in relation to how the Authority can progress the safeguarding of the building.</p>

					<p>Contact has been made with the owner who is aware of the condition of the building. They propose to undertake a temporary repair to the roof until at such time they can visit the property and ascertain the damage for themselves.</p> <p>To date no temporary repairs have been undertaken. The owner has been contacted again to emphasise the urgency of the situation. They propose to undertake temporary repair work until they are able to visit and assess the extent of the work required to the building.</p> <p>A meeting has been arranged with CADW to discuss possible options to safeguard Nannau Hall.</p> <p>A meeting has taken place with CADW and arrangements are being made to undertake a condition survey of the building. It was anticipated this survey would take place at the beginning of February but this has been delayed.</p>	
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					<p>An external condition survey has been arranged for the week commencing the 5th April 2021.</p> <p>Currently in discussion with the owner in relation to undertaking an internal inspection at the same time. Failure to agree for the Authority to undertake an internal inspection, will result in an application to the courts for a warrant to gain entry.</p>	
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51	NP5/66/ENFLB32D	November 2020	Ty Mawr, Llanfair	Internal works being undertaken.	Letter sent to the property. Response received and works discussed with the owner. Site visit to be carried out. Site visit carried out.. Application submitted but invalid.	
52	NP5/69/ENFLB326A	September 2018	Ty Gwyn, Llwyngwrlil	External and internal Alterations to a Listed Building	A site meeting has taken place. Advised to submit a listed building consent application in respect to the unauthorised works that have taken place.	



PLANNING AND ACCESS COMMITTEE
30 JUNE 2021

SECTION 106 AGREEMENTS

**SNOWDONIA NATIONAL PARK AUTHORITY
PLANNING AND ACCESS COMMITTEE, 30 JUNE 2021**

SECTION 106 AGREEMENTS

Rhif	Application No.	Date application was received	Location	Development	Present Position
1.	NP3/10/121	30/01/20	Land at Cae'r Felin, Abergwyngregyn.	Erection of a pair of semi-detached two storey dwellings with associated access and car parking	Draft being prepared by Authority Solicitor

Number of applications on committee list 19 May 2021 = 2

**APPLICATIONS SUBJECT TO A SECTION 106 AGREEMENT AND WHICH HAVE BEEN COMPLETED SINCE
PLANNING & ACCESS COMMITTEE
19 MAY 2021**

Application No.	Location	Development
NP5/69/90C	5 Ffordd y Felin, Llwyngwrl. LL37 2JA	Removal of Section 52 Agreement attached to Planning Permission NP5/69/90 dated 15/04/1991.

**APPLICATIONS SUBJECT TO A SECTION 106 AGREEMENT WHICH HAVE BEEN REFUSED, WITHDRAWN, OR
DISPOSED, OR WHERE AN AGREEMENT IS NO LONGER NECESSARY SINCE PLANNING & ACCESS
COMMITTEE 19 MAY 2021**

Application No.	Location	Development
NP5/58/363F	Nant Eos, Dyffryn Ardudwy.	Conversion to open market dwelling unit and installation of sewage treatment plant.



PLANNING AND ACCESS COMMITTEE

30 JUNE 2021

OUTSTANDING APPLICATIONS WHERE MORE THAN 13 WEEKS HAVE ELAPSED

SNOWDONIA NATIONAL PARK AUTHORITY

PLANNING AND ACCESS COMMITTEE 30 JUNE 2021 OUTSTANDING APPLICATIONS WHERE MORE THAN 13 WEEKS HAVE ELAPSED

Awaiting Welsh Government Highways

NP5/57/885J	19/01/21	Cefn Naw Clawdd, Dolgellau. LL40 2SG.	Siting of 2 camping pods as holiday accommodation, together with associated parking and landscaping.
NP5/73/26B	24/05/19	Utica Buildings, Trawsfynydd.	Change of use of land to external Storage yard.

Awaiting submission of a Construction Environmental Management Plan

NP5/74/478A	22/10/20	Land at Coed Cae Farm, Llanymawddwy. SY20 9AQ	Installation of 12.5m high telecommunications mast together with associated equipment and compound.
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Awaiting Further Ecology / Reports Information

NP4/32/284A	06/12/20	Maes Mawr, Crafnant Road, Trefriw. LL27 0JZ	Extension, alterations and conversion of rural outbuilding into visitor accommodation unit, alterations to vehicular access, creation of parking area and installation of sewage treatment plant.
NP5/68/6D	02/12/20	Rhiw Goch, Penrhyndeudraeth. LL48 6DR	Conversion of existing agricultural barn into self-catering holiday accommodation, associated parking, creation of curtilage area and installation of treatment plant. Alterations to existing vehicular access and conversion of an existing shed to a bat roost,

Awaiting Ecology

NP3/22/98	26/02/21	Blaen y Garth, Nantlle. LL54 6BS	Demolition of single storey outbuilding and erection of two storey side extension.
NP5/65/2B	04/03/21	Beudy Uchaf Hirgwm, Maes y Clawdd, Bontddu. LL40 2UR	Conversion of barn to affordable dwelling and associated works including installation of septic tank and diversion of public footpath,
NP5/65/L302D	25/08/20	Wern y Pistyll, Bontddu. LL40 2UP	Conversion and extension of barn into affordable dwelling and installation of septic tank,
NP5/69/392B	09/12/21	Llwyn Du, Llwyngwriil. LL37 2JP	Erection of two storey dwelling.
NP5/74/486A		Nant yr Onog Woodland, Dinas Mawddwy.	Installation of access track and bridge in relation to forest management including harvesting (resubmission),
NP5/75/73D	21/10/19	Ynys, Cwrt, Pennal.	Conversion and alterations to existing BCF Hut to form holiday let accommodation and installation of septic tank (Re-submission),

Awaiting Amended Plans

NP5/58/598B	20/01/21	Llidiart Playing field, Dyffryn Ardudwy.	Change of use of land from play area to car park to accommodate 16 parking spaces
NP5/73/424A	28/09/20	Cilderi, Tan y Bwlch. Maentwrog. LL41 3YU	Erection of double garage, retrospective application for extension to curtilage, retention of stone terracing and engineering works.

Awaiting Details form Agent / Applicant

NP5/58/569A	04/09/20	Bwlch Cae, Dyffryn Ardudwy. LL44 2HX	Erection of single storey rear extension.
NP5/58/629	29/01/20	Land between Plas Meini & Swyn y Mor, Dyffryn Ardudwy. LL42 2BH	Outline permission for the erection of 2 open market and 2 affordable dwellings. integral garages and formation of new vehicular access on to the A496,

Awaiting consultation response from Natural Resources Wales on further information submitted by applicant.

NP4/32/284A	06/12/20	Maes Mawr, Crafnant Road, Trefriw. LL27 0JZ	Extension, alterations and conversion of rural outbuilding into visitor accommodation unit, alterations to vehicular access, creation of parking area and installation of sewage treatment plant,
NP5/71/39Z	03/03/21	Gwersyll Yr Urdd, Glanllyn, Llanuwchllyn. LL23 7ST	Erection of two storey building to provide training/sleeping accommodation. Erection of 2 single storey ancillary buildings for bag storage and maintenance facilities. Alterations to existing Cwt Lerpwl & Cwt Hwyllo. Erection of raised training deck to Cwt Lerpwl. Associated external works to provide parking and outside storage areas formed with permeable grid system.

Awaiting updated Heritage Impact Assessment

NP5/61/257C	16/11/20	Noddfa, Harlech. LL46 2UB	Erection of 4 two and three storey self-contained holiday letting units, engineering and terracing works, car parking and turning area in association with Noddfa Hotel,
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Awaiting Technical Details of Biomass Boiler

NP5/57/1065H	12/03/21	Bryn y Gwin Farm, Dolgellau. LL40 1TF	Retrospective application for erection of woodstore, oil tank and biomass boiler including concrete bases and footpath
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Total applications on list = 19

Total applications on list Committee 19 May 2021 = 16

DEDDF LLYWODRAETH LEOL (HAWL I WYBODAETH) 1985**RHESTR O BAPURAU CEFNDIR**

Ystyrir y dogfennau canlynol fel papurau cefndir ar gyfer adroddiadau ar geisiadau ac eitemau gorfodaeth a wnaed dan Ddeddfau Cynllunio 1990.

Ffurflen gais, gan gynnwys unrhyw Dystysgrif.

Cynlluniau a dogfennau eraill i gefnogi'r cynigiad.

Sylwadau cyrff cyhoeddus a hysbyswyd neu yr ymgynghorwyd a hwy, gan gynnwys swyddogion eraill yr Awdurdod, Cynghorau Cymuned, Cynghorau Unedol, Ymgwymerwyr Statudol, Adrannau neu asiantau'r Llywodraeth (ac eithrio cyngor cyfreithiol, a llythyrau yn gofyn am gyngor cyfreithiol).

Llythyrau a dderbyniwyd o ffynonellau eraill, yn cynnwys aelodau o'r cyhoedd. (Ac eithrio gohebiaeth gydag hysbyswydd gwarchoddedig).

Lluniau o'r safle ac o ddatblygiadau tebyg mewn mannau eraill.

Deddfau Cynllunio 1990 ac unrhyw deddfwriaeth ychwanegol.

Deddf Cynllunio ac Iawndal, 1991.

Deddf yr Amgylchedd, 1995.

Deddf Cynllunio a Phrynu Gorfodol, 2004.

Deddf Iawnderau Dynol, 1998.

Cyngor cyhoeddedig y Llywodraeth (lle cyfeirir ato mewn adroddiadau ac eitemu unigol).

Y Cynllun Fframwaith ynghyd ac unrhyw gynigion i'w ddiwygio a gyhoeddwyd.

Cynlluniau Lleol, ynghyd ac unrhyw gynigion i'w diwygio a gyhoeddwyd (lle cyfeirir atynt mewn adroddiadau ar eitemau unigol).

Ffeiliau ar geisiadau cynllunio blaenorol ar safleoedd y cynigion presennol.

Unrhyw ddogfen arall y cyfeirir ati mewn adroddiadau ar eitemau unigol.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**LIST OF BACKGROUND PAPERS**

The following documents are considered background papers for reports on applications and enforcement items made under the Planning Acts 1990.

Application form, including any Certificates.

Plans and other documents in support of the proposal.

Comments of public bodies notified or consulted, including other Officers of the Authority, Community Councils, Unitary Councils, Statutory Undertakers, Government Departments or agencies, (excluding legal advice and requests for legal advice).

Letters received from other sources, including members of the public. (Excluding correspondence with a protected informant).

Photographs of the site or of similar developments elsewhere.

The Planning Acts 1990 and subsidiary legislation.

The Planning and Compensation Act, 1991.

The Environment Act, 1995.

The Planning and Compulsory Purchase Act, 2004.

The Human Rights Act, 1998.

Published Government advice (where referred to in reports on individual items).

The Structure Plan together with any published proposals for amendments.

Local Plans, together with any published proposals for amendments (where referred to in reports on individual items).

Files for previous planning applications on sites of current proposals.

Any other document which may be referred to in reports on individual items.

ITEM NO. 9.1

MEETING	Planning and Access Committee
DATE	June 30, 2021
TITLE	Supplementary Planning Guidance (3): Planning and the Welsh Language
REPORT BY	Sion Roberts (Planning (Policy) Officer)
PURPOSE	To approve the draft updated Supplementary Planning Guidance (3) - Planning and the Welsh Language, with any necessary changes for adoption

1. BACKGROUND

The Authority adopted the Eryri Local Development Plan (ELDP) 2016-2031 on the 6th February 2019. As Members are aware, the Eryri LDP contains strategic policies and development policies as a basis for deciding planning applications. Supplementary Planning Guidance documents (SPGs) provide further detailed information, in support of the ELDP policies. To give further guidance regarding the new policies formed through the short form revision a series of new and updated SPGs are being prepared to provide further information and guidance on the implementation of policies contained in the ELDP. SPGs should expand and interpret planning policies and not in themselves, form new areas of policy.

2. PURPOSE

The purpose of the Planning and the Welsh Language SPG is to;

- Provide detailed guidance about the manner in which the Planning Authority will deal with developments which may have an effect on the future of the Welsh language within communities.
- Provide guidance to assist officers and members in determining planning applications.

3. CURRENT POSITION

The original Planning and the Welsh Language SPG was adopted in September 2011, but following the release of the 2011 Census data and the adoption of the revised Eryri Local Development Plan in February 2019 it was decided timely to update the SPG in order for it to reflect the current situation and policies more accurately. Due to only minor changes to Development Policy 18: The Welsh language and the Social and Cultural fabric of communities in the adopted ELDP, the changes made to the SPG include updating facts, figures and policies rather than any change in its functionality and purpose.

The draft SPG was originally taken to the September 2 2020 Planning and Access Committee where it was decided that a Members Working Group would be held at a later date in order to discuss the SPG further. Following the November 11 2020 Working Group, a number of changes were suggested, and the document was amended. The draft SPG was then put out for a 6 week consultation period and all comments submitted can be found in the separate document. In terms of changes to the document following the consultation period, they are listed below.

- Amended the document and wording in par 5.3 to say 'enhancement' rather than 'improvement'
- Amended the word 'county' in Appendix A to say 'National Park area', and added the word 'enhancement' to the 'Mitigation measures' heading.
- In the 'Preparing a Community and Linguistic Impact Assessment' section, the question format has been amended from 'Is the development likely... ' to say 'How will the development.....'. This is relevant to questions 1, 4, 5, 6, 9, 11, 12, 13, 14, 15, 17 and 18
- Wording added to the explanatory text for Q.15 to note 'which includes community halls and local businesses'
- Wording added to the explanatory text for Q.13 which notes 'Prior to answering question 13, consultation and discussions are advised with the Local Education Authority, in order to understand the local context and capacity. This will also raise awareness of any proposed changes and re-organisation in the local school provision'

4. NEXT STEPS

Following any amendments agreed by the Planning and Access Committee on the updated Planning and the Welsh Language SPG, it will be formally adopted and considered as a material planning consideration.

5. RECOMMENDATION

For Members to approve the draft Planning and the Welsh Language SPG for adoption, subject to any modifications considered appropriate.

SNOWDONIA NATIONAL PARK AUTHORITY



**SUPPLEMENTARY PLANNING GUIDANCE:
PLANNING AND THE WELSH LANGUAGE**

February June 2021

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1 INTRODUCTION

1.1 This guidance note is one of a series of Supplementary Planning Guidance (SPG) documents which provides further detailed information on how policies contained in the Eryri Local Development Plan (ELDP) (2016-2031) will be applied in practice by the National Park Authority. The Supplementary Planning Guidance is intended to give more detail on specific issues than is possible or appropriate in the Eryri Local Development Plan. Whilst interpreting this guidance regard should be given to other policies within the ELDP. The SPG has undertaken, and passed, an equality impact assessment.

Purpose

1.2 The purpose of the Supplementary Planning Guidance is:

- To provide detailed guidance about the manner in which the Planning Authority will deal with developments which may have an effect on the future of the Welsh language within communities.
- To provide guidance to assist officers and members in determining planning applications.

Status

- 1.3 This Supplementary Planning Guidance will be a material planning consideration when decisions are made on planning applications.
- 1.4 This Supplementary Planning Guidance Note (SPG) has been produced to support the policies within the Eryri Local Development Plan (2016 – 2031).
- 1.5 In accordance with good practice, applicants are encouraged to discuss applications with officers, beforehand, in order to decide what kind of language assessment needs to be prepared.
- 1.6 The most relevant policies in the Eryri LDP are:

- **Development Policy 18: The Welsh Language and the Social and Cultural fabric of communities**
- **Strategic Policy A: National Park Purposes and Sustainable Development**

2 SETTING THE CONTEXT

- 2.1 The Welsh Language is one of the 'Special Qualities of the National Park and the language is an integral element in the fabric of communities locally and is a reflection of their traditions and culture. To ensure that communities develop in a sustainable manner, it is essential, when contemplating change, to consider all the factors influencing the situation and that new development being planned is appropriate and relevant. The town and country planning process regulates new developments and is therefore one important and influential element in the shaping of change in society.
- 2.2 The Welsh language is an important planning consideration in the creation of land use policies and in the decision making process on planning applications. However, the exact effect of an individual development on language over a period of time is a matter that is difficult to analyse and prove decisively. This guidance attempts to address the problem by viewing communities in a holistic manner, giving due regard to language as an element which is an integral part of community activity and life. This can be considered as a sustainable methodology in which a number of economic, social, cultural and environmental elements influence one another and where change in one dimension impinges on another.
- 2.3 This is achieved in the document by establishing, in two stages, a more analytic methodology for assessing the impact of different kinds and scale of development on communities and language. It is the responsibility of applicants for planning permission to conform to these guidelines and to produce sufficient information to enable the Planning Authority to arrive at a decision about an individual application.
- 2.4 The Welsh Language (Wales) Measure 2011 made provision for the official status of the Welsh language in Wales and created a new legislative framework. The measure establishes the principle that the Welsh language is not to be regarded as less favourable than the English language.
- 2.5 This was highlighted further in the Planning (Wales) Act 2015, where the Act introduced legislative provision for the Welsh language in the planning system. Sections 11 and 31 of the Act ensures that the Welsh language is given consistent and appropriate consideration in both the preparation of development plans, and the making of planning decisions.

Wellbeing of Future Generations (Wales) Act 2015

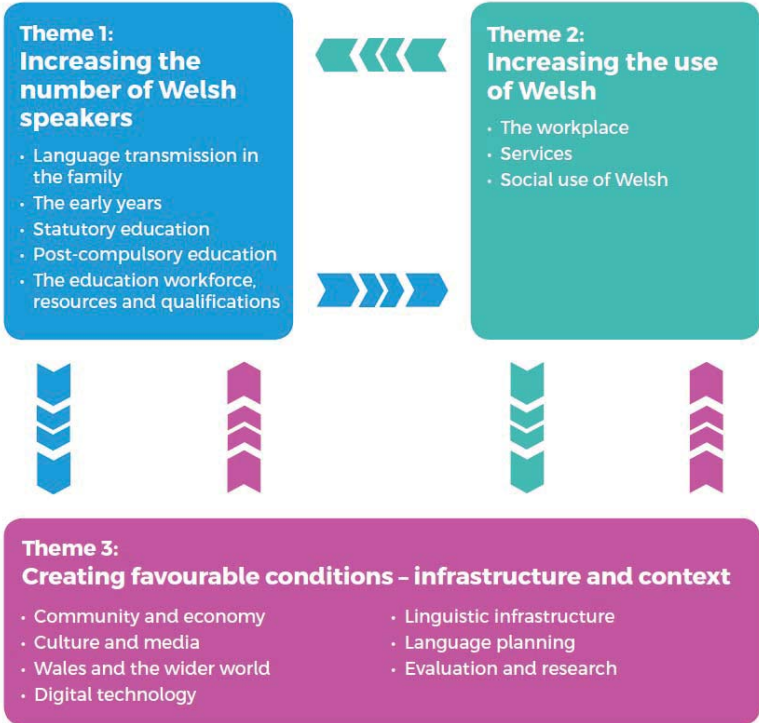
- 2.6 The Wellbeing of Future Generations (Wales) Act 2015 has seven well-being goals, which certain public bodies (including local authorities and National Park authorities) must seek to achieve in order to improve wellbeing both now and in the future. One of the well-being goals is 'A Wales of Vibrant Culture and Thriving Welsh Language'. As noted by Welsh Government, "*This well-being goal will be achieved through a society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts and sports and recreation. The Wellbeing Act seeks to improve the social, economic, environmental and cultural well-being of Wales.*"

Planning Policy Wales Edition 10 and TAN 20 – Planning and the Welsh Language

- 2.7 Welsh Government policies relating to this matter are included in Planning Policy Wales and technical advice is provided in Technical Advice Note 20 “Planning and the Welsh Language” - October 2017. The purpose of this TAN is to provide guidance on how the Welsh language may be given appropriate consideration in the planning system and on compliance with the requirements of planning and other relevant legislation. The language is therefore, unquestionably, a material consideration in planning.
- 2.8 In terms of signs and advertisements, TAN 20 notes that they can *“have a strong visible impact on the character of an area, including its linguistic character. They are also one method of promoting the distinctive culture of Wales, which is of significance to the identity of individual communities as well as the tourism industry. Policies in LDPs relating to signage and advertising subject to planning control may promote the provision of bilingual signs.”* Outside planning controls, encouragement can also be given to using traditional Welsh names for new developments and streets and certainly this will be the case in the National Park.
- 2.9 It is the Authority’s view that signs within the National Park should be at least bilingual in order to protect one of the key special qualities of the Park, and therefore on an application/case basis, will request that any proposals for signs and/or advertisements are at least bilingual.
- 2.10 Welsh Government’s “Building Better Places – Placemaking and the Covid 19 recovery” (July 2020) is a document which sets out the Government’s planning policy priorities to assist in taking action in the recovery period after the Covid-19 pandemic. It notes that *“the document references the National Sustainable Placemaking Outcomes, one of which is ‘Creating and Sustaining Communities’. A key aspect of this outcome is ensuring and enabling the Welsh language to thrive. The National Sustainable Placemaking Outcomes are set out in PPW and are highly relevant at this time”.*

Welsh Language Strategy – Cymraeg 2050

- 2.11 In 2017, Welsh Government announced its plans to double the number of Welsh speakers to one million by 2050. One issue mentioned was the threats to traditional Welsh speaking communities due to young people moving away to find work and incomers who do not speak the language. Proposals were outlined under six key areas for discussion;
- Planning – making the Welsh language a part of every aspect of life
 - Everyday life – encouraging people to use Welsh and to respect those who speak it
 - Education – introducing people to Welsh in schools, colleges and adult learning
 - People – making sure that the language is passed on to children and that it is used in the workplace
 - Support – through dictionaries, digital tools and Welsh language media
 - Rights – ensure that laws promoting the official status and use of Welsh remain effective.
- 2.12 This vision is highlighted in the image below, taken from the ‘Cymraeg 2050’ document



3 LOCAL LINGUISTIC PATTERNS

3.1 The Welsh language is spoken by 58.6% of the resident population within Snowdonia National Park compared with just 19.0% of the population of Wales, according to the 2011 census. This masks considerable variation however, with lower proportions (26-40%) of Welsh speakers in some communities such as Conwy, Arthog, Aberdyfi and Penmaenmawr and higher proportions of Welsh speakers in areas such as Llanuwchllyn (80.4%), Y Bala (75.1%) and Ysbyty Ifan (77.0%). The table below presents the results of the 2011 Census for the Welsh language for Snowdonia National Park. The relative percentages for the national level are also displayed.

Census 2011	Actual Number	% SNPA	% Wales
Total Population – (Age 3 and over)	24,959		
No skills in Welsh	8,104	32.5%	73.3%
Can understand spoken Welsh only	1,861	7.5%	5.3%
Can speak Welsh	14,626	58.6%	19.0%
Can speak but cannot read or write Welsh	1,334	5.3%	2.7%
Can speak and read but cannot write Welsh	834	3.3%	1.5%
Can speak, read and write Welsh	12,413	49.7%	14.6%
Other combination of skills in Welsh	413	1.7%	2.5%

3.2 The table below shows the comparison between 2011 and 2001 percentages within Snowdonia National Park. From the results of the census it is observed that 67.5% of the Park's population has at least one Welsh language skill.

Census 2011	% SNPA 2011	% SNPA 2001
No skills in Welsh	32.5%	30.2%
Can understand spoken Welsh only	7.5%	6.1%
Can speak Welsh	58.6%	62.1%
Can speak but cannot read or write Welsh	5.3%	5.3%
Can speak and read but cannot write Welsh	3.3%	2.3%
Can speak, read and write Welsh	49.7%	54.5%
Other combination of skills in Welsh	1.7%	1.6%

3.3 The change in percentages within the National Park is consistent with the trend seen at the national level. There was a 3.5% decrease in the percentage of people who could speak the language between 2001 and 2011, and this percentage is above the national percentage change of 2%.

3.4 This trend of decline in the number of Welsh speakers in the National Park has been apparent between 1951 and 2011. For example, between 1971 and 1991 the proportion fell from 77 per cent to 65 per cent. Although this decline is still continuing, the rate of decline has slowed for example in 2001 62 per cent of the National Park population was able to speak Welsh, with 58.6% being able to speak Welsh in 2011. Demographic changes include a higher than average proportion of people aged 65 and over (26.0% compared with 18% for Wales – *the % for over 65's in the Park in 2001 was 21%*) and a growth in the proportion of 60 – 74 year olds. Younger people moving

out of the area and older people moving in has contributed significantly to the substantial increases in house prices in the area. A number of possible factors influencing these changes include the changing pattern of second homes / retirement homes and external growth in economic opportunities for Welsh speakers. The table below shows a breakdown of Welsh speakers within the National Park by age groups

	Actual Number	Percentage
Total Population – (Age 3 and over)	24,959	
Age 3 to 15	3,103	12.4%
Age 16 to 64	15,362	61.5%
Age 65 and over	6,494	26.0%
Can speak Welsh – age 3 and over	14,626	
Can speak Welsh: Age 3 to 15	2,776	11.1%
Can speak Welsh: Age 16 to 64	8,751	35.1%
Can speak Welsh: Age 65 and over	3,099	12.4%
One or more skills in Welsh age 3 and over	16,855	
One or more skills in Welsh: Age 3 to 15	2,934	11.8%
One or more skills in Welsh: Age 16 to 64	10,320	41.3%
One or more skills in Welsh: Age 65 and over	3,601	14.4%

3.5 Welsh is at the heart of the National Park’s cultural and community identity as a living and sustainable language in these communities. Map 1 shows the distribution of Welsh speakers in the communities of the National Park on the basis of the 2011 census. The Welsh language and education policies of Gwynedd and Conwy Councils support the growth and development of the Welsh language throughout the National Park.

3-5

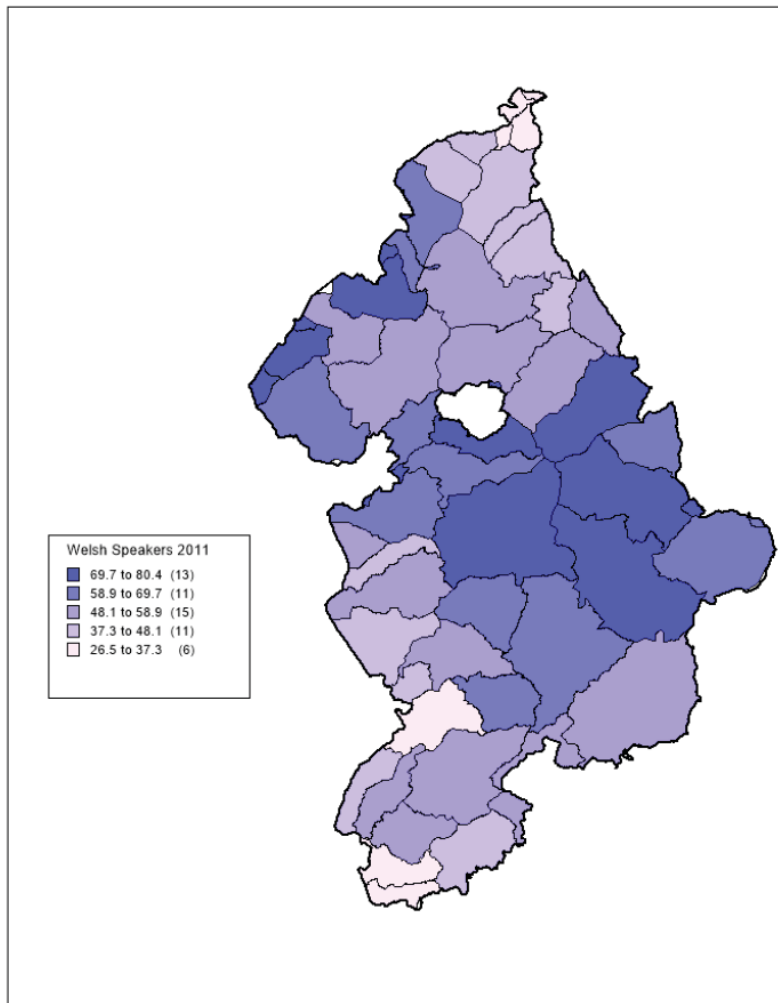
3.6 The table below shows the percentage of people that can speak Welsh within the community councils of the National Park (these are communities either fully or partially within the Park – *bold highlights fully within the Park boundary*).

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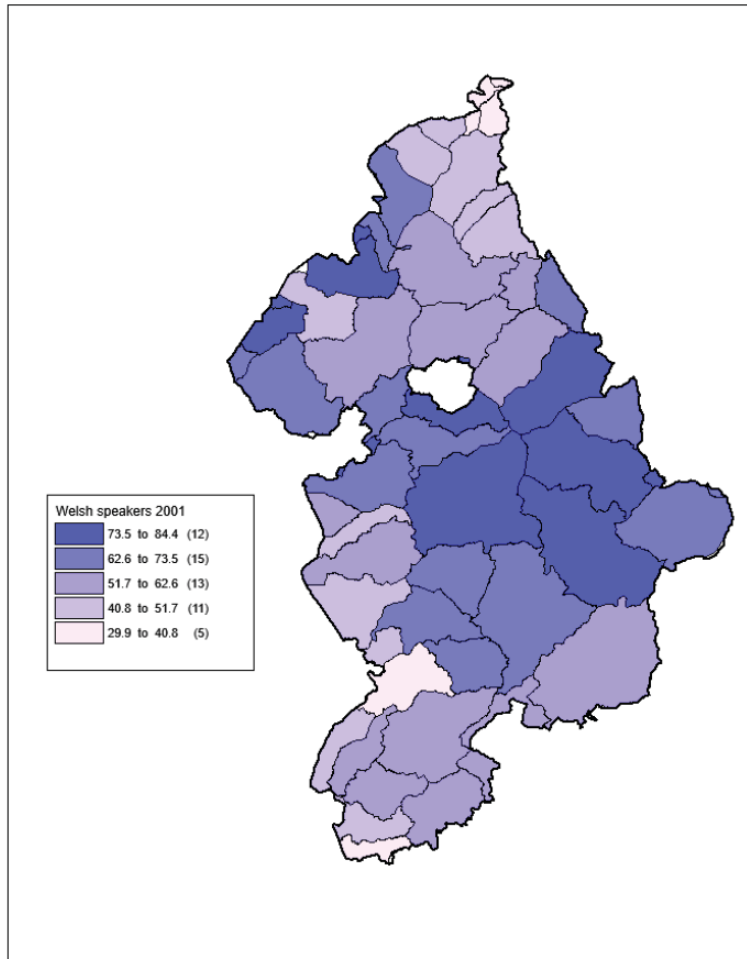
Community Council	% Welsh Speaker 2001	% Can Speak Welsh 2011	Percentage increase/decrease
Aber	44.9%	47.1%	+ 2.2%
Aberdyfi	36.2%	30.0%	- 6.2%
Arthog	32.0%	27.6%	- 4.4%
Bala	79.7%	75.1%	- 4.6%
Barmouth	43.5%	39.8%	- 3.7%
Beddgelert	60.7%	50.8%	- 9.9%

Bethesda	76.7%	73.9%	- 2.8%
Betws Garmon	43.4%	52.6%	+ 9.2%
Betws y Coed	57.4%	44.7%	- 12.7%
Brithdir a Llanfachreth	67.0%	66.0%	- 1.0%
Bro Garmon	66.3%	57.1%	- 9.2%
Bro Machno	61.1%	55.1%	- 6.0%
Bryn-crug	56.2%	50.8%	- 5.4%
Caerhun	47.6%	43.6%	- 4.0%
Capel Curig	52.8%	54.9%	+ 2.1%
Clynnog	67.5%	70.0%	+ 2.5%
Conwy	29.8%	26.5%	- 3.3%
Corris	60.0%	50.8%	- 9.2%
Dolbenmaen	69.2%	65.7%	- 3.5%
Dolgarrog	49.9%	44.8%	- 5.1%
Dolgellau	70.3%	63.0%	- 7.3%
Dolwyddelan	55.4%	50.2%	- 5.2%
Dyffryn Ardudwy	48.4%	45.7%	- 2.7%
Ffestiniog	80.6%	75.7%	- 4.9%
Ganllwyd	68.0%	59.8%	- 8.2%
Harlech	56.5%	50.2%	- 6.3%
Henryd	39.0%	36.5%	- 2.5%
Llanbedr	53.4%	52.4%	- 1.0%
Llanberis	80.0%	72.3%	- 7.7%
Llanddeiniolen	78.1%	73.2%	- 4.9%
Llandderfel	69.4%	64.7%	- 4.7%
Llandwrog	76.7%	75.6%	- 1.1%
Llandygai	68.3%	65.2%	- 3.1%
Llanegryn	58.1%	48.8%	- 9.3%
Llanelltyd	63.8%	55.8%	- 8.0%
Llanfair	46.6%	44.4%	- 2.2%
Llanfairfechan	50.2%	45.3%	- 4.9%
Llanfihangel-y-Pennant	61.3%	51.3%	- 10.0%
Llanfrothen	69.1%	67.7%	- 1.4%
Llangelynin	45.6%	40.6%	- 5.0%
Llangywer	71.0%	65.4%	- 5.6%
Llanllechid	64.7%	65.4%	+ 0.7%
Llanllyfni	80.0%	76.3%	- 3.7%
Llanrwst	64.3%	58.5%	- 5.8%
Llanuwchllyn	84.4%	80.4%	- 4.0%
Llanycil	79.6%	78.1%	- 1.5%
Maentwrog	69.9%	65.0%	- 4.9%
Mawddwy	60.7%	57.7%	- 3.0%
Penmaenmawr	37.5%	32.7%	- 4.8%
Pennal	54.0%	45.8%	- 8.2%
Penrhyndeudeath	78.3%	72.9%	- 5.4%
Talsarnau	64.9%	60.4%	- 4.5%
Trawsfynydd	80.2%	74.5%	- 5.7%
Trefriw	50.1%	43.7%	- 6.4%
Tywyn	40.5%	36.4%	- 4.1%
Ysbyty Ifan	84.7%	77.0%	- 7.7%

- i. Map 1: distribution of Welsh speakers as a proportion of the population aged 3 and over: 2011 Census

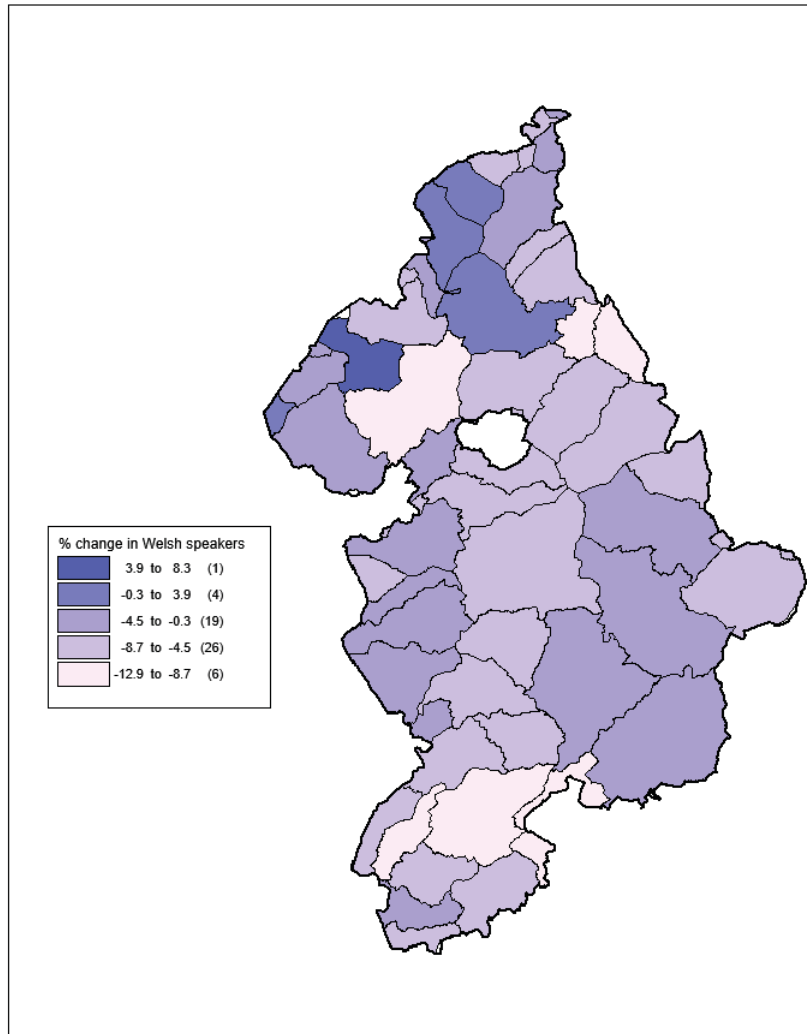


- ii. Map 2: distribution of Welsh speakers as a proportion of the population aged 3 and over: 2001 Census



* although the shadings in map 1 and map 2 may look similar, the legend notes that the colours represents different percentages between each maps. Therefore, please take the legend into consideration whilst looking at the maps. Map 3 on the following page shows the percentage change in Welsh speakers between the 2001 census and 2011 census.

iii. Map 3: percentage of change of Welsh speakers between 2001 and 2011



4 NATIONAL PARK PLANNING POLICIES

- 4.1 Development Policy 18 of the Eryri Local Development Plan, set out below provides the detailed policy basis for taking the Welsh language into account as a material consideration in determining planning applications:

Development Policy 18: The Welsh language and the Social and Cultural fabric of communities (18)

In determining all planning applications within the National Park the needs and interests of the Welsh Language will be taken into account. This will be achieved through:

- i. Supporting development which maintains or enhances the integrity of the Welsh language.
 - ii. Refusing development which, due to its size, scale or its location, would cause significant harm to the character and language balance of a community. To be able to make an informed decision on applications that may have an effect on the future of the Welsh language within communities, applicants will be required to submit a:
 - a) "Community and Linguistic Statement" to accompany a planning application for unanticipated windfall sites of 5 or more residential units ; a commercial, industrial or tourist development with an area of 1000m² or more; a development which is likely to lead to the loss of community facilities or employment opportunities and a tourism development creating ten or more holiday units.
 - b) More detailed assessment in the form of a "Community and Linguistic Impact Assessment" to accompany a planning application where developments are on a larger scale. Larger developments in this case are regarded as proposals which are substantially above the thresholds outlined in criterion a, and are likely to be located on unallocated sites, have some significance beyond the National Park boundary and be unrelated to specific policies in the Plan.
 - iii. Mitigating against any adverse effect through requiring in appropriate circumstances a financial contribution through a Section 106 agreement.
 - iv. Encouraging all signage by public bodies and by commercial and business companies to be bilingual or in Welsh only to protect and promote the distinctive cultural amenity of the National Park.
 - v. Encouraging the use of Welsh place names for new developments, house and street names.
- 4.2 This policy emphasises the need to protect local communities and the Welsh language, by the town and country planning process and provides a basis for refusing planning applications where this does not occur.
- 4.3 Snowdonia National Park Authority requests that any proposals for signs and/or advertisements are at least bilingual.

5 ASSESSING THE EFFECTS OF DEVELOPMENT

- 5.1 As there is a high percentage of Welsh speakers in every community, the language is part of the fabric of society and is linked to the culture and traditions of the area. It is therefore necessary to give careful consideration to the way in which new developments may affect the current pattern and to ask whether they are in keeping with local and national language policies.
- 5.2 In the case of smaller developments listed in criterion ii a) of Development Policy 18,, applicants are asked to submit a “**Community and Linguistic Statement**” (see Appendix A for guidance on the preparation of such a statement) to accompany their planning application. Where developments are on a larger scale and where they do not comply with national and local policies, the planning authority will ask for a more detailed assessment which will be submitted in the form of a “**Community and Linguistic Impact Assessment**” (see Appendix B for guidance on the preparation of such a statement).
- 5.3 When a development proposal requires the submission and presentation of either a ‘Community and Linguistic Statement’ or a ‘Community and Linguistic Impact Assessment’ as part of a planning application, the applicant will need to demonstrate the following;
- Evidence or justification of why the individual (applicant or agent) presenting the statement/assessment is suitable or qualified to do so – (*The Authority has the right to refuse a statement if it is not satisfied that the individual presenting it has sufficient experience in the field*)
 - Mitigation and ~~improvement~~ enhancement measures (i.e. how the application will seek to create cultural and linguistic gains – not only mitigation)
 - Impact the development may have on the wider community
- 5.4 Additional detail is given under Appendix A and Appendix B.

6 COMMUNITY AND LINGUISTIC STATEMENT

- 6.1 As a starting point, the Planning Authority will ask for a Community and Language Statement as part of a planning application for developments which fall within one or more of the following categories:-
- Unanticipated windfall sites of 5 or more residential units
 - a commercial, industrial or tourist development with an area of 1000m² or more
 - a development which is likely to lead to the loss of community facilities or job opportunities
 - a tourism development creating ten or more holiday units.
- 6.2 The Statement will form part of the background material for assessing a planning application and will be one of several other material factors which will be considered; it is only infrequently that an application will be determined on the basis of the Statement alone. In most instances, the Statement will give the opportunity to demonstrate positive influences on communities, particularly where the development serves to meet local needs, well-being goals and the aspirations contained in the Welsh Language Strategy – Cymraeg 2050. In response to any negative impacts of the development, the applicant will be given the opportunity to expand on the benefits of the development and to present evidence of mitigating factors relevant to the application and planning. This could be achieved, if relevant, by negotiating a formal Planning Obligation between the applicant and the Local Planning Authority. Developers should also demonstrate how they will make a positive contribution and maximise use of the language in all areas, particularly in areas where the Welsh language is thriving
- 6.3 The verification and appraisal of the Statement will be a matter for the Planning Authority in making a decision about the application, taking into account any other relevant material planning considerations. The Planning Authority may disagree with the conclusions of the Statement. In such instances, an attempt will be made to verify the facts and to reach an understanding with the applicant about the main considerations. In order to provide support for potential applicants the Planning Authority will publish relevant statistics for each community and monitor the effect of any new developments as part of the background work on the Development Plan [see Appendix C] and through annual Plan monitoring..
- 6.4 If, in the opinion of the authority, it can be shown unequivocally that the development is likely to have a negative effect on the community and that it will be detrimental to the Welsh language, the authority may refuse the application on these grounds alone. Additionally, it may be necessary, because of a vague or questionable conclusion to a Statement, for the authority to ask the applicant to prepare a full Assessment to enable it to consider the case in a more detailed and precise manner.

7 COMMUNITY AND LINGUISTIC IMPACT ASSESSMENT

- 7.1 From time to time, developments which are substantial in their scale and likely impacts may be submitted unexpectedly to the Planning Authority. In this context it is difficult to anticipate the specific size or actual type of development. Larger developments in this case are regarded as proposals which are substantially above the thresholds of a smaller developments listed in criterion ii a) of Development Policy 18 and are likely to be located on unallocated sites, have some significance beyond the National Park boundary and be unrelated to specific policies on the Plan. It is reasonable to suggest, that developments which are on a larger scale and more significant in their impact are likely to fall into one or more of the following categories, namely ones which:-
- are over and above the needs and aspirations of local communities
 - are on unallocated land and sites and contrary to the policies of the Development Plan
 - are not part of a local project or strategy
 - replicate past tendencies where a damaging effect has occurred on communities and language
 - are on a large scale in comparison with the level of demand in the local market
 - are not likely to contribute to communities in a sustainable manner
 - have some significance beyond the Park boundary
- 7.2 The assessment of any planning application will be a matter for the Planning Authority and it will decide whether an application falls within the above mentioned definitions. If that is the case, developers will be required to prepare a Community and Linguistic Impact Assessment which is much more rigorous than a Community and Language Statement, following the guidance provided in Appendix B.
- 7.3 The Assessment, in addition to other relevant information about the planning application, such as compliance with development plan policies, traffic or environmental considerations, will assist the Planning Authority in either refusing or granting planning permission. Rarely will decisions be likely to depend solely on the evidence in the Assessment.

8 EVALUATING THE ASSESSMENT

- 8.1 The applicant will be given an opportunity to present evidence in support of his/ her application and to demonstrate how the proposal would bring benefits to the local community. In addition, mitigating measures, relevant to the application and to planning, could be presented, in response to any negative effects of the development. Additionally the applicant should provide evidence or justification of why they (applicant or agent) are suitable/qualified to present the assessment.
- 8.2 The process of preparing an Assessment is subjective and it is possible that the Planning Authority's interpretation of the impacts on a community could be different from that of the applicant. In such cases efforts will be made to verify the facts and to reach an agreement with the applicant about the main considerations. In addition, it is likely that organisations and individuals from the community will express opinions that may be material planning considerations.
- 8.3 If, in the opinion of the Planning Authority, it can be clearly demonstrated that the development is likely to have a negative effect on the community and on the Welsh language, it will be possible for the Planning Authority, in accordance with national and local planning policies, to refuse the application solely on these grounds. As part of the application, an action plan demonstrating how the applicant plans to mitigate any negative impact and/or demonstrate opportunities to improve and upgrade the local situation in terms of the language and provision, should be presented.

9 MONITORING

- 9.1 It is intended to monitor the actual effect of developments against the evidence that is submitted in Statements and Assessments in order to consider the effectiveness of the process outlined in this guidance. As a starting point the Authority has outlined, in Appendices, the main statistics and information sources which are available. From time to time, as new information becomes available, it is intended to check and update this list in the context of monitoring the guidance and the Development Plan. The Authority will release this information to prospective applicants.

APPENDIX A: COMMUNITY AND LINGUISTIC STATEMENT

It is necessary for the applicant to complete a Community and Linguistic Statement for the type of developments listed in criterion ii a) of Development Policy 18. The statement should be completed by replying in as much detail as possible to the questions listed below which are relevant to the type of development under consideration. The Planning Authority will check the information and will possibly ask for an explanation or for further details in order to ensure that the Statement is accurate and complete before considering it in determining an application for planning permission.

General (all types of development)

Is the development:-

- consistent with local and national strategies/plans
- likely to satisfy local and community needs
- likely to maintain or add to communal facilities
- sustainable in the long term
- likely to be supported by the local community

Population Characteristics (all types of development)

Will the development:-

- attract newcomers to the area
- contribute to migration from the area

Residential

Does the development:-

- reflect local housing need including affordable homes
- resemble other developments completed during the last five years? If so, what are the cumulative impacts?

Employment

Will the development:-

- call for labour skills which are available locally
- create jobs for the local workforce
- attract workers from outside the ~~County~~National Park area
- create new opportunities for the workforce
- lead to further investment

Mitigation and enhancement Measures

Would it be possible to alleviate the negative effects? Is there an opportunity for improvements or upgrading that would positively impact the language? *Where relevant*, these could include;

- provision of bilingual signs within and outside the development
- support and funding for language lessons for staff
- bilingual marketing and advertising
- supporting local labour and employment
- support and funding for cultural and language initiatives or local projects/centres
- phased development (e.g. if a large housing development)

Appendix B: Community and Linguistic Impact Assessment

Background

It will be necessary to submit a Community and Linguistic Impact Assessment (CLIA) for developments falling within criterion ii b) of Development Policy 18. The methodology comprises a checklist to allow the developer and local planning authority to make an assessment of the likely impact of a development proposal against five aspects of community life:

- Population (levels and the characteristics of that population)
- Quality of life (therefore providing the impetus for people to remain, leave or move to the community)
- The economy (affecting employment opportunities for different groups as well as the cost of living and, more specifically, the cost of housing)
- Infrastructure (needed to sustain the community, particularly schools, health care and essential services)
- The social and cultural life of the community (expressed through the viability of cultural institutions, particularly those affecting younger people).

Population stability or moderate growth, combined with a high quality of life, a strong economy, high quality infrastructure and a vibrant social and cultural life are all central to community cohesion and sustainability. Where the Welsh language forms a part of the social fabric of a community, its fate and well-being is inexorably tied to the wider fortunes of that community. If a development is likely to be detrimental to any one of these aspects, it may also have an adverse impact on the Welsh language. However, if it is sensitive to the local context e.g. supporting the local economy, then the impact is far more likely to be positive.

The checklist provides guidance on assessing the likely impact of a development against the five aspects of community, with a view to establishing both its effects on the community in general and its impact on the Welsh language more specifically. It is a guide for those responsible for establishing likely impacts, designing policy and advising on development decisions.

Developers and Local planning authorities will need to search relevant statistics available locally and nationally to make a clear assessment of the data sources for the five community aspects. The planning authority will prepare relevant facts and indicators to assist the developer.

Methodology and Assessment

The CLIA methodology has been devised taking into account the form of impact assessment methodologies already applied to different aspects of planning and development. These methodologies normally comprise either a tick/cross scoring in answer to each question, or a numeric scoring.

Scoring the Checklist

The CLIA methodology is a subjective process intended to establish the probable impacts stemming from a development proposal or policy. When officers use the checklist, each question should be answered with a positive, negative or neutral score reflecting the perceived impact of the development against the five sets of issues. Numerals need to be inserted as the answer to each checklist question, with numeral +1 representing a perceived positive impact, numeral -1 a perceived negative impact, and numeral 0 for a perceived neutral impact.

Gradually, scores of +1, -1 and 0 will be inserted as the answers to each checklist question across the five sets of community life topics. The ability to compare options is important in undertaking an assessment, guiding the assessor to the 'best' overall choice. The impact assessment helps to inform decisions about which checklist topics perform better than others against the five community life issues by revealing the potential impacts. The ultimate choices have to be made by the assessor. An inability to answer any of the questions suggests that assessors will need to construct new data and evidence to search for an answer. In the assessment process, a lack of answer to a question (i.e. a blank return) will be deleted from the overall calculation. The final Overall Impact Index Assessment matrix (see below) will indicate which options have more harmful impacts or, conversely, beneficial contributions.

It is not suggested that the addition and comparison of these impacts will make the overall choice for the developer/local planning authority. However, a matrix that identifies those impacts that have a relatively high positive or negative impact, and is accompanied by a commentary, will help decision-makers to determine the most sustainable option. The importance or weight to be given to a checklist question will vary for different policies and development proposals, and that judgment is for those making the assessment. The developer and local planning authority will need to make a judgment on how much weight to give those checklist answers that are concerned with the shorter or longer term, for example.

Calculating an Overall Impact Index

The final part of the assessment methodology is an Overall Impact Assessment Index. This comprises a measurable summary table that permits the assessor to develop a positive, negative or neutral score relating to the perceived impacts likely to occur. The score will then form a material consideration in the assessment of an application for planning permission within development control, or an indicator in the assessment of whether or not to adopt a policy or proposal.

Each of the questions within each of the five sets of community life components - population characteristics, quality of life, economic factors, infrastructure supply, social and cultural aspects - produces a range of scores known as the *base index*. These 18 scores may then be used to calculate an Overall Base Index Score, which is simply the average score across all the answers. An Overall Base Score of between 0.1 and 1.0 denotes a positive impact; a score of 0 denotes a

neutral impact; a score between -1.0 and -0.1 denotes a negative impact, with actual figures representing the relative perceived severity.

The summary table automatically calculates a *dimensional index*, which is a mean score for each of the community life components - a mean for population; a mean for quality of life; a mean for economic factors; a mean for infrastructure; and a mean for social issues. This enables assessors to compare the mean score for each of the five components, recognizing the perceived greater impacts, and possible trade-offs, between one component and another.

Depending on the policy priorities of the local planning authority, the objectives of the development plan, and the socio-economic profile of the community where the development is proposed, the assessor may give greater weight to one or more of the five components at this stage of the assessment when the Overall Impact Index is utilised as a decision tool. The choice of which component to attach greater weight to is a matter for the local planning authority, justified on local circumstances and policy priorities. Alternatively, the assessor may regard each of the five components as being of equal significance and therefore of equal weight.

The Overall Base Index Score may then be used to calculate *Language Impact Scores*. These scores are divided into three variations - to represent the degree of importance of the language in that particular location: if the language is considered to have 'high' importance; if the language is considered to have 'medium' importance; and if the language is considered to have 'low' importance. These figures are calculated automatically.

The use of 'high', 'medium' and 'low' significance for language importance is a matter for the local planning authority, and will be decided on the basis of the proposed location of the development and the results of the Linguistic Profiling exercise.

Preparing a Community and Linguistic Impact Assessment

Please complete the following questionnaire, providing as much detail as possible. After the main question, there is an opportunity to add further comments on key issues. Part (a) after each question is an opportunity to make an overall assessment; Part (b) is a statement of evidence, normally based on prior experience; Part (c) is your evidence based assessment of general community impact, and part (d) deals with possible mitigation measures. The numerical assessment provided in Part (c) of each question will need to be fed into the overall impact tool at the end of the questionnaire.

POPULATION CHARACTERISTICS

1. ~~Is the development likely to~~ How will the development lead to a population increase / decrease that might:

Affect the balance of English / Welsh speaker (in a negative / positive way); or

Lead to an absolute or proportional decline in the number of Welsh speakers

a) Please DESCRIBE your overall assessment

b) Please STATE previous evidence (local / national case studies drawing on the UK Census for 1991 and 2001)

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (0), or NEGATIVE (-1) impact on the COMMUNITY as a whole

--

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

--

2. Is the development likely to lead to increased in-migration?

Might this result in a permanent increase in the proportion of non-Welsh speaking households?

Will the change be permanent or temporary?

a) Please DESCRIBE your overall assessment

b) Please STATE previous evidence (local / national case studies drawing on the UK Census for 1991 and 2001)

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (0) or NEGATIVE (-1) impact on the COMMUNITY as a whole

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

3. Is the development likely to lead to increased out-migration ?

Is the process of out-migration likely to result in a loss of Welsh speaking households?

Will the change be permanent or temporary?

a) Please DESCRIBE your overall assessment

b) Please STATE previous evidence (local / national case studies drawing on the UK Census for 1991 and 2001)

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (0) or NEGATIVE (-1) impact on the COMMUNITY as a whole

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

4. How will the development change the development likely to lead to a changing age structure of the community? Might it:

Lead to young / middle-aged / older Welsh speaking people leaving / moving into the area, leading to:

Changes in traditional activity patterns, resulting in an increasing desire to move away?

Social tensions / break-up of traditional social networks

a) Please DESCRIBE your overall assessment

b) Please STATE previous evidence (local / national case studies drawing on the UK Census for 1991 and 2001)

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (0) or NEGATIVE (-1) impact on the COMMUNITY as a whole

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

QUALITY OF LIFE

5. ~~Is the development likely to~~How will the development have an impact on the health of local people? Might it:

Increase the risk of illness, therefore reducing the desirability to live in the community?

--

Potentially make life more expensive, therefore increasing the risk of financial problems / stress of the local Welsh speaking population

--

a) Please DESCRIBE your overall assessment

--

b) Please STATE previous evidence (local studies or Index Deprivation)

--

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (0) or NEGATIVE (-1) impact on the COMMUNITY as a whole

--

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

--

6. ~~Is the development likely to~~How will the development have an impact on the amenity of the local area? Might it:

Lead to a deterioration in environmental quality, therefore reducing the desirability to live in the community?

--

a) Please DESCRIBE your overall assessment

--

b) Please STATE previous evidence local environmental assessments or residents' surveys)

--

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (0) or NEGATIVE (-1) impact on the COMMUNITY as a whole

--

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

--

7. Is the development likely to lead to the threat of increased crime or violence in the community? Might it:

Increase the risk of crime or violence, therefore reducing the desirability to live in the community?

--

a) Please DESCRIBE your overall assessment

--

b) Please STATE previous evidence (local crime figures / police records from areas subject to similar developments)

--

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (0) or NEGATIVE (-1) impact on the COMMUNITY as a whole

--

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

--

ECONOMIC FACTORS

8. Is the development likely to have a detrimental impact on local businesses?

Might it:

Potentially lead to local – Welsh speaking – businesses closing down, due to:

_____ A decline in overall local population?

_____ An increase of – non Welsh speaking – residents ?

_____ An increase in harmful / helpful competition?

_____ a) Please DESCRIBE your overall assessment

_____ b) Please STATE previous evidence (local business surveys or economic assessments)

_____ c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (0) or NEGATIVE (-1) impact on the COMMUNITY as a whole

_____ d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

9. ~~Is the development likely to have a detrimental impact on local jobs~~How will the development impact local employment?

Might it:

Create jobs for the local – Welsh speaking – population (perhaps by virtue of local Welsh speaking people having the rights skills)?

--

Threaten jobs of the local – Welsh speaking – population (perhaps by causing the closure of local businesses)

--

a) Please DESCRIBE your overall assessment

--

b) Please STATE previous evidence (local studies)

--

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (0) or NEGATIVE (-1) impact on the COMMUNITY as a whole

--

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

--

10. Is the development likely to lead to greater economic diversity? Might it:

Potentially lead to a greater number of different jobs for the local – Welsh speaking – population due to economic diversification?

--

Lead to increased in-migration of non-Welsh speakers?

--

a) Please DESCRIBE your overall assessment

--

b) Please STATE previous evidence (local studies or UK Census)

--

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (0) or NEGATIVE (-1) impact on the COMMUNITY as a whole

--

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

--

11. ~~Is the development likely to have an~~How will the development impact on local wage / salary levels?

Might it:

Potentially increase / decrease wage / salary levels due to increase work force / business competition ?

--

a) Please DESCRIBE your overall assessment

--

b) Please STATE previous evidence (local studies or Index of Income Deprivation)

--

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (0) or NEGATIVE (-1) impact on the COMMUNITY as a whole

--

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

--

12. ~~Is the development likely to have an~~How will the development impact on the average cost of housing?

Might it:

Force local – Welsh speaking – people to leave the community?

--

Potentially lead to an increase in homelessness / housing stress amongst local – Welsh speaking – households?

--

Prevent local Welsh speaking people from returning to the area / community?

--

a) Please DESCRIBE your overall assessment

--

b) Please STATE previous evidence (local studies of estate agents or information gathered through Housing Need Assessments)

--

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (0) or NEGATIVE (-1) impact on the COMMUNITY as a whole

--

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

--

INFRASTRUCTURE SUPPLY

13. ~~Is the development likely to have an~~How will the development impact local schools?

Might it:

Threaten / secure local schools due to an increase / decrease of student rolls?

--

Alter the balance between Welsh-speaking and non-Welsh speaking students?

--

a) Please DESCRIBE your overall assessment

--

b) Please STATE previous evidence (local studies and data from LEAs)

--

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (O) or NEGATIVE (-1) impact on the COMMUNITY as a whole

--

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

--

14. ~~Is the development likely to have an~~How will the development impact on health care provision?

Might it:

Threaten / secure local – Welsh medium – facilities / services?

--

a) Please DESCRIBE your overall assessment

--

b) Please STATE previous evidence (local studies and information for Local Health Trusts)

--

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (O) or NEGATIVE (-1) impact on the COMMUNITY as a whole

--

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

15. ~~Is the development likely to have an~~How will the development impact on the provision of local services, such as shops / post offices / banks / pubs? Might it:

Threaten/secure local shops / post offices / banks / pubs in Welsh speaking communities, therefore forcing certain sections of the population out of the area / community e.g. the elderly or disabled, or the young?

a) Please DESCRIBE your overall assessment

b) Please STATE previous evidence (local studies commercial information available from business directories / VAT office, or business rating register)

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (O) or NEGATIVE (-1) impact on the COMMUNITY as a whole

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

SOCIAL AND CULTURAL ASPECTS

16. Will the development potentially lead to social tensions, conflict or serious divisions within the – Welsh speaking – community?

Might it:

Have a significant uneven effect on different parts of the local community, potentially advantaging some groups and disadvantaging others?

--

Violate traditional values of certain parts of the community?

--

a) Please DESCRIBE your overall assessment

--

b) Please STATE previous evidence (local studies / assessments)

--

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (0) or NEGATIVE (-1) impact on the COMMUNITY as a whole

--

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

--

17. ~~Will the development~~How will the development potentially lead to changes in local – Welsh – traditions/culture?

Might it:

Result in local – Welsh speaking – households moving away from the areas?

--

Lead to significant increase of non-local – non-Welsh speaking – households?

--

Lead to an erosion of family ties or other social networks?

--

Lead to significant changes to the economic or social context, threatening traditional lifestyles?

--

Impact on local – Welsh speaking – households by introducing / accelerating social change?

--

a) Please DESCRIBE your overall assessment

--

b) Please STATE previous evidence (local studies / assessments)

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (0) or NEGATIVE (-1) impact on the COMMUNITY as a whole

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

18. ~~Will the development be likely to have a potential~~How will the development impact on local voluntary / activity / youth groups? Might it:

Force local people active in local groups to move out of the community, due to:

Drive an increase in unemployment / economic stress?

Drive an increase in house prices / housing stress?

a) Please DESCRIBE your overall assessment

b) Please STATE previous evidence (local studies / assessments / Indexes of Deprivation)

c) Please STATE whether you consider that the development will have a POSITIVE (1), NEUTRAL (0) or NEGATIVE (-1) impact on the COMMUNITY as a whole

d) How might any NEGATIVE impact be mitigated, or any POSITIVE impact enhanced?

Notes

Question 1 considers the basic issue of population growth or decline resulting from a development. Most forms of development have a propensity to stabilise population or drive growth. But a basic question is whether the development will lead to endogenous growth (e.g. create local jobs and allow people who would otherwise have left the community to remain) or whether it will increase the likelihood of in-migration. Whilst in-migration is often a positive force in rural communities, substantial levels of growth are likely to impact on social balance (in terms of age and income structure, and socio-cultural background). Judgements must be made as to whether population change will positively or adversely affect the language's place as part of the social fabric of a community. Judgements are likely to draw in previous experience, with part assessments drawing on UK Census data.

Question 2 addresses the issue of in-migration more directly. Some developments are likely to cause social reconfigurations. For instance, a residential development for retirement purposes in a community with a young age structure is unlikely to serve a local need and will cause permanent social change. A holiday home development, however, is unlikely to cause any permanent shift in social structure, and may lead to economic benefits assessed in later questions. Again, judgements will be grounded in experience, with supporting data drawn from the Census.

Question 3 looks at out-migration. Most developments are not associated with out-migration, but with some notable exceptions. The conversion of essential services (for example, shops or schools) to residential use may discourage people from remaining in a community. Un-neighbourly land-uses (waste facilities or incinerators) or those perceived as generally inappropriate in remoter rural areas (including large-scale asylum centres) may have a similar effect. Once again, judgements will need to be based on the precedent of previous assessments.

Question 4 acknowledges that population movements or losses are rarely uniform across the age profile. Developments are likely to affect younger people, families, single people or older households in different ways. A development that promotes retirement may reduce housing opportunities for younger people. A development that does not create jobs or housing opportunities tailored to the needs of younger people may inadvertently remove such people from the local community. Developments that do not promote and help sustain social balance are likely to prove unsustainable in social and cultural terms.

Question 5 seeks a link between health and community. Health deprivation may increase if housing is unsuited to needs; if roads and infrastructure is poorly planned or if industrial development contributes to a poor quality living environment. Equally, a lack of integrated green space in development proposals may diminish the attractiveness of an area. Such processes may not differentially affect Welsh / non-Welsh residents. However, if a settlement is predominantly Welsh – or Welsh is shown to be part of the social fabric – then reductions in quality of life can impact on community stability; people who can afford to move away may do so, and such places may become socially polarised. The flip-side of course, is that non-Welsh speaking migrants are less likely to gravitate to unattractive places, unless their key concern is cost rather than quality of life and aesthetic appeal.

Question 6 tackles a related issue. Any deterioration in environmental quality will have a similar impact, reducing the attractiveness of particular towns, villages or neighbourhoods. A reduction in environmental/aesthetic quality, or in general amenity, may fuel out-migration of households with greater spending power, and cause an influx of lower income households. This is likely to impact on the balance of Welsh / English speaking residents, as well as the balance of different income and social groups. Communities must offer a certain level of quality of life if they are to remain socially stable and cohesive.

Question 7 focuses on crime: crime – like health and amenity – will influence long term social stability and cohesion. A sustainable community is one in which crime is kept at a tolerable level. Again, increases in crime – or heightened fear of crime – may drive people away or discourage balance population growth. It also results in personal stress that may accentuate health concerns. All these quality of life issues threaten social balance: people who can afford to will move away; communities may become dominated by those lower income groups who have least choice in where they live. These social imbalances are likely to work contrary to the interests of the Welsh language, which can only thrive in balanced, sustainable communities.

Question 8 turns to the economic dimension of community. New development may lead to the establishment or closure / downsizing of businesses within a locality, with a possible impact on provisions and the price of goods. This may lead to sections of the population being unable to access those goods or it may lead to residents being offered a greater choice. A key judgement to make is to what extent the range and choice of businesses are located within close proximity to each other and whether this benefits or dis-benefits communities.

Question 9 recognises that new developments can affect the number, type and quality of jobs available to the local labour market, dependent on the existence of a range of skills. A shortage in some skills may lead to a shift in the community profile as workers decided to move to locations where they can utilise their skills effectively.

Question 10 takes this a step further and acknowledges that new development may create new employment opportunities, with specific skills required: e.g. leisure / tourism development based on cultural industries may require greater utilisation of the language as a labour market skill. Assessments would have to be made in relation to the potential for economic diversification and the ability to accommodate new work forces.

Question 11 Competition within employment sectors may lead to labour market decisions on where they take up employment and the perceived quality of employment opportunities. In a competitive global economy, communities reliant on key employment may be vulnerable to adverse salary changes and business competition.

Question 12 *Fluctuations in the demand for housing is likely to lead to either an increase or decrease in house prices and this is likely to affect different sections of the community disproportionately. House prices, when associated with other forms of housing pressure may affect the ability of some to access housing. This may also cause either in-migration or out-migration and cause a specific impact on the extent of language usage within a community. Housing development and fluctuating house prices may also lead to an increase in commuting. This may be a symptom of more general changes in the housing market.*

Question 13 *relates to the sustainability of local educational facilities. Prior to answering question 13, consultation and discussions are advised with the Local Education Authority, in order to understand the local context and capacity. This will also raise awareness of any proposed changes and reorganisation in the local school provision. A development may lead to essential local services, such as schools, benefiting from an increase in younger population. A lack of development and, in turn, no change in the existing age profiles of communities, could threaten the future viability of schools. A lack of housing choice and provision may also affect decisions on whether growing younger families would wish to remain within a particular locality. More families make explicit decisions these days relating to school placement selection and it can be a contributing, possibly determining, factor in house-moving.*

Question 14 *considers health care provision in the community. As the numbers of elderly people increase proportionately to the number of younger people, a key determining factor for people deciding whether to remain in an area or move to an area for the first time, is the availability of health facilities. Retention or establishment of health care facilities in a community could affect language viability, particularly where health centres have become social gathering places, supporting local Welsh-speaking networks. The lack of facilities may cause elderly people to move home, or lead to decisions where families take painful decisions to assist the move to elderly relations to other locations.*

Question 15 *relates to the provision of services. Different types of development may impact upon the availability and viability of existing community services (which includes community halls and local business centres), even if those new developments are located some distance away. Larger retail development, for example, may impact on local services and impact upon social networks within the community that may presently act as meeting places, supporting community interaction. Decisions taken by larger businesses to relocate or close premises may also affect different sections of the population disproportionately. This would be dependent on the provision of public transport and private vehicles and the ease of access to them. This may also lead to the need to move home causing an effect on the sustainability of a community long-term.*

Question 16 *turns to social and cultural concerns. Some forms of development have a readily identifiable propensity to fuel social tension – for example, developments that are obviously out of scale with communities, or uses that appear unsuited to the character / economy of a particular area. Large scale holiday village*

developments have in the past been met with vociferous protest, as have proposals for youth detention or asylum centres. But often the potential for conflict is less obvious and more subtle. Retirement developments that may serve an external demand can fuel local unrest; they may lead to the arrival of non-Welsh speaking households. Likewise, new shopping centres may threaten local stores, which have played an integral role in local communities for many years. All such developments may be met with resentment. Certainly, they can violate local values and lead people to believe that cultural concerns are not being taken seriously. Overall, they may have a demoralising effect in Welsh communities.

Traditions and culture are underpinned by kinship and social networks.

***Question 17** recognises that many different forms of development may lead to the effective removal of Welsh speakers or the introduction of non-Welsh speakers. If this happens, then family ties may be severed; social networks may be broken; and social cohesion can be lost. Again, out of scale development may pose a cultural threat, diluting or breaking those networks on which traditions are built. The recognition of such potential impacts is very much in the hands of local planning authorities, who will need to consult with community representatives.*

*Building on Question 17, the next **Question (18)** acknowledges that this loss of social cohesion – combined with developments that disproportionately affect younger people – i.e. new employment uses that fail to address local needs, or housing that is unaffordable to first time buyers – may have a catastrophic impact on community institutions. These can be central to the vitality of Welsh communities. Once gone, they are unlikely to return. Again, predicting such problems is a task for planning authorities in consultation with community groups. Authorities / local groups must draw on their knowledge of such institutions (Urdd involvement, the wellbeing of local eisteddfodau and so forth) of their current vitality, and the incremental impacts of developments that might disrupt social balance and local involvement over time.*

Resp ID	First Name	Surname	Organisation	Paragraph number/Page	Representation	Officer Response	Changes Proposed
1			Cymdeithas Eryri	6.1, p17	Strongly supportive of the overall approach and provisions of this Supplementary Guidance. We believe it reflects the Park's statutory purposes and conforms with the proactive approach to the language which the Authority embodies across large areas of its work. There remains an immense amount of work to do in terms of raising awareness, particularly among visitors and those newly settled in the area, of the fundamental importance of the Welsh language to Eryri, its people, history, culture, diversity and its future. Interactions through the planning system - for example with accommodation providers - are an important route by which consistent and clear messages can be established and embedded. <u>Only one specific question arises. Given that the minimum size of development where these requirements apply is quite large ('smaller developments' criteria 6.1, p17), how will the authority consider the cumulative effects of the remaining bulk of small individual developments on the language?</u>	Dependent on the location of proposed developments, varying percentages of local affordable housing will be required against the open market dwellings for individual developments (e.g. if a development of 3 houses come forward in Harlech, then 33% will need to be local affordable). Small individual developments i.e. windfall sites, that are in line with the Eryri LDP housing strategy, have already been assessed as part of the plan preparation process. However the Authority will keep an eye on and monitor the sites coming forward. If we notice a pattern of many developments coming forward in settlements (which is under the threshold noted in chapter 6) and not in line with the housing strategy, then we will monitor and assess these through the annual monitoring report.	
2	Sioned	Edwards	Cadnant Planning	5.3	Further guidance on who would be qualified would be helpful for applicants. Suggest that SNPA consider providing guidance on how and applicant should select a competent person to advise and guide them on such statements/assessments.	It is advised for an applicant to consult with an experienced planning agent prior to a submission of an application like this. The planning agent could also liaise with the Authority for advice on how to answer the questions presented, as well as getting advice from Welsh language bodies.	
3	Sioned	Edwards	Cadnant Planning	5.3	Reference is made to mitigation and improvement. Suggest this is amended to 'enhancement' rather than 'improvement'.	Will amend the document.	Amended the document and wording in par 5.3 to say 'enhancement' rather than 'improvement'
4	Sioned	Edwards	Cadnant Planning	6.1	Further clarification on 'unanticipated windfall' site should be provided. We would read this as sites which were not known to be available to the LPA when preparing the LDP. In the past, the LPA have seemed to be asking for Statements on windfall sites even though they would have been known to be available to the LPA when preparing the LDP. Their development and effect on the Welsh language would therefore have been considered when preparing the LDP and such applications should not be subject to individual assessments as per TAN 20.	The LPA will ask for a statement on sites not identified as windfall sites as part of the LDP preparation process. If a site was identified as a windfall site as part of the LDP preparation process, the Authority would not ask for a statement as the effect on the Welsh language would have been considered previously.	
5	Sioned	Edwards	Cadnant Planning	Appx A	Employment – reference is made to county. Given that the National Park covers more than one county and workforce skills and labour availability is not constrained by geographical county boundaries, we would suggest that this is reworded. Has SNPA considered the Park's travel to work areas? Reference should be made to mitigation and enhancement, not just solely mitigation. Examples of mitigation and enhancement could be expanded to provide more guidance. Could examples be provided based on types of development?	Will amend the document so that 'county' is replaced with "National Park area". Will also add the word "enhancement" to the "Mitigation Measures" headline. The bullet points under this heading relate to both.	Amended the word 'county' in Appx A to 'National Park area', and added the word 'enhancement' to the Mitigation and enhancement measures' heading

6	Sioned	Edwards	Cadnant Planning	Appx B	Generally, we feel that an opportunity has been missed here by SNPA to thoroughly review and revise the methodology for undertaking a CLIA. It is based on a methodology that was prepared by a group in 2005 and endorsed by SNPA by replicating it within their SPG and it does not appear that any attempt has been made to review the effectiveness of all questions and the scoring system used. The score system is at best, simplistic, and easily enables one positive effect to cancel another negative effect, and vice-versa. Some of the questions listed are intertwined and an opportunity has been missed so as not to combine these for a more effective assessment, which avoids repetition e.g. Q2 and 3. There is reference to language impact scores. Once again these are simplistic. Are there really any areas within the National Park where the language is of medium or low importance? How is the importance of the language defined? It seems that this has not been given sufficient consideration when preparing this draft SPG.	Following discussions internally and externally it was decided that at present the methodology and assessments remained effective and in line with the current policies within the current plan. It is important that the methodology in the SPG is aligned to Development Policy 18. However during the future review of the Eryri LDP, and following any changes to the relevant policies within the plan itself, it is likely that this SPG will be revised again and the methodology and assessments will also be reviewed as a result
7	Ross	Morgan	Cyngor Tref Llanrwst		Confirm that the Council is fully supportive and has approved the Supplementary Guidance	Noted
8	Arfon	Hughes			<p>I would like to note that the document very thoroughly identifies the danger to the language with new developments and I wish to add the importance of considering the level of holiday homes and holiday homes on a community when considering increasing holiday stock, which is the Park's main concern in protecting the language.</p> <p>As we know many who come to the National Park on holiday see an opportunity to come here to live later, changing the Welsh language and community tradition, forcing house prices to rise beyond the ability of local people to consider. Great care should be taken of this and that all developments of any size are considered as a whole and do not have a detrimental effect on the continuity of language and the retention of people in the community.</p> <p>I would like to stress that monitoring the number of holiday homes and holiday homes is vital if our young people can stay in their homes and this happens regularly every two years.</p> <p>Questions 17 and 18 in the document below highlight the importance of consulting with communities. I wish that this was given more prominence in the document and that any developer consults fully with the community before a scheme begins and receives an independent community-appointed view. See below.</p> <p><u>Question 17 recognizes that many different types of development can lead to the outward migration of Welsh speakers and the introduction of non-Welsh speakers. If this happens, then family ties are broken; social networks are breaking down; and loss of social cohesion. Again, inappropriate development can be a cultural threat, diluting or breaking down those tradition-based networks. Acknowledging these potential impacts is very much in the hands of local authorities, who will need to consult with community representatives.</u></p>	Consultations are undertaken with communities on large sites. Regarding short term holiday lets, this is monitored within our Annual Monitoring Report and research has also been undertaken by Cyngor Gwynedd in order to fully understand the issue and current situation, both in areas of the county and the National Park area. As part of the review of the Local Development Plan, work will be undertaken by the department on the number of second homes and holiday lets to inform future policies.
9	Uned Iath a Chraffu Cyngor Gwynedd		Cyngor Gwynedd		Care needs to be taken that any questions are asked in a way that guides developers to consider the key factors and to consider the appropriate evidence. The need to be honest should also be highlighted and potential negative effects identified (which would lead to mitigation measures)	Noted

10	Uned Iaith a Chraffu Cyngor Gwynedd	Cyngor Gwynedd		In our view, consideration should be given to adapting the methodology template questions to ask "How will the development affect...." rather than "Is it likely ..." as the second (current choice) is more likely to lead a solution that states "NO". Developers need to be steered into thinking that all developments want to have an RYW effect. The difference is whether that effect is negative or positive.	We accept that editing the way some of the questions are asked may lead to better and fuller responses, rather than yes/no answers. However this cannot be applied to all questions therefore questions 1, 4, 5, 6, 9, 11, 12, 13, 14, 15, 17 and 18 have been amended.	Amended the question format from 'Is the development likely....' to 'How will the development...' in questions 1,4, 5, 6, 9, 11, 12, 13, 14, 15, 17 and 18
11	Uned Iaith a Chraffu Cyngor Gwynedd	Cyngor Gwynedd		Consideration should also be given to the evidence expected in the assessments or statements, and this should be borne in mind when formulating the questions	Noted	
12	Uned Iaith a Chraffu Cyngor Gwynedd	Cyngor Gwynedd		It was felt that the reference to indirect effects on page 23 could have been strengthened, and it is felt that consideration needs to be given to explaining what will happen with the scoring process if there is no evidence to support the view. i.e. can it be proven before building who will move into housing developments, or is it more logical to consider the best and least likely impact?	This will be something to consider when reviewing the Local Development Plan, which will result in the review of the SPG's and their methodologies. The Authority will work with the Council's Language Unit to review and develop the methodology in the future.	
13	Uned Iaith a Chraffu Cyngor Gwynedd	Cyngor Gwynedd		Care should be taken to use the wording of "Welsh speaking local people" in the questions. Although the explanatory notes expand on this and note that the impact may be the same on Welsh speakers or non-Welsh speakers, we believe it would be better to ask for the impact on the population as a whole. Again, if it is not possible to evidence a specific impact on Welsh speakers then a potential impact on the population as a whole should be sought, which in turn would equate to an impact on Welsh speakers.	Noted	
14	Uned Iaith a Chraffu Cyngor Gwynedd	Cyngor Gwynedd		Community halls and local business centers should be included when referring to community resources	Will amend the document to include this.	Wording added to the explanatory note accompanying Q15 to note '(which includes community halls and local business centres)'
15	Uned Iaith a Chraffu Cyngor Gwynedd	Cyngor Gwynedd		In the explanatory notes to Question 13, we believe that this wording should be looked at, to ensure that more is not taken to exert a positive benefit or impact, especially in the context of schools. It should be noted that consultation with the Local Education Authority is key, as capacity and surplus capacity issues are often more complex than the publicly available data suggests. For example, you should be aware of any proposed changes and reorganization in the local schools.	Agree, will add wording to Q13	Wording added which notes 'Prior to answering question 13, consultation and discussions are advised with the Local Education Authority, in order to understand the local context and capacity. This will also raise awareness of any proposed changes and reorganisation in the local school provision'



PLANNING AND ACCESS COMMITTEE
30 JUNE 2021

DELEGATED DECISIONS

SNOWDONIA NATIONAL PARK AUTHORITY

PLANNING AND ACCESS COMMITTEE 30 JUNE 2021

DELEGATED DECISIONS

Applications Approved

	Application No.	Proposed	Location	Decision Date	Case Officer
1.	NP3/21/91A	Demolition of single storey rear extension and erection of two storey rear and single storey side extensions	1 Green Cottage, Llanllechid. LL57 3LE	04/05/21	Mr Richard Thomas
2.	NP4/12/92D	Change of use of land for use as 23 space car park and outdoor seating area	Land adjoining Y Bedol Inn, Tal-y-Bont. LL32 8QF	02/06/21	Mr Richard Thomas
3.	NP4/19/108A	Part conversion and incorporation of attached outbuilding into dwelling and first floor extension	Tyddyn Isa, Rowen. LL32 8YL	10/05/21	Mr Richard Thomas
4.	NP4/29/T61B	Insertion of two new doors and all ability ramp	Community Centre, Penmachno. LL24 0UR	10/05/21	Mr Richard Thomas
5.	NP4/32/LB112	Dismantle and rebuilt two chimney stacks and repointing two chimneys either side, replace window to North elevation and six windows to South elevation. Fixing balustrade either side to existing stairs on West Elevation. Including repairs to fascias, rain water goods replacement with Heritage cast aluminium type and associated works.	Gwydyr Uchaf, Llanrwst. LL26 0PN	11/05/21	Mr. Arwel LI Thomas
6.	NP4/32/LB112A	Listed Building Consent to dismantle and rebuilt two chimney stacks on a lead tray and repointing two chimneys either side, replace window to North elevation and six windows to South elevation. Fixing balustrade either side to existing stairs on West Elevation. Including repairs to fascias, rain water goods replacement with Heritage cast aluminium type and associated works. Internal works to include floor repairs to Office area, internal wall lime replastering to West entrance, works to stop dampness to basement toilet treatment and dry lining to internal walls West and South	Gwydyr Uchaf, Llanrwst. LL26 0PN	11/05/21	Mr. Arwel LI Thomas

7.	NP5/50/E610A	Consultation under Section 37 of The Electricity Act 1989 to build low voltage overhead line	Land adjoining Plas Panteidal Lodge, Aberdyfi.	04/05/21	Mrs. Iona Roberts
8.	NP5/52/384D	Installation of permanent track to access to Emergency Service mast site (Re-submission)	Land at Cefn-yr-Owen, Penmaenpool. LL40 1TP	04/05/21	Mr. David Fitzsimon
9.	NP5/53/582A	Erection of single storey side extension	22 Mawnog Fach, Bala. LL23 7YY	10/05/21	Mrs. Sara Thomas
10.	NP5/54/LB194B	Listed Building Consent for the upgrading of ground heat source supply via 5 bore holes with underground pipe connection into a manifold unit West of the pigsty. Excavation of barn floor for the installation of underground heating system and limecrete floor with repositioning of existing slate slab to the Northern section and Plant management room heat source to main house. Erection of new dividing wall between workshop with door access over 2 steps leading to lower floor level to the Southern section of the barn including all associated internal repair work	Ysgubor Cae'r March, Llanfachreth. LL40 2DS	04/05/21	Mr. Arwel LI Thomas
11.	NP5/55/228B	Retrospective application for erection of timber structure to be used as outside classroom	Meithrinfa Deryn Bach, Ysgol Brynchrug, Brynchrug. LL36 9PR	10/05/21	Mrs. Iona Roberts
12.	NP5/57/1155A	Siting of container as an additional storage facility	The Milliput Company, Unit 8, Marian Mawr Industrial Estate, Dolgellau. LL40 1UU	26/05/21	Mrs. Iona Roberts
13.	NP5/58/474B	Alterations to front entrance and installation of two new windows on front elevation	Village Hall, Dyffryn Ardudwy. LL44 2BE	05/05/21	Mr Aled Lloyd

14.	NP5/58/625A	Remove timber clad walls and installation of external render, erection of single storey rear extension, extend front terrace and replacement of flat roof with a pitched roof on existing garage	Uncle Jim's Cabin, Talybont. LL43 2AF	25/05/21	Mr Aled Lloyd
15.	NP5/58/72L	Non-material amendment to Planning Consent NP5/58/72D dated 27/07/2017 to replace garage door with a window and alterations to windows designs in the front elevation to include additional stonework	1 Tan y Foel, Dyffryn Ardudwy. LL44 2DQ	24/05/21	Mr Aled Lloyd
16.	NP5/59/796A	Non-material amendment to Planning Consent NP5/59/796 dated 16/07/2020 to change the front window to a door, remove corner window and insert small window, increase size of rear window and re-position rooflight.	Crud yr Awel, Llan Ffestiniog. LL41 4PN	18/05/21	Mr Aled Lloyd
17.	NP5/59/798	Erection of replacement 2 storey rear extension and single detached garage	10 Station Road, Llan Ffestiniog. LL41 4NN	19/05/21	Mr Aled Lloyd
18.	NP5/63/229E	Discharge Condition 5 (Lighting Plan) of Planning Consent NP5/63/229D dated 19/10/2019	Ysgol Gynradd Bro Tryweryn, Frongoch. LL23 7NT	04/05/21	Mrs. Sara Thomas
19.	NP5/66/LB12F	Listed Building Consent for internal alterations, partition re-positioned to Cloakroom, window removed and re-fixed to rear door frame, existing cellar access removed and new access created behind main stairs in hall, remove part partition to Kitchen, bathroom layout adjusted to accommodate wider stairs at first floor level, headroom adjusted and trimming of beam to support floor structure, remove partition in bedroom 2, replacing stairs with wider access and balustrade attic level, forming new 'en-suite' facilities within attic truss in S.E gable. Re-instating 3 conservation rooflights on front side (Western) roofslope	Ty'n Llan, Llanfair. LL46 2SA	11/05/21	Mr. Arwel LI Thomas
20.	NP5/66/LB12G	Reinstatement of 3 Conservation type rooflights to front / West elevation	Ty'n Llan, Llanfair. LL46 2SA	18/05/21	Mr. Arwel LI Thomas
21.	NP5/69/90C	Removal of Section 52 Agreement attached to Planning Permission NP5/69/90 dated 15/04/1991	5 Ffordd y Felin, Llwyngwriil. LL37 2JA	27/05/21	Mrs. Iona Roberts

22.	NP5/71/LB43F	Conversion of agriculture buildings to holiday units (4x16 beds) including a unit for people with difficulties, including re-roofing elements adding 13no rooflights, 12PV panels, corrugated sheet extensions, new timber slate roof entrance, lean to accommodating heat plant, kitchen / dining and relaxation room, Klargester Biotec 4 sewerage treatment plant, parking area for 10 vehicles including all external works to associated farmyards	Prys Mawr, Llanuwchllyn. LL23 7UF	18/05/21	Mr. Arwel LI Thomas
23.	NP5/71/LB43G	Listed Building Consent to convert agricultural building into holiday units (4units x16beds) and unit for people with difficulties, conversion of cowhouse1 to store bicycles and games room, block up original opening to rear wall of South West cowhouse facing farmyard and South gable of Prys Mawr, repair and re-roof structure and slate covering including the installation of 13no conservation type rooflights , 12 pv panels, corrugated iron sheet extensions, new timber entrance with slate roof, leanto to accommodate heat plant, accommodating kitchen dining and relaxation rooms by internal connection through new internal openings with external access onto farmyards either side, installation of sewerage Biotec plant, creation of parking spaces for 10 vehicles including all associated external works within farmyards	Prys Mawr, Llanuwchllyn. LL23 7UF	18/05/21	Mr. Arwel LI Thomas
24.	NP5/74/L171B	Demolish existing dwelling and construction of replacement dwelling (Re-submission)	Penrhyn, Cwm Cywarch, Dinas Mawddwy. SY20 9JG	25/05/21	Mrs. Sara Thomas
25.	NP5/76/204C	Single storey front lean-to extension	Talgarth, Penrhyndeudraeth. LL48 6DR	19/05/21	Mr Aled Lloyd
26.	NP5/77/31H	Retrospective application for the installation of two air source heat pumps	Caerffynnon Hall, Talsarnau. LL47 6TA	26/05/21	Mr Aled Lloyd
27.	NP5/78/L236E	Installation of air source heat pump	The Old Police House, Trawsfynydd.	04/05/21	Mrs. Sara Thomas

Applications Refused

	App No.	Proposed	Location	Reason for Refusal	Case Officer
1.	NP3/15/44H	Change of use of garage and workshop to holiday unit with new porch addition	Pant y Cafn, Llanberis. LL55 4UW	05/05/21 By reason of this application failing to demonstrate any evidence that the building subject to this application proposed for conversion to holiday accommodation forms a part of a rural enterprise scheme and is not a building with architectural value worthy of preservation this application is in conflict with Eryri Local Development Plan Policy 9 and TAN 6.	Mr Richard Thomas
2.	NP5/58/363F	Conversion to open market dwelling unit and installation of sewage treatment plant	Nant Eos, Dyffryn Ardudwy. LL44 2HX	12/05/21 By reason of the applicant being unwilling to enter into a Section 106 agreement to secure a commuted sum payment, to assist in the delivery of affordable local need housing, the application is in conflict with Eryri Local Development Plan Policy G: Housing and Development Policy 9: Conversion and Change of Use of Rural Buildings.	Mr Aled Lloyd

3.	NP5/59/789A	Non-material amendment to Planning Consent NP5/59/789 dated 29/01/2018 for the installation of additional first floor window on North West elevation, ground floor patio doors and two rooflights on North East elevation, changes to fenestration to porch elevation and cladding boards to South West and North West elevations	2 Maes y Coed, Llan Ffestiniog. LL41 4PE	11/05/21 In the opinion of the Snowdonia National Park Authority the amendments proposed are considered to be 'material' amendments in nature as they will result in a material form of change to the original planning permission. As such the changes proposed cannot be deemed a 'non-material' change and will require the benefit of a new planning permission.	Mr Aled Lloyd
4.	NP5/69/41D	Retrospective application for the use of land for the permanent stationing of one touring caravan for use as holiday accommodation	Land opposite Quaker's burial ground, Llwyngwriil.	26/05/21 The principle of one new touring pitch is contrary to Eryri Local Development Plan Policy 23: Touring and camping sites, which states that within the National Park no new touring or camping sites will be permitted. The proposal is also contrary to Strategic Policy C which does not list the creation of touring caravans as one of the limited opportunities for new development in the open countryside. The proposal by reason of its negative impact on the character and appearance of the area is contrary to Development Plan Policy 1: General Development Principle which aims to conserve and enhance the 'Special Qualities' of the National Park.	Mrs. Alys Tatum

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/03/21

gan Richard Duggan, BSc (Hons)
DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18/5/21

Appeal Decision

Site visit made on 22/03/21

by Richard Duggan, BSc (Hons) DipTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18/5/21

Appeal Ref: APP/H9504/C/20/3262023

Site address: Nant Cwmbrian Isaf, Nasareth, Caernarfon, LL54 6DS

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Alun Lewis against an enforcement notice issued by Snowdonia National Park Authority.
- The enforcement notice, Local Planning Authority Reference: x, was issued on 22 September 2020.
- The breach of planning control as alleged in the notice is 'without planning permission, operational development to construct a two-storey extension on the eastern gable end of the dwelling'.
- The requirements of the notice are i) Remove the two-storey extension on the eastern gable end of the dwellings; ii) Remove from the land all building materials and rubble arising from compliance with requirement i) above, and restore the land to its condition before the breach took place by levelling the ground and reinstating with grass and/or gravel.
- The period for compliance with the requirements is Twelve (12) months after this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the construction of a two-storey extension on the eastern gable end of the dwelling at Nant Cwmbrian Isaf, Nasareth, Caernarfon, LL54 6DS, in accordance with the following plans: Block Plan, Drawing no. 674-05C Proposed elevations, Drawing no. 674-04B Proposed Floor Plans, Drawing no. 674-04C, and subject to the following conditions:

- 1) The two-storey extension hereby approved shall not be occupied other than for purposes ancillary to the residential use of the original dwelling known as Nant Cwmbrian Isaf.

Reason: To ensure that the development is used for purposes ancillary to the existing dwelling and to prevent the creation of a separate open market dwelling in

accordance with the Eryri Local Development Plan and in particular Policy 30: Affordable Housing.

- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment)(Wales) Order 2013 (or any Order revoking or re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C and D shall be carried out within the curtilage of the appeal property (other than those expressly authorised by this permission) without the written consent of the Local Planning Authority.

Reason: In the interest of the visual amenities of the area and in accordance with Policies DP1 and DP15 of the LDP.

Main Issue

2. This is the effect of the development upon the character and appearance of the host property and on the special qualities of the National Park.

Reasons

Ground (a)

3. The appeal property is a stone built two-storey farmhouse located within an area of open countryside to the east of the A487, which is accessed via an unmade lane that leads to the house and a farmyard containing agricultural buildings. I saw that the house had already been extended in the past to the north with a flat roof extension which acts as a porch to the rear entrance. The stone front elevation of the house has been covered by painted render, and there is a recently built substantial single-storey modern extension which spans the entire width of the front elevation and is wider than the width of the original house. This front extension is immune from enforcement action due to a successful application made for a lawful development certificate (CLEUD)¹ in 2019.
4. Policy DP1 (General Development Principles) of the Adopted Eryri Local Development Plan (LDP) seeks to ensure that developments conserve and enhance the special qualities and purposes of the National Park including the character and form of existing dwellings. Policy DP15 (Extensions) states that an extension to an existing dwelling will only be permitted providing that the footprint is smaller and the height is lower than the original dwelling (criterion i); and providing they do not detract from the property or the character of the surroundings in which it is located (criterion iii.). The policy also refers to the Authority's design guidance on extensions (criterion ii.) which were published over 20 years ago in October 2000.
5. National planning policy guidance set out within Planning Policy Wales (PPW) and Technical Advice Note 12 'Design' (TAN12) advises that '*understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response...Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution.*'
6. In my opinion the character and appearance of the original farmhouse has already been significantly denuded by the addition of the single-storey front extension (sun

¹ Certificate of Lawful Existing Use or Development (CLEUD)

room) and the flat roof extension to the rear. Indeed, the Authority acknowledges² that the sun room *"detracts from the character of the original house with its glass gable end being a prominent feature in the landscape...and that the character of the house has already deteriorated..."*. Therefore, it is clear to me that the fabric, character and appearance of the former traditional farmhouse has already been lost, and it is within this context that I have assessed the appeal extension.

7. The two-storey side extension incorporates modern materials within a contemporary design palette whilst also continuing to respect the fundamental elements of the host building's structure. The reclaimed Nantlle Valley roof slate match the existing roof of the dwelling, and the use of modern materials elsewhere such as the cedar wood boarding and the dark grey aluminium windows, soffits and fascias accentuate the modernist approach to the design and replicate the style and colour of those used within the single-storey front extension. The use of large areas of glazing, especially on the southern elevation, also maximises the amount of daylight and heat entering the house through solar gain.
8. The overall mass of the dwelling has inevitably been altered by the appeal extension in conflict with criteria i. and ii. of Policy DP15. Nonetheless, despite part of the roofline to the front projecting slightly above and forward of the original dwelling, the ridge and eaves height of the extension when seen from the rear are below those of the original dwelling, as such it does not appear harmfully dominant or overlarge. In addition, due to the modern and innovative materials used on the facade and the use of large areas of glass, it is read as a clearly separate and subservient addition to the property. Therefore, I find that the modern design and scale of the extension is an appropriately designed addition to the property, especially given the fact that the appearance of the two-storey farmhouse has already been harmed by the other extensions.
9. Contemporary additions and alterations to older buildings can be successful because they purposely contrast in terms of design and materials with those of the original building, and I consider this to be the case in this instance. I am not only satisfied that the development respects what is left of the character of the farmhouse, this is an impressive extension that architecturally enhances the property. The extension also achieves the environmental and sustainable goals through good design set out within PPW due to the use of Structurally Insulated Panels, a ground source heating system that supplies hot water and heating to the property, and by solar heat gain through the large windows on each elevation.
10. I saw that the property is visible from surrounding viewpoints, including a minor road about 250m away on the hillside to the west and a highway approximately 400-500m to the south-east. Whilst the house is visible from these areas, views of the rear of the property are seen in the context of the existing agricultural buildings and hardstanding/car parking area, and the front of the house is already dominated by the single-storey sun room. Therefore, I do not consider that the appeal extension harms the landscape surrounding the property especially from public viewpoints close-by.
11. I have had regard to the Council's concerns regarding the scale of the extension, the materials used, the design of the windows, and the conflict with the policies and design guidance of the Authority. However, my findings in this appeal must be based only on the individual planning merits of the scheme and the particular context of the case that is before me. The circumstances of other sites would be likely to be

² SNPA Statement of Case, Paragraph 5.9

different and if proposals for extensions to dwellings and traditional farmhouses came forward elsewhere within the locality, they would be assessed in the light of the individual factors relevant to those cases.

12. Policy 15 also states that an extension to an existing dwelling will be permitted providing that the floor area is less than the original property. The Appellant and the Authority have both provided their respective calculations regarding the extended floorspace, but there are significant differences in the totals provided, and very little detailed evidence has been provided to illustrate how the respective calculations have been established. As such, it is difficult for me to reach a definitive conclusion on this aspect of LDP Policy 15. Nonetheless, this does not alter my conclusions outlined above.
13. Having regard to the above, I find that the extension does not have a detrimental impact on the character and appearance of the host property or on the special qualities of the National Park. Therefore, it complies with the related aims of PPW, TAN12 and Policies DP1 and DP15 (criterion iii.) of the LDP.
14. I have taken into account the personal circumstances of the Appellant and the need for the extension to accommodate the requirements of his family. However, personal circumstances rarely outweigh general planning matters because the effect of the development would remain long after the personal circumstances no longer apply. As such, taking all relevant matters into account, I have given only limited weight to the personal circumstances identified by the Appellant, and they have not been determining factors in my decision.
15. The Appellant has referred me to other developments either within or in close proximity to the National Park's boundaries, including a recent appeal decision which allowed a modern extension on a house in Aberdovey³. However, each case has to be determined on its own particular planning merits and circumstances, particularly where issues of character and appearance are involved, and my decision is based on the particular circumstances and context before me. Therefore, I have given these examples little weight in my determination of this appeal.

Conditions

16. I have considered the suggested conditions put forward by the Council and having regard to the advice in Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management* (October 2014).
17. I agree to impose the suggested conditions limiting the use of the extension as ancillary to the dwelling and removing permitted development rights. However, as the slates that have been used on the roof of the extension have been reclaimed and are visually acceptable, I shall not impose the suggested condition requiring the extension to be covered in natural slate or slates to be approved by the Authority.
18. The Authority has also put forward a condition relating to the submission of a biodiversity enhancement scheme. I have noted the content of Strategic Policy D of the LDP, but I have nothing before me to indicate what the Authority has in mind. Notwithstanding this, I saw that the extension already contains measures such as a soffit bat box and what appear to be two nests for swallows or house martins on the eastern elevation, thus complying with Policy D, as such I see no other reason to impose the condition.

³ Appeal Ref: APP/H9504/D/20/3262882

Conclusions

19. For the above reasons and having considered all matters raised, I conclude that the appeal succeeds on ground (a). Subject to the imposition of conditions, I shall grant planning permission on the application deemed to have been made under section 177(5) of the Act. The enforcement notice will be quashed, and it follows that the appeal on ground (g) does not fall to be considered.
20. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WCFG Act). I have taken into account the ways of working set out at section 5 of the WCFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WCFG Act.

Richard Duggan

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/04/21

gan **Richard E. Jenkins, BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28/5/21

Appeal Decision

Site visit made on 30/04/21

by **Richard E. Jenkins, BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 28/5/21

Appeal Ref: APP/H9504/A/21/3269317

Site address: Land by The Cemetery, Dinas Mawddwy, SY20 9LL

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D. Evans & Miss E. Williams against the decision of Snowdonia National Park Authority.
- The application Ref: NP5/74/482 date stamped 3 February 2020, was refused by notice dated 21 October 2020.
- The development proposed is the construction of dwelling.

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the National Park Authority's (NPA's) Notice of Decision. As it is generally consistent with that outlined on the Application and Appeal Forms, I am satisfied that there is no prejudice in this respect.

Main Issue

3. This is whether the development is acceptable in principle, having particular regard to the planning policy framework and other material considerations.

Reasons

4. The appeal relates to a parcel of land currently occupied by a ruin which lies adjacent to a cemetery located to the south east of Dinas Mawddwy, near Machynlleth. Despite being located within relatively close proximity to the '*Secondary Settlement*' of Dinas Mawddwy, the land lies outside of the development boundaries, as defined by the adopted Eryri Local Development Plan 2016-31 (LDP), and is therefore classified as countryside for the purposes of planning policy. The appeal proposal seeks planning permission to demolish the dilapidated stone ruin on site and replace it with a new two-storey, three-bedroom dwelling/house with front and rear garden areas and off-street parking for three cars. The development would include alterations to the existing access and would be finished in local slate stone and timber framed windows, with a blue/ grey slate roof.

5. There appears to be some ambiguity regarding the proposed scheme. Specifically, the appellants' evidence clearly indicates that the development is for an open-market dwelling, whilst the NPA's Notice of Decision cites: 1) *the fact that the dwelling would exceed the maximum size of a three bedroom affordable housing unit*; 2) *a lack of information to demonstrate that the applicants are in affordable housing need*; and 3) *an unwillingness of the appellants to enter into an agreement under Section 106 of the Act* as reasons for refusing planning permission. As such, and in the interest of completeness, I shall consider both the principle of developing both an open market dwelling and an affordable dwelling at the appeal site.
6. Consistent with national policy, the adopted Eryri LDP seeks to strictly control development outside of development boundaries. I have not seen anything to lead me to believe that the development would be justified as infill development or as a minor extension. I have also not seen anything to lead me to believe that the presence of the existing structure on site justifies the development of a residential dwelling in such a countryside location. As such, and in the absence of any cogent evidence to justify a significant deviation from both local and national planning policy, I find that an open market dwelling at the appeal site would be unacceptable in principle and contrary to the development strategy advocated through the Eryri LDP, as set out in Strategic Policy C: *Spatial Development Strategy*. Without any specific justification, the principle of development would also run counter to the thrust of national policy set out in Planning Policy Wales (Edition 11, 2021) (PPW).
7. Development Policy 11: *Affordable Housing on Exception Sites (Policy DP11)* of the adopted LDP provides an exception to the general presumption against development in the countryside. Indeed, to help sustain local communities, that policy allows for small scale affordable housing units to be developed on sites immediately adjoining development boundaries. Despite the appeal site not immediately adjoining the defined development boundaries, the NPA acknowledges that the appeal site lies adjacent to the settlement of Dinas Mawddwy for the purposes of Policy DP11 and is therefore satisfied that an affordable housing unit could be acceptable in this location, subject to the relevant policy tests being satisfied. I have no reason to come to an alternative conclusion to this pragmatic stance taken by the NPA. I shall therefore consider whether the proposal would be compliant with the tests of that policy.
8. I have not seen anything to indicate that the development proposed in this instance would conflict with criterion iii), iv), v) or vi) of Policy DP11. Nevertheless, no cogent evidence has been submitted to lead me to conclude that the need for the development has been demonstrated through an approved local housing needs survey or through the written advice of the local housing authority. The development would therefore fail to satisfy the requirements of criterion i) of Policy DP11. Given that criterion ii) also relates to the issue of need, it follows that the development would also fail to satisfy that policy test.
9. Policy DP11 states that *"the size of affordable housing units will be restricted to be commensurate with the needs of the intended household"*. Whilst I have not seen anything to indicate that such standards should be prescriptively applied, the development proposed in this case would exceed the maximum size of a two-storey three bedroom affordable unit which is set out in the NPA's adopted Supplementary Planning Guidance (SPG) document entitled No.4: *Affordable Housing*. In addition to such matters, the appeal proposal is not accompanied by a legal agreement or unilateral undertaking pursuant to the provisions of Section 106 of the Act and nothing has been submitted to provide me with the assurance that matters such as tenure, price, ownership or occupancy restrictions could be satisfactorily controlled through

other mechanisms in this particular case. The development would therefore also conflict with the requirements of Policy DP11 in this respect.

10. Reference has been made within the written submissions to the potential for the proposed dwelling to be constructed under the provisions of Technical Advice Note 6: *Planning for Sustainable Rural Communities* (TAN6) and, in particular, the provisions relating to Rural Enterprise Dwellings. However, I have not seen any evidence to indicate that the development proposed in this case would meet the stringent policy tests for a rural enterprise dwelling. I do not, therefore, consider that such references merit weight in the determination of this appeal.
11. Therefore, based on the available evidence, I conclude that the proposed development would conflict with national policy set out in PPW, Technical Advice Note 2: *Planning and Affordable Housing* (TAN2) and TAN6. It would also conflict with the overarching strategy of the adopted LDP, Strategic Policy C, Policy DP11 and the aforementioned SPG. The development would therefore be unacceptable in principle. I note the support for the development from Mawddwy Community Council and acknowledge the contribution that the development would make to the local housing supply. I also recognise that the proposal is intended to serve a local couple. However, whilst such matters clearly weigh in favour of the development, they do not outweigh the significant in-principle conflict with the planning policy framework and do not, therefore, justify the development. For these reasons, and having considered all matters raised, I conclude that the appeal should be dismissed.
12. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/04/21

gan **Richard E. Jenkins, BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 4/6/21

Appeal Decision

Site visit made on 30/04/21

by **Richard E. Jenkins, BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 4/6/21

Appeal Ref: APP/H9504/X/20/3255858

Site address: Land to the North of Ty Canol, Harlech

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr R Evans of Harlech Estates (Commercial) Ltd. against the decision of Snowdonia National Park Authority.
- The application Ref: NP5/61/LU565C dated 15 November 2019, was refused by notice dated 6 August 2020.
- The application was made under section 192 of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is the construction and use of a dwelling house and garage on Plot 24 and the access road connected to it as shown on the approved layout (Drawing No.143.5) to planning permission DEU.R/4014/P dated 19/10/1972 in accordance with house type DH 107 and utilizing the external materials approved by the local planning authority pursuant to letters from Housing Development and Construction Limited dated 27/03/1973 and 08/03/1974.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal was originally submitted against the failure of the National Park Authority (NPA) to issue a decision in respect of application Ref: NP5/61/LU565C which sought a certificate of lawful use or development (LDC), within the prescribed timescales. However, given that the NPA's Notice of Decision was subsequently issued within its jurisdiction period, the appeal procedure subsequently reverted to an appeal against the NPA's refusal to grant an LDC. I shall consider the appeal accordingly.
3. An application for costs was made by the NPA against the appellant. This application is the subject of a separate Decision.

Main Issue

4. This is whether the NPA's decision not to issue an LDC was well founded.

Reasons

5. The appeal site has a long and complicated planning history, with outline planning permission originally granted for '*residential development*' on land that included the appeal site in April 1972 (Ref: DEU.R/3901- hereinafter referred as the April 1972 permission). All matters were reserved for subsequent determination, with neither the application nor the notice of decision specifying the number or types of dwellings that were permitted in that instance.
6. In October 1972, planning permission was granted for 55 No. dwellings on land located towards the eastern part of the land previously subject of the April 1972 permission. That permission, with Ref: DEU.R/4014 (hereinafter referred as the October 1972 permission), incorporated an approved plan which illustrated the siting of each dwelling, with each plot separately numbered. The wider expanse of the application site was demarcated with an outline of an internal road layout. The evidence indicates that 15 No. dwellings sited on Plot Nos.1 – 15 were built as approved. The remaining plots, including '*Plot No.24*' subject of this appeal, were not developed.
7. In March 1975, the then Local Planning Authority (LPA) approved details pursuant to the April 1972 outline planning permission for 11 No. dwellings (Ref: DEU.R/3901PIAW – hereinafter referred as the 1975 permission). Those dwellings were to be constructed within the same part of the site approved for 55 No. dwellings under the October 1972 permission, but would be laid out in a different arrangement. All 11 No. dwellings approved under this permission were constructed in accordance with the approved details although, for the avoidance of any doubt, this arrangement was inconsistent with the proposed layout of the 13No. dwellings numbered 43 to 55 on the layout plan approved under the October 1972 permission.
8. In July 1976 the LPA granted full planning permission for a further 10 No. dwellings on the site under Ref: NPS/17/60 (hereinafter referred as the 1976 permission). These dwellings were once again proposed within the same area approved for the construction of 55 No. dwellings under the October 1972 permission, but incorporated a different layout to that previously approved. All of the 10No. dwellings permitted under the July 1976 permission were built in accordance with the details of that permission, occupying the land previously proposed for the siting of Plot Nos. 33 to 42 in the October 1972 permission.
9. In October 2006, the NPA granted full planning permission under Ref: NP5/61/469R for a pair of semi-detached properties with garages on a plot referred as '*Plot No.69*'. These properties, once again, did not accord with the layout approved in October 1972. Both properties have been completed in accordance with the scheme approved in 2006. On the same date in October 2006, the NPA granted a separate planning permission, under Ref: NP5/61/469S, for a single dwellinghouse at a plot known as '*Plot No.70*'. This property has also been constructed in accordance with the details approved in 2006 and is again inconsistent with the layout of the October 1972 permission. It is pertinent to note that the construction of this dwelling meant that the access road to Plot Nos. 16 to 32¹, as approved in the October 1972 permission, could no longer be developed in accordance with the previously approved layout.
10. In September 2013, the appellant applied under Section 192 of the Act for an LDC to confirm the lawfulness of developing a house and garage on '*Plot No.24*' of the layout approved under the October 1972 permission, whilst also developing the approved

¹ Which forms part of the land subject of the current appeal

access road to that plot. That proposal was broadly consistent with that proposed in the current appeal and was refused by the NPA and subsequently dismissed at appeal² (hereinafter referred as the 2015 Appeal). In that case, the appointed Inspector concluded that it was now physically impossible to develop 'Plot No.24' and the associated access road in accordance with the October 1972 permission due to the developments carried out pursuant to the 2006 planning permissions.

11. In the 2015 Appeal Decision, the Inspector stated that the developments completed pursuant to the permissions granted after 1972, in effect, superseded parts of the development permitted in that case³. It was also noted that the October 1972 permission had been lawfully implemented. As part of that appeal, arguments were advanced by the appellant to suggest that the October 1972 development does not have to be completed as a whole, but rather that the permission permits the development of the plots individually and separately⁴. The Inspector was referred to the case of *Lucas & Sons Ltd. v Dorking and Horley RDC (1966) 17 P & CR111* in respect of such arguments.
12. In considering such matters, the Inspector also had regard to the line of authority in *Pilkington* and *Pioneer*⁵ which led him to note that the test as to whether one permission can be regarded as cumulative, rather than alternative, to another is whether it is physically possible to carry out the development authorised by a permission in light of the full scope of that which has been done pursuant to the permission that has been implemented. The Decision is clear, however, that the appeal ultimately turned on the Inspector's finding that it would be physically impossible to develop the appeal site (ie. 'Plot No.24' and the associated access) pursuant to the October 1972 permission due to issues relating to the approved access and, in particular, the footpath.
13. The appellant has since made a series of applications to demonstrate that 'Plot No.24' could be constructed in accordance with the details of the October 1972 permission. Specifically, planning permission was granted in December 2016⁶ for the change of use of a small area of the garden associated with the single dwellinghouse at 'Plot No.70', which was originally approved in 2006. This meant that the aforementioned footpath could be provided, subject to a planning condition requiring approval of details relating to the surface of the footpath. Those details were subsequently approved by the NPA, under Ref: NP5/61/595A in June 2017, although an amended scheme for the surface of the footpath was subsequently approved in December 2017⁷. The NPA then also granted three further applications for non-material amendments relating to the access road approved in October 1972⁸.
14. There is little doubt that the permissions granted since the Inspector's 2015 Appeal Decision address, to a certain extent, the conflict between the October 1972 permission insofar as it relates to 'Plot No.24' and the associated access, and the October 2006 permission relating to the erection of a single detached dwelling at

² Appeal Ref: APP/H9504/X/14/2224494

³ Refer paragraph 7 of the 2015 Appeal

⁴ Refer paragraph 11 of the 2015 Appeal

⁵ *Pilkington v Secretary of State for the Environment (1973)1 WLR 1527*; *Pioneer Aggregates (UK) Ltd v Secretary of State for the Environment [1985] 1 AC 132*.

⁶ Appeal Ref: APP/H9504/A/16/3156480 (the 2016 Appeal)

⁷ Under Ref: NP5/61/565B

⁸ Ref: NP5/61/595C; NP5/61/565A; and NP5/61/565B

'Plot No.70'. Nevertheless, the courts⁹ have confirmed that the implementation of one permission may well render another permission incapable of being implemented. Such arguments have also evolved to clarify that the test is whether or not the development operation permitted can be lawfully completed having regard to the circumstances as they appear and, if some parts of the development are physically incapable of being implemented (or completed), then the whole development becomes unlawful¹⁰. *Sage v Secretary of State for the Environment, Transport and the Regions [2003] 1 WLR 983* also puts beyond doubt that, for a development to be lawful, it must be capable of being built fully in accordance with any planning permission under which it is carried out, otherwise it would be unlawful.

15. The development proposed in this instance relates to the erection of a single dwellinghouse at 'Plot No.24', with associated access. The planning permission the appellant seeks to rely upon for that development is the October 1972 permission. There is no doubt that that permission was implemented, with 15No. dwellings constructed as approved. However, as a result of subsequent developments, the layout and types of dwellings found on the site of the October 1972 permission differ significantly to that approved. As such, despite the most recent permissions going some way to resolve the conflict between the 2006 permission at 'Plot No.70' and the access route to 'Plot No.24' approved in October 1972, it is common ground that the totality¹¹ of the operations authorised by the latter permission could not in fact be completed. In accordance with the aforementioned principles established in law, it follows that the October 1972 permission cannot be relied upon for the proposed scheme. Indeed, in light of the developments that have been completed contrary to the scheme approved in October 1972, any attempt to resume the October 1972 permission would at this stage be unlawful.
16. In coming to this conclusion, I have not been persuaded by the appellant's argument that the October 1972 permission is a severable planning permission for 55No. independent dwellings. I am also not persuaded by the contention that the physical impossibility of building some of those dwellings does not preclude lawfully constructing a dwelling on 'Plot No.24'. Indeed, such arguments run counter to the entire line of authority made subsequent to the aforementioned *Lucas & Sons Ltd v Dorking and Horley RDC (1966) 17 P & CR111* case which was determined some 55 years ago. Indeed, it is clear that the Lucas case represents an exception to the other more recent higher court judgements.
17. I note the appellant's reference to the discussion of the Lucas case in *Hillside Parks Ltd v Snowdonia National Park Authority [2019] EWHC 2587 (QB)* and the associated Court of Appeal Judgement¹². However, given that I have not seen anything in the wording of the October 1972 permission, or indeed the approved layout, that would indicate that that planning permission related to several independent acts of development, I do not consider that such arguments assist the appellant's case. Indeed, the courts have come to the clear view in the *Hillside Parks* case that Lucas should not apply if there was no basis for construing the relevant planning permission as authorising independent acts of development. I note the appellant's contention that

⁹ *Pilkington v Secretary of State for the Environment (1973)1 WLR 1527*; *Hoveringham Gravels v Chiltern District Council [1977] 76 LGR 533*; *Pioneer Aggregates (UK) Ltd. v Secretary of State for the Environment [1985] 1 AC 132*.

¹⁰ *Singh v Secretary of State for Communities and Local Government [2010] EWHC 1621 (Admin)*

¹¹ As required by *Sage v Secretary of State for the Environment, Transport and the Regions [2003] 1 WLR 983*

¹² *Hillside Parks Ltd. v Snowdonia National Park Authority [2020] EWCA Civ 1440*

the October 1972 permission must have been extant for the non-material amendments referred in paragraph 13 (above) to be approved. However, the processes that resulted in those approvals are not a matter for this Decision and, in any event, they do not override the aforementioned principles established in law. Such arguments do not, therefore, alter my overall conclusions.

18. Based on the foregoing analysis, and having considered all matters raised, I conclude that the NPA's refusal to grant an LDC in respect of the above development was well-founded and that the appeal should, therefore, fail. I shall exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Richard E. Jenkins

INSPECTOR

Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 30/04/21

gan **Richard E. Jenkins, BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 4/6/21

Costs Decision

Site visit made on 30/04/21

by **Richard E. Jenkins, BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 4/6/21

Costs application in relation to Appeal Ref: APP/H9504/X/20/3255858

Site address: Land to the North of Ty Canol, Harlech

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6.
- The application is made by Snowdonia National Park Authority for a full award of costs against Mr R. Evans of Harlech Estates (Commercial) Ltd.
- The appeal was against the refusal of a certificate of lawful use or development for the construction and use of a dwelling house and garage on Plot 24 and the access road connected to it as shown on the approved layout (Drawing No. 143.5) to planning permission DEU.R/4014/P dated 19/10/1972 in accordance with house type DH 107 and utilizing the external materials approved by the local planning authority pursuant to letters from Housing Development and Construction Limited dated 27/03/1973 and 08/03/1974.

Decision

1. The application for an award of costs is refused.

Reasons

2. Welsh Government (WG) guidance relating to an award of costs, in the form of the WG Development Management Manual (DMM) and the associated Section 12 Annex: *Award of Costs* (May 2017) (Annex 12) advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for an award of costs to incur unnecessary or wasted expense in the appeals process.
3. In this case, the National Park Authority (NPA) contends that the appellant behaved unreasonably as the appeal had no reasonable prospect of success. Specifically, the NPA states that the 2015 Appeal Decision¹ was clear that the development proposed on 'Plot No.24' was not lawful because it was physically impossible to develop the appeal site pursuant to the October 1972 permission². The NPA also states that it was unreasonable to relitigate the arguments given that the courts³ have confirmed that the principles set out in Lucas⁴ do not apply if there is no basis for construing the relevant planning permission as authorising independent acts of development.

¹ Appeal Ref: APP/H9504/X/14/2224494

² Application Ref: DEU.R/4014

³ Hillside Parks Ltd v Snowdonia National Park Authority [2019] EWHC 2587 (QB)

⁴ Lucas & Sons Ltd v Dorking and Horley RDC (1966) 17 P & CR111

4. Nevertheless, whilst I have found in favour of the NPA in the corresponding Appeal Decision, it appears from the available evidence that the principal argument in the 2015 Appeal related to the physical obstruction that prevented the access road to 'Plot No.24' from being completed. Indeed, the appointed Inspector concluded that it would be "*physically impossible to develop the appeal site (inclusive of providing Plot 24 with a safe pedestrian access) pursuant to permission (b)*"⁵. The reference to the 'appeal site' in that statement must relate to that of 'Plot No.24'⁶ and not the wider site subject of the October 1972 planning permission. I therefore consider that the arguments advanced in that case were more focussed and materially different to those relied upon by the NPA in the current appeal, which generally turn on the contention that the totality of the operations authorised by the October 1972 permission can no longer be completed. It is also relevant to note that the physical obstruction to delivering the access to 'Plot No.24', pursuant to the October 1972 permission, has since been resolved.
5. I have made clear in my Appeal Decision that the line of authority from the courts is relatively clear and unambiguous despite the fact that the Lucas judgement, which the appellant's case is heavily reliant upon, has not been expressly overruled by a higher court. Nevertheless, the evidence indicates that the principles established through the full suite of case law cited in the current appeal were not fully considered in the 2015 Appeal and, given that the current appeal was originally submitted against the failure of the NPA to issue a decision on the application for an LDC within the prescribed timetables, the appellant did not have the benefit of considering the NPA's arguments until the appeal was lodged. It is also material to note that a series of non-material amendments⁷ to the October 1972 permission were approved by the NPA after the issuing of the 2015 Appeal Decision. These approvals were issued despite the fact that a non-material amendment can only be made to an extant planning permission.
6. These circumstances lead me to believe that, at the time the appeal was lodged, there was sufficient ambiguity regarding the lawfulness of the proposed development to justify an appeal. I note the NPA's suggestion in its *Hearing Statement*⁸ that the appeal should have been withdrawn at that late stage. However, as this would not have prevented the costs incurred in preparing such evidence, I do not consider that the award of costs is justified on such grounds alone. In coming to this conclusion, I have been mindful that the subsequent work submitted by the NPA related to the more recent Court of Appeal Judgement in respect of the *Hillside Parks Ltd* case which was clearly material at that stage of proceedings.
7. Therefore, based on the foregoing analysis, I find that it has not been satisfactorily demonstrated that the appellant has behaved unreasonably for the purposes of Annex 12 of the DMM. For this reason, and having considered all matters raised, I conclude that an award of costs is not justified in this instance and that the application must, therefore, be refused.

Richard E. Jenkins, INSPECTOR

⁵ 'Permission (b)' refers to the October 1972 planning permission for the purposes of the 2015 Appeal

⁶ Inclusive of the access road and consistent with the current appeal

⁷ Ref: NP5/61/595C; NP5/61/565A; and NP5/61/565B

⁸ Dated 18 September 2020