

# NOTICE OF MEETING



*Eryri National Park Authority*

*Jonathan Cawley  
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Snowdonia National Park Authority  
Penrhyneddudraeth  
Gwynedd LL48 6LF  
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**Meeting:** Planning & Access Committee

**Date:** Wednesday 21<sup>st</sup> January 2026

**Time:** 10.00 a.m.

**Location:** Eryri National Park Authority Office,  
Penrhyneddudraeth and Via Zoom

***Members are asked to join the meeting 15 minutes before the designated start time***

***Members appointed by Gwynedd Council***  
Councillor: Elwyn Edwards, Delyth Lloyd Griffiths,  
Annwen Hughes, Louise Hughes, Edgar Wyn Owen,  
Elfed Powell Roberts, John Pughe Roberts,  
Meryl Roberts, Einir Wyn Williams;

***Members appointed by Conwy County Borough Council***  
Councillor: Ifor Glyn Lloyd, Jo Nuttall, Nia Owen;

***Members appointed by The Welsh Government***  
Mr. Rhys Evans, Salamatu Fada, Mr. Tim Jones,  
Ms. Delyth Lloyd, Ms. Naomi Luhde-Thompson,  
Mr. Wyn Thomas.

***\*This Agenda is also available in Welsh***

## A G E N D A

Page Nos

1.	<b>Apologies for absence and Chairman's Announcements</b> To receive any apologies for absence and Chairman's announcements.	
2.	<b>Declaration of Interest</b> To receive any declaration of interest by any members or officers in respect of any item of business.	8-167
3.	<b>Minutes</b> The Chairman shall propose that the minutes of the meeting of this Committee held on the 12 <sup>th</sup> November 2025 be signed as a true record (Copy herewith) and to receive matters arising, for information.	3 - 7
4.	<b>Reports by the Director of Planning and Partnerships</b> To submit the reports by the Director of Planning and Partnerships on applications received. (Copy herewith)	168-173
5.	<b>An Update on Compliance Caseload and Performance</b> To submit a report by the Principal Planning Officer. (Compliance) (Copy herewith)	174-180
6.	<b>Update Reports</b> To submit update reports, for information. (Copies herewith)	181-190
7.	<b>Delegated Decisions</b> To submit the list of applications which have been determined in accordance with delegated authority, for information. (Copy herewith)	191-198
8.	<b>Appeal Decisions</b> (1) To submit an oral report by the Director of Planning and Partnerships on the Inspector's decision to dismiss an appeal by Sunbourne Limited against the Authority's decision to refuse planning permission for an extension of the holiday caravan site to provide (a) a new main site entrance with internal access road and amenity area: re-distribution of already consented holiday caravans and redevelopment within the existing holiday caravan site to provide (b) 24 static holiday caravans/lodges with landscaping; (c) 12 static caravans/lodges in lieu of a residential dwellinghouse; and (d) 3 static holiday caravans in lieu of the old site shop. Up to 455 holiday caravans can be stationed on the holiday caravan site, Sunbeach Holiday Park, Llwyngwrl. LL37 2QQ. (A copy of the Inspector's decision is enclosed – Copy herewith)	

## (2) (a) (Appeal A)

To submit an oral report by the Director of Planning and Partnerships on the Inspector's decision to allow an appeal by Mr. Gareth Roberts against the Authority's decision to grant listed building consent subject to conditions for the conversion of laundry and workshop to form 2 holiday units and the installation of roof windows, Llanfendigaid, Rhoslefain, Tywyn, Gwynedd. LL36 9LS  
(A copy of the Inspector's decision is enclosed – Copy herewith)

## (Appeal B)

To submit an oral report by the Director of Planning and Partnerships on the Inspector's decision to allow an appeal by Mr. Gareth Roberts against the Authority's decision to grant planning permission subject to conditions for the conversion of laundry and workshop to form 2 holiday units and installation of rooflights on front and rear roof, Llanfendigaid, Rhoslefain, Tywyn, Gwynedd. LL36 9LS

(A copy of the Inspector's decision is enclosed – Copy herewith)

## (b) (Costs application A)

To submit an oral report by the Director of Planning and Partnerships on the Inspector's decision to refuse a costs application by Mr. Gareth Roberts for a full award of costs against the Authority's decision to grant listed building consent subject to conditions, Llanfendigaid, Rhoslefain, Tywyn, Gwynedd LL36 9LS.

(A copy of the Inspector's decision is enclosed – Copy herewith)

## (Costs application B)

To submit an oral report by the Director of Planning and Partnerships on the Inspector's decision to refuse a costs application by Mr. Gareth Roberts for a full award of costs against the Authority's decision to grant planning permission subject to conditions, Llanfendigaid, Rhoslefain, Tywyn, Gwynedd LL36 9LS.

(A copy of the Inspector's decision is enclosed – Copy herewith)

## (3). (a) To submit an oral report by the Director of Planning and Partnerships

on the Inspector's decision to dismiss an appeal by Kath Sylvester against the Authority's decision to refuse planning permission for the change of use to ground floor from mixed use of residential C3 and restaurant A3, to residential C3, Gwalia, High Street, Harlech, Gwynedd. LL46 2YB  
(A copy of the Inspector's decision is enclosed – Copy herewith)

## (b) To submit an oral report by the Director of Planning and Partnerships on the

Inspector's decision to refuse a costs application by Kath Sylvester for a full award of costs against the Authority's decision for refusal of planning permission, Gwalia, High Street, Harlech, Gwynedd. LL46 2YB

(A copy of the Inspector's decision is enclosed – Copy herewith)

ITEM NO. 3



**MINUTES  
PLANNING AND ACCESS COMMITTEE  
ERYRI NATIONAL PARK**  
Wednesday 12 November 2025

**PRESENT:**

**Members appointed by Gwynedd Council**

Councillors Elwyn Edwards (Chair), Delyth Lloyd Griffiths, Annwen Hughes, Edgar Wyn Owen, Elfed Powell Roberts, John Pughe Roberts, Einir Wyn Williams;

**Members appointed by Conwy County Borough Council**

Councillors Ifor Glyn Lloyd, Nia Owen;

**Members appointed by the Welsh Government**

Rhys Evans, Salamatu Fada, Tim Jones, Delyth Lloyd, Naomi Luhde-Thompson, Wyn Thomas.

**Officers**

Iwan Jones, Keira Sweenie, Ben Jones, Aled Lloyd, Eva Jones, Eifion Jones.

**Also present:**

Ms Sioned Edwards, Applicant Agent for Item 4. (1)

The Director of Corporate Services advised that the meeting would be webcast and would also be available online at a later date.

**1. Apologies for absence and Chair's Announcements**

Apologies were received from Councillors Louise Hughes, Jo Nuttall.

**2. Declaration of Interest**

None

**3. Minutes**

The minutes of the Planning and Access Committee meeting held on 15 October 2025 were *adopted*, and signed by the Chair as a true record.

**4. Reports from the Director of Planning and Partnerships**

*Presented* - reports from the Director of Planning and Partnerships on the applications received. Please see the Schedule of Planning Decisions attached.

## 5. Update Reports

5.1 *Presented* - updated reports from the Director of Planning and Partnerships on planning applications and Section 106 Agreements.

5.2 *Presented* - update reports from the Director of Planning and Partnerships on applications that have not been decided for 13 weeks or more.

*Reported:*

- NP5/59/495C Land near Pont-yr-afon-gam, Llan Ffestiniog – It was *explained* that the original intention was to present the application to the present meeting but necessary information was not received in time. That information had now been received and it was therefore intended to present the application at the January meeting. In light of the delay that had occurred prior to the submission of the application it was suggested that it would be useful if a site visit were arranged for all Members before that meeting (rather than after) lest the decision have to be postponed again.

*Recommendation:* – to arrange a site visit to the land near Pont-yr-afon-gam, for all Members, to be arranged sometime in advance of the Planning and Access Committee meeting in January 2026

*Resolved:* — to **accept** the recommendation.

- NP5/62/LB297B Capel Gwynfryn, Llanbedr – It was *noted* that there had been scaffolding outside the building for a long time and that access to the chapel cemetery was dangerous.  
*It was explained* that discussions with the applicant and agent were ongoing, that the plans were being looked at by an external conservation architect and that there was work on them, and that this had taken longer than expected.

## 6. Delegated Decisions

A list of applications was submitted which were decided in accordance with delegated authority.

**The meeting closed at 10:25**



## SCHEDULE OF PLANNING DECISIONS – 12 NOVEMBER 2025

### 4. Report from the Director of Planning and Partnerships

*Presented:*

(1) NP5/76/323U – Extend the time period for the use of land approved under planning permission NP5/76/323R dated 03/01/2024 until 30th June 2028, land at Blaen Cefn, Penrhyneddraeth. LL48 6NA.

*Presented – report from the Head of Development and Compliance Management*

*Reported:*

- that the application had come before the Committee because the Director of Planning and Partnerships considered it to be a Major Development and a deviation from the adopted policies of the Eryri Local Development Plan (ELDP);
- that the continuation of temporary use remained, in principle, contrary to the policies of the ELDP adopted, and a deviation from the ELDP; nevertheless, each planning application had to be considered on its own merits and, in this case, the officers considered that relevant planning considerations remained which justified the continuation of the temporary use for a further limited period, in order to secure the completion of the VIP Project and subsequent demobilisation.

*It was noted:*

- there was an inconsistency in the content of one slide between Welsh and English. It was confirmed that the true situation was that:
  1. NP5/77/336B dated 24 September 2021 was the Planning Application number for the Eryri Visual Impact Provision (VIP) Project, which comprised:
    - 1) Construction of an eastern tunnel head house (including the associated construction compound), sealing end compound, and permanent access; and
    - 2) A new sealing end compound (SEC) to connect the underground cables and the overhead line.
  2. NP5/76/323R dated 03 January 2024 was the Planning Application to support the delivery of this, namely to approve off-site temporary living accommodation and associated facilities under planning permission, to provide accommodation for up to 100 employees who were not working from home, many of whom were specialist contractors who were required on site at short notice or during extended construction periods;
  3. NP5/76/323U dated 18th August 2025 was the application to extend the time period for the use of the land approved under planning permission NP5/76/323R until 30th June 2028

Ms Sioned Edwards, the Applicant's Agent was invited to address Members. *Noted:*

- that the commencement of tunnel drilling work was delayed for reasons beyond the applicant's control, and that the timetable for the need for accommodation had changed as a result;
- that the site had now been operating smoothly for some months with nearly 100 employees on site at the time;
- that the applicant was confident that the tunnel drilling would be completed by the end of 2026, at the latest, and certainly within the time frame requested in the application.

*Recommendation:* – that the Members of the Authority **GRANT consent** to the application subject to the conditions listed.

*Resolved:* — **Accept** the recommendation.

<u>Rhif Eitem / Item No.</u>	<u>Cyfeirnod / Reference No.</u>	<u>Disgrifiad / Description.</u>	<u>Swyddog Achos / Case Officer</u>
1	NP3/12/9L	Gosod dau gyfleuster toiled cyhoeddus heb unrhyw ollyngiad, un wedi'i orchuddio â phren, un wedi'i orchuddio â dur a wrinalau di-ddŵr allanol. Maes Parcio Awdurdod Parc Cenedlaethol Eryri, Llyn Cwellyn, Rhyd Ddu. LL54 7YT / Installation of two zero discharge replacement public toilet facilities, one timber clad, one steel clad and external waterless urinals, Eryri National Park Authority Car Park, Llyn Cwellyn, Rhyd Ddu. LL54 7YT.	Mr. Richard Thomas
2.	NP5/53/AD8N	Caniatâd Arddangos Hysbyseb am sgrin arddangos digidol, Co-op Store, 78-86, Stryd Fawr, Y Bala. LL23 7AD / Advertisement Consent for digital display screen, Co-op Store, 78-86, High Street, Bala. LL23 7AD	Ms. Sophie Berry
3.	NP5/59/495C	Cynllun cynhyrchu trydan dŵr arfaethedig i gynhyrchu hyd at (600kW) yn Afon Cynfal, i gynnwys llwybr pibelli, cored mewnif, pwall echdynnu, llifddor o dan y ddaear (tua 1.2km), adeilad tyrbin, adeilad mesuryddion, newidiadau i'r mynediad presennol ac ail-osod lleoli mynedfa prifffordd bresennol, ardaloedd gosod i lawr, compownd adeiladu dros dro, gwyriad llwybr troed dros dro a chysylltiad pŵer trydan uwchben ac o dan y ddaear i'r grid cenedlaethol (tua 600m) (Ail-gais) / Proposed hydro-electric generation scheme to generate up to (600kW) at Afon Cynfal, to include pipe route, intake weir, extraction pond, below ground penstock (circa 1.2km), turbine building, metering building, alterations to existing access and re-positioning of an existing highway access, laydown areas, temporary construction compound, temporary footpath diversion and above and below ground electric power connection to national grid (circa 600m), (Re-submission)	Mr. Aled Lloyd

4.	NP5/59/814A	<p>Newid defnydd o dŷ annedd C5 i dŷ annedd (C5) a llety i'w osod tymor byr masnachol (C6)</p> <p>Garreg Lwyd, Bont Newydd, Ffestiniog. LL41 4PT / Change of use from C5 dwellinghouse to dwellinghouse (C5) and commercial short-term letting accommodation (C6), Garreg Lwyd, Bont Newydd, Ffestiniog. LL41 4PT.</p>	Mr. Aled Lloyd
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**Snowdonia National Park Authority**      **Date: 21-January-2026**  
**– Planning & Access Committee**

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**Application Number:** NP3/12/9L

**Date Application Registered:** 27/08/2025

**Community:** Betws Garmon

**Grid Reference:** 256431 355050

**Case Officer:** Mr. Richard Thomas

**Location:**

Eryri National Park Authority Car Park, Llyn Cwellyn, Rhyd Ddu.

**Applicant:**

Eryri National Park Authority,  
 National Park Office,  
 Penrhyneddraeth,  
 Gwynedd.  
 LL48 6LF

**Description:**

Installation of two zero discharge  
 replacement public toilet facilities, one  
 timber clad, one steel clad and external  
 waterless urinals.

**Summary of the Recommendation:**

To **GRANT** permission subject to conditions relating to:

Start work within 5 years.

Accordance with approved plans.

Ecological protections

Stone sample

Constructed to BS standards and a level warning device fitted

Visual tank level inspections during peak periods

**Reason(s) Application Reported to Committee:**

Application by ENPA

The development has been subject to a screening opinion which concluded that the development is not EIA development.

**Land Designations / Constraints:**

Open countryside

## **Site Description:**

The site subject to this application is located within a ENPA owned and managed public car park. Situated on the shore of Llyn Cwellyn and adjacent to the A4085 approximately 7.5km (4.8 miles) north of Beddgelert.

The car park provides for visitor parking to access a popular route up Yr Wyddfa and the adjacent lakeside boardwalk and picnicking area. The Snowdon Ranger Hostel is located opposite this car park.

The car park is formally laid out to accommodate around 30 vehicles and is well screened from the public highway with existing natural vegetation. There is currently a public toilet facilities available at this location.

## **Proposed Development:**

This application proposes an upgrading of the current toileting facility with the installation of two zero discharge toilets to replace the existing.

The zero discharge toilets are proposed to set behind the existing stone screen wall with one proposed to be timber clad and one clad in steel profile sheeting.

The stone screen wall is shown to be marginally realigned and reprofiled to allow access to the new facility.

## **Relevant Planning Policies:**

Eryri Local Development Plan 2016-2031

DP1: General Development Principles

SPD: Natural Environment

DP6: Sustainable Design and Materials

## **National Policy**

- Future Wales (FW): The National Plan 2040
- Planning Policy Wales (Edition 12) 2024

## **Technical Advice Notes**

- Technical Advice Note 5: Nature Conservation and Planning

Welsh Government Circular - 008/2018 Planning requirements in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants.

## **Consultations:**

Community/Town Council: No comments received

Natural Resources Wales: No objections, comments and advice provided

Public Protection: No comments received

ENPA Ecology: No objections, advice and comments made

## **Response to Publicity:**

The application has been publicised by way of a site notice and neighbour notification letters.

At the time of writing no comments had been received.

### **1. Assessment:**

#### **Principle of Development**

- 1.1 The relevant policies in this case would be ELDP policies which protect against visual or environmental harm. In this case policies DP1 and 6 are considered to be relevant as they seek to protect against any visual harm as a result of a development. Policy SP D is considered relevant as it seeks to protect against harm to matters of ecological concern.
- 1.2 The ELDP doesn't contain a specific policy with regards to the choice of sewerage disposal however, Welsh Government Circular 008/2018 refers to planning requirements in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants.
- 1.3 The comments received from NRW, acknowledge that the system proposed as part of this scheme is technically a cesspool. Circular 008/2018 advises that the use of cesspool or other private systems should be justified. In this case, the site is located outside a sewered area and therefore not an option. In line with the Circular the applicant has considered a package treatment plant and also a septic tank but due to the sites proximity to the Afon Gwyrfai (SAC) and Llyn Cwellyn (SSSI) (Llyn Cwellyn also being a Dwr Cymru drinking water source) these options had to be discounted as it could result in an increase of nutrients into the SAC from these alternatives.
- 1.4 Weight should be afforded to the existing situation and that there is an existing public toilet provision on the site. The proposal is seeking to upgrade the existing services on the site. The proposal is not seeking for consent to increase the existing parking provision or make the site more attractive in a way that would draw greater use of the toilets. It can therefore be concluded that the proposal, as submitted, would not increase the volume of foul discharge from the site in planning terms.
- 1.5 Information received acknowledges that the current toilet provision at Cwellyn is unpleasant in hot/humid weather, with no running water is wholly reliant on chemicals to sanitise and de-odorise the portable units. They require, at least twice weekly service to empty the waste and re-plenish the chemicals during the peak season. This has a significant direct and indirect carbon footprint in the transportation of waste, treatment off site as well as the production and transport of chemicals for sanitation.
- 1.6 The existing portaloo's are emptied by a commercial provider that is registered waste carrier to an appropriate public wastewater plant for further treatment. This arrangement will remain in place for the current proposal. Given this and the treatment and disposal methods utilised, it is unlikely to have a significant effect on another river SAC or pose a greater environmental risk.

- 1.7 The proposal will ensure environmental benefits as no chemicals are required. It is a more sustainable option as the fill rate is slow, resulting in significantly fewer trips to empty the tanks. Information from the provider states that 1000 uses shouldn't raise the level by more than 100mm. Based on current use the proposed tanks will require emptying three times a year which is significantly less than the current situation.
- 1.8 Having considered the above, it is considered that there is justification for the proposed means of sewerage disposal in this instance and that principle of development is acceptable.

## **Design & Visual Impacts**

- 1.9 The current facility at this location provides for three 'portaloo' type toilets behind a purpose built stonewall screen. Whilst individually the portaloos are not attractive features they are well screened and unobtrusive.
- 1.10 The proposal before us is to replace these portaloos with purpose built enclosed toilets which have been designed to be:
  - more accessible to all abilities,
  - provide a better provision for visitors,
  - be more environmentally friendly,
  - be low maintenance
  - provide ease of access and emptying.

- 1.11 The new toilets will be located behind the existing stone wall screen and will as such be unobtrusive and not be considered to be visually intrusive. It is considered that given the existing and proposed screening no conflict with ELDP policies DP1 and 6 would result.

## **Biodiversity & Ecological Matters**

- 1.12 The Authority's Ecologist and Natural Resources Wales have raised no objections to this proposal whilst providing comments and advice. In accordance with the requirements of PPW a Green Infrastructure Statement (GIS) has been submitted. The GIS concludes with the provision of biodiversity improvements which includes refugia creation and the provision for nesting birds and bats.
- 1.13 It has been noted that as the proposed works is located adjacent to the Afon Gwyrfai (SAC) and Llyn Cwellyn (SSSI). This Authority, as the competent Authority, must under the Conservation of Habitats and Species Regulations carry out a test of Likely Significant Effects for the proposed development.
- 1.14 A Habitats Regulations Assessment has been carried out with the conclusion being that adverse effect on the integrity of the SAC can be avoided with the adoption of standard pollution prevention measures and planning conditions. NRW was consulted and agreed with the Authorities conclusion.
- 1.15 If approved, and to ensure compliance with Circular 008/2018 conditions should be imposed. NRW advises that the system should meet the requirement of British Standard BS 6297 and it should be fitted with a level warning device to indicate when the tank needs emptying. The manufacturer has advised that level warning

devices can prove unreliable and that visual inspections should be carried out with a handheld laser measuring device. The applicant has confirmed that staff visit the site during peak periods and that once weekly visual inspections can be carried out and recorded to ensure that the system doesn't overflow. Emptying will be arranged at 70-75% capacity to ensure sufficient headroom for emptying. With the imposition of conditions, it is considered that the proposal complies with PPW, Circular 008/2018 and ELDP policies DP1 and DP 6.

## **Language Considerations**

- 1.16 Policy DP 18: The Welsh language and the Social and Cultural Fabric of Communities encourages all signs from public bodies and commercial and business companies to be bilingual or in Welsh only, in order to protect and promote the unique cultural amenity of the National Park.
- 1.17 Given that the proposal is submitted by and will be implemented by a public body, the requirements of policy DP 18 apply. It is considered reasonable to set a condition to ensure that information shown in connection with this proposal is in Welsh or bilingual in order to ensure compliance with policy DP 18 and to help protect the social and cultural fabric of communities.

## **4. Conclusion**

- 4.1 Having considered all the relevant material planning considerations, which includes Local and National Planning Policy and Guidance it is considered that the proposal is acceptable and a recommendation to approve can be given.

**RECOMMENDATION:** To GRANT permission subject to the following conditions:

Conditions:

1. (01) The development hereby permitted shall be commenced before the expiration of FIVE years from the date of this decision.
2. (06) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 2025-14D L1+01 Location Plan
  - 2012-012 B1+01 01: Proposed site plan
  - 2012-012 B1+2.00 rev 01: Proposed elevations
  - CT-FA-002 rev A: Proposed timber building elevations
  - Proposed Metal building front and rear elevations
  - 2012-12 B1+04 00 rev 01: Green Infrastructure site plan
3. (34) Prior to any stonework commencing on the site, a trial stonework panel including pointing not less than 2.00 m<sup>2</sup> shall be constructed. No building operations in stone shall be carried out on the site unless and until the trial panel has been inspected and approved by means of a formal application to the Local Planning Authority. The stonework shall be built in accordance with the approved sample.

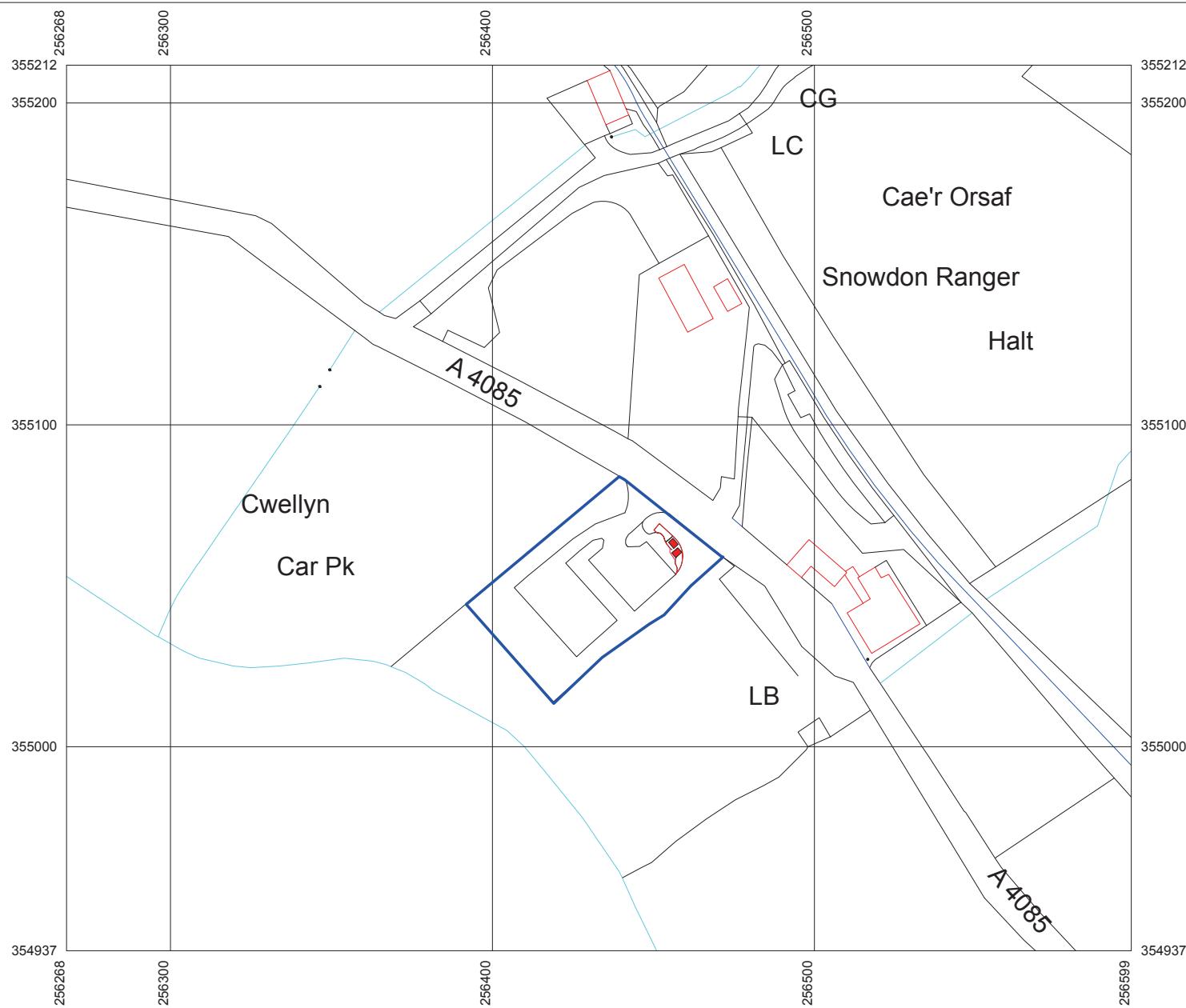
4. The zero discharge system (cesspit) shall meet the requirement of British Standard BS 6297 and shall be fitted with a level warning device to indicate when the tank needs emptying.
5. During peak visitor times (school and public holidays) the tanks levels shall be visually checked weekly and the levels of the tanks recorded. Emptying shall be arranged as required to ensure no overspill. The register shall be maintained and made available for the Local Planning Authority to inspect as reasonably required.
6. Any signs or information displayed on or around the site in connection with this development must be in Welsh or bilingual with preference to Welsh.

**Reasons:**

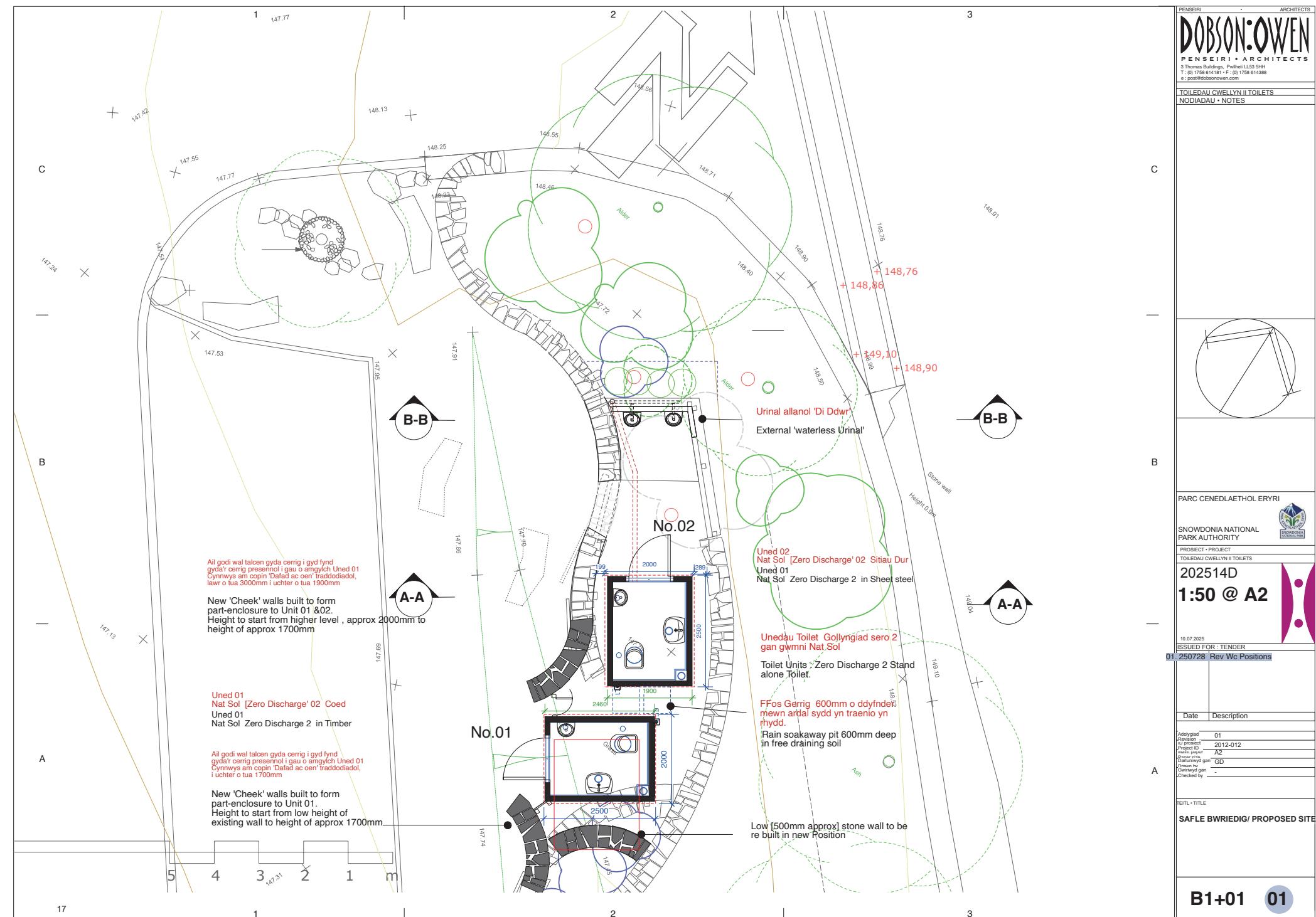
1. To Comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. To define the permission and for the avoidance of doubt.
3. To ensure a satisfactory standard of appearance of the development and the use of appropriate local building materials, in accordance with Eryri Local Development Plan Policies and in particular policies A, 1, 6.
4. To protect the environment and ensure compliance with Eryri Local Development Plan Policies DP1 and DP 6 and Welsh Government Circular 008/2018.
5. To protect the environment and ensure compliance with Eryri Local Development Plan Policies DP1 and DP 6 and Welsh Government Circular 008/2018.
6. To comply with Eryri Local Development Plan Policy DP 18.

**Advisory Notes:**

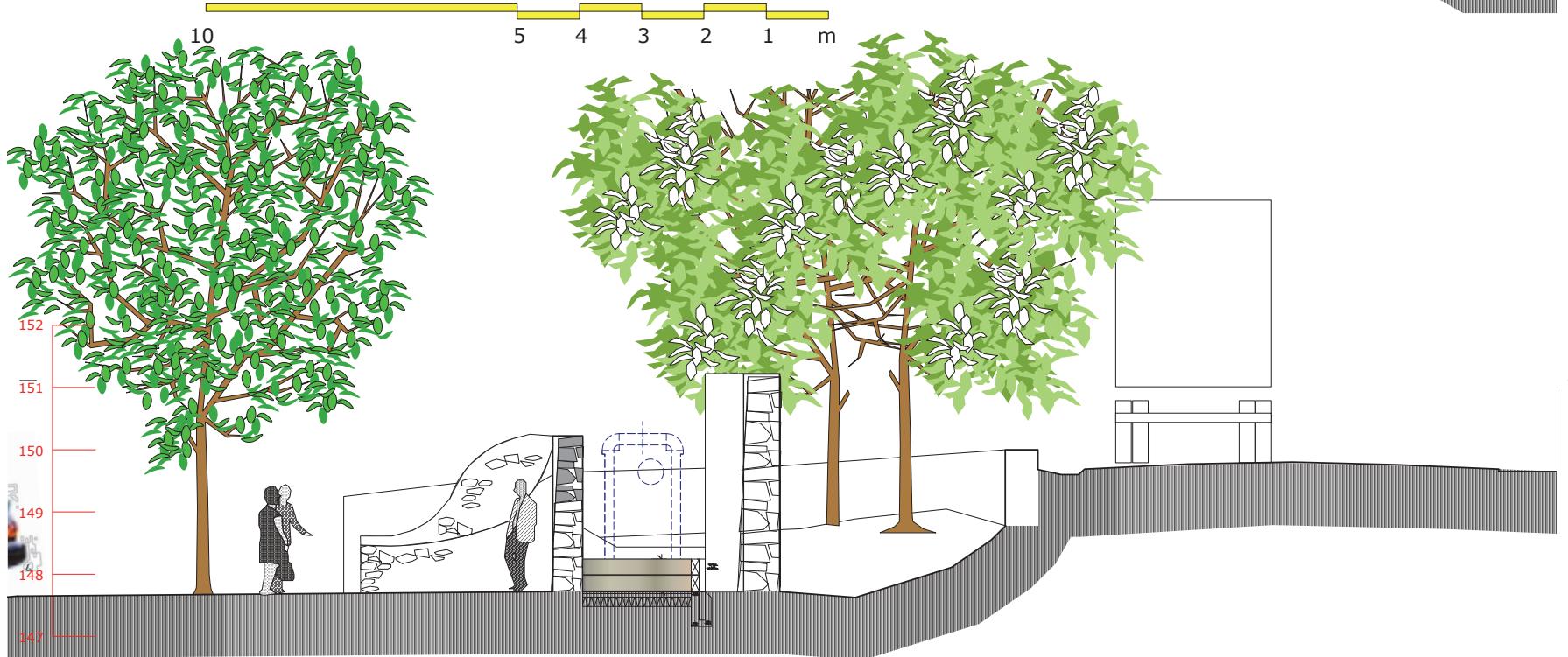
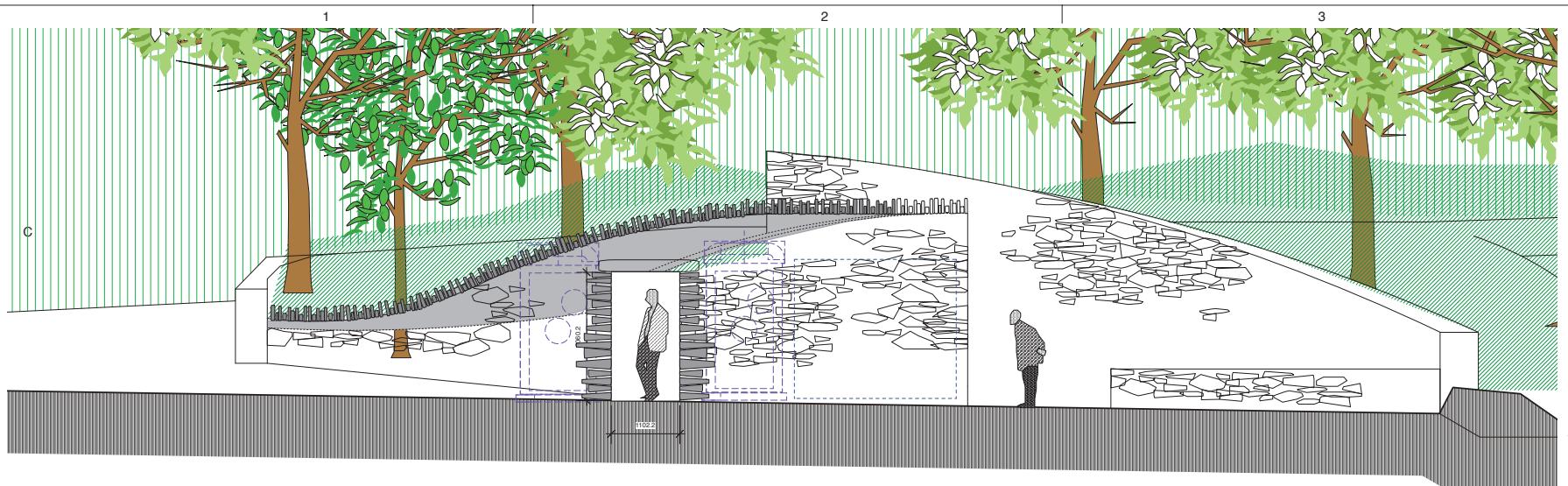
1. The applicant/developer's attention is drawn to the letter from Natural Resources Wales dated 02 October 2025 and addressed to this Authority
2. The applicant/ developer shall ensure that the Reasonable Avoidance Measures (RAM's) relating to terrestrial mammals are created where applicable. These should include sloping escape ramps (mammal ladders) for badgers, hedgehogs (and other mammals potentially may be pass through the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day.



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Purchase Reference: 001048275	
Vendor: Dobson Owen	
Customer Name: Derek Jones	
Products: Location Map	
Centre Coords: X: 256433 Y: 355074	
Area Licensed: 0.091 sq km (9.1 ha)	
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TEITL PROJEKT • PROJECT TITLE	
PROSIECT	
2025-14D	
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**TOILEDAU CWELLYN II TOILETS**  
**NODIADAU • NOTES**

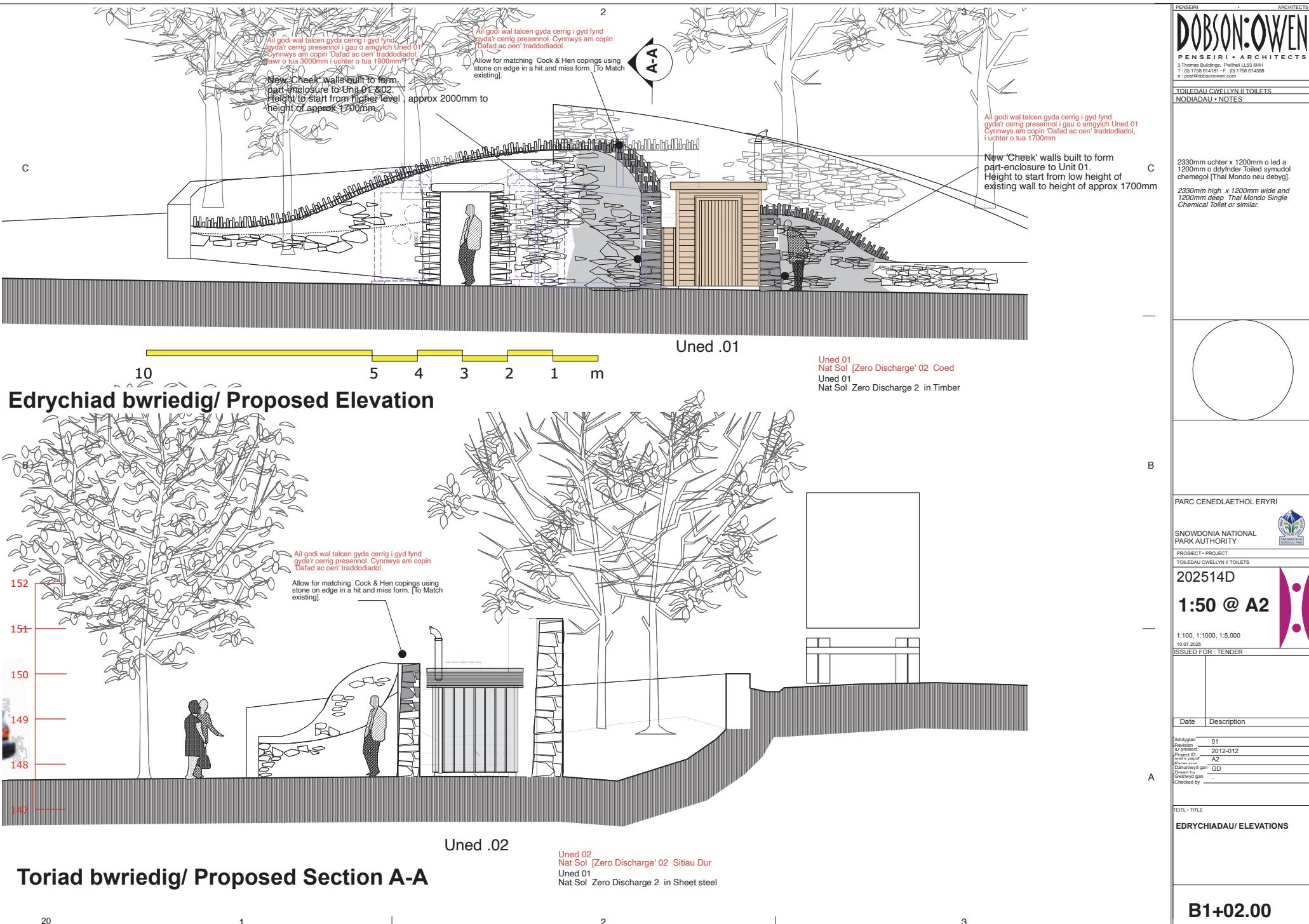
**PARC CENEDLAETHOL ERYRI**  
**SNOWDONIA NATIONAL PARK AUTHORITY**  
**PROJECT • PROJECT**  
**TOILEDAU CWELLYN II TOILETS**  
**202514D**  
**1:50 @ A2**

1:100, 1:1000, 1:5.000  
 10.07.2025  
 ISSUED FOR: TENDER

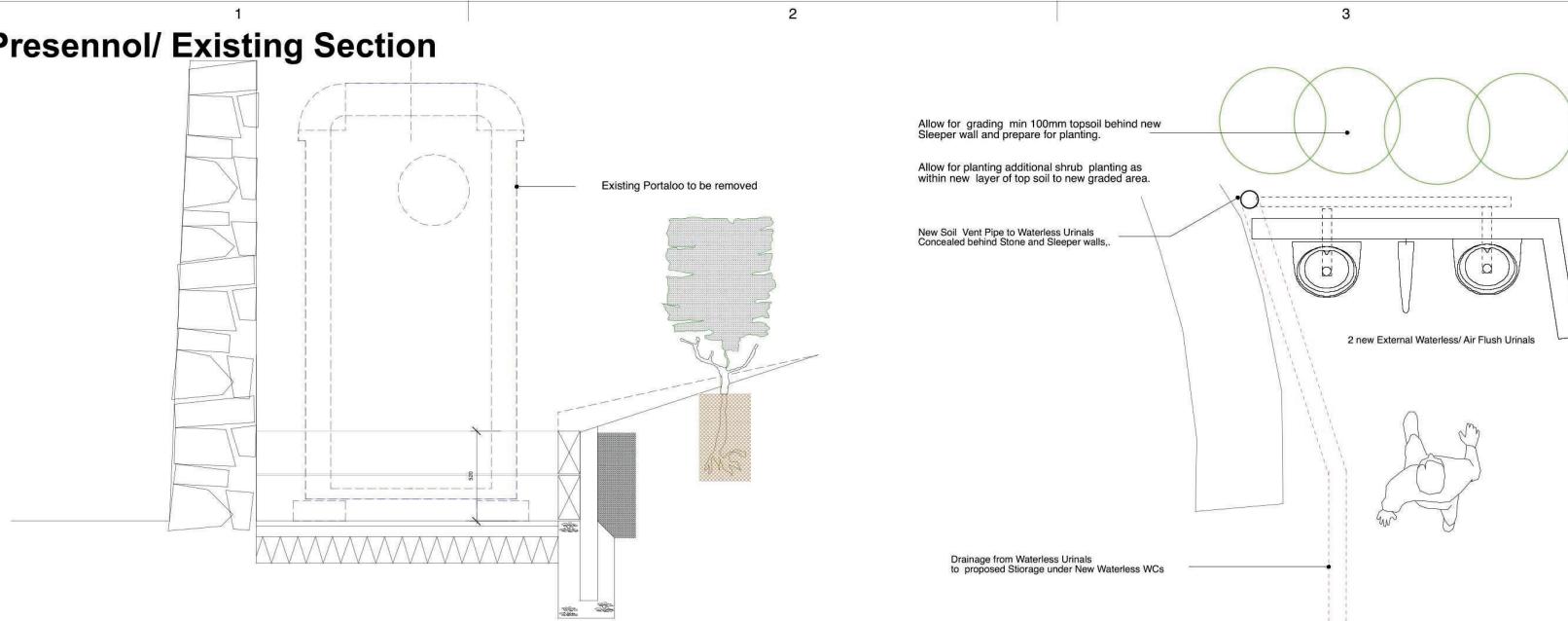
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**TEITL • TITLE**  
**EDRYCHS PRESENNOL/EXISTING ELE**

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## Toriad Presennol/ Existing Section



## Toriad bwriedig/ Proposed Section B-B

21

1

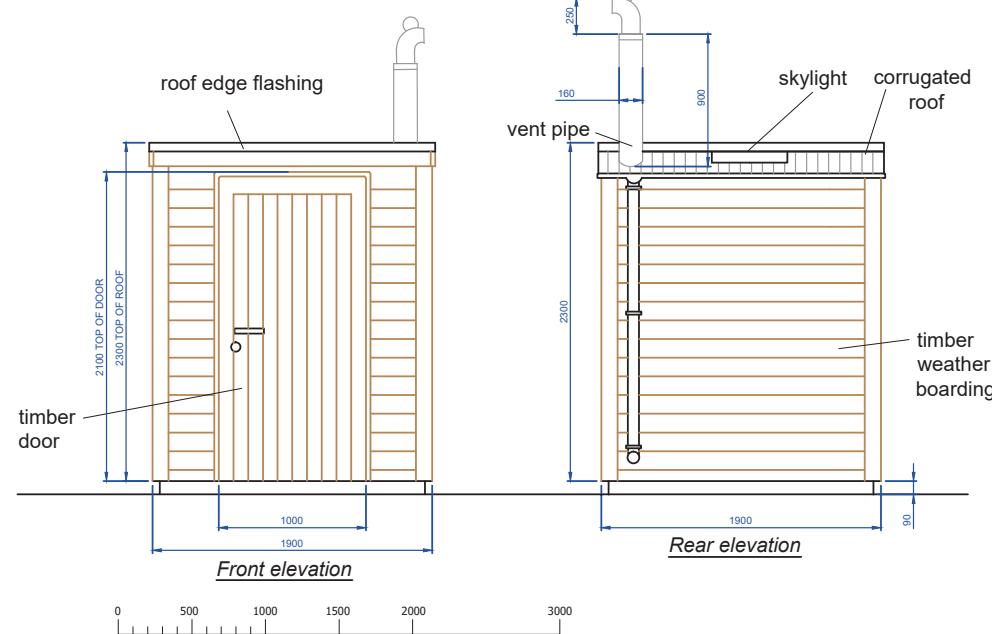
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3

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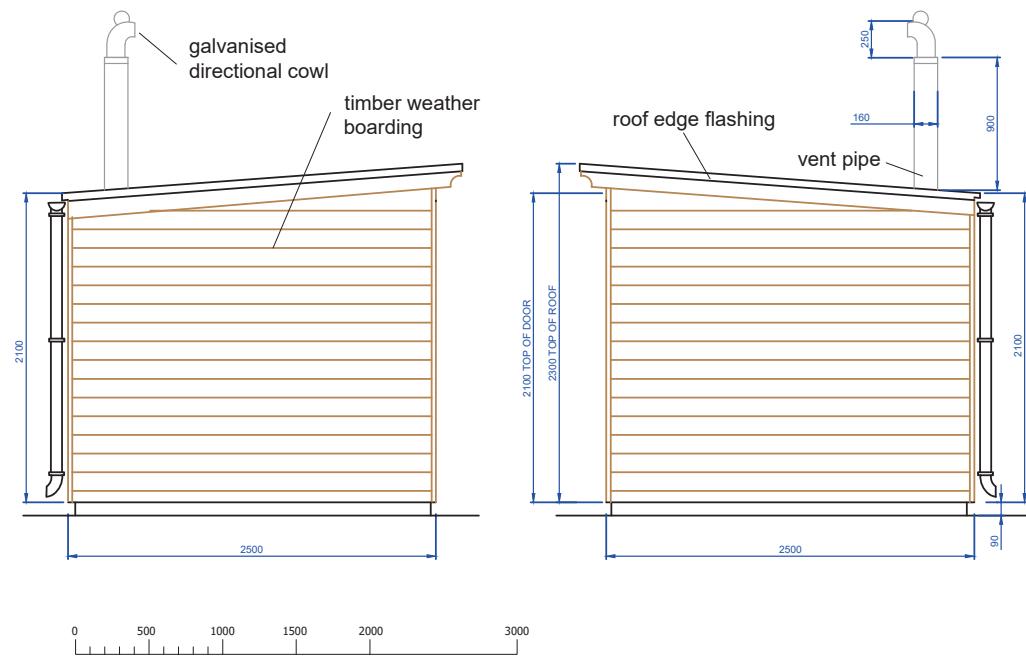
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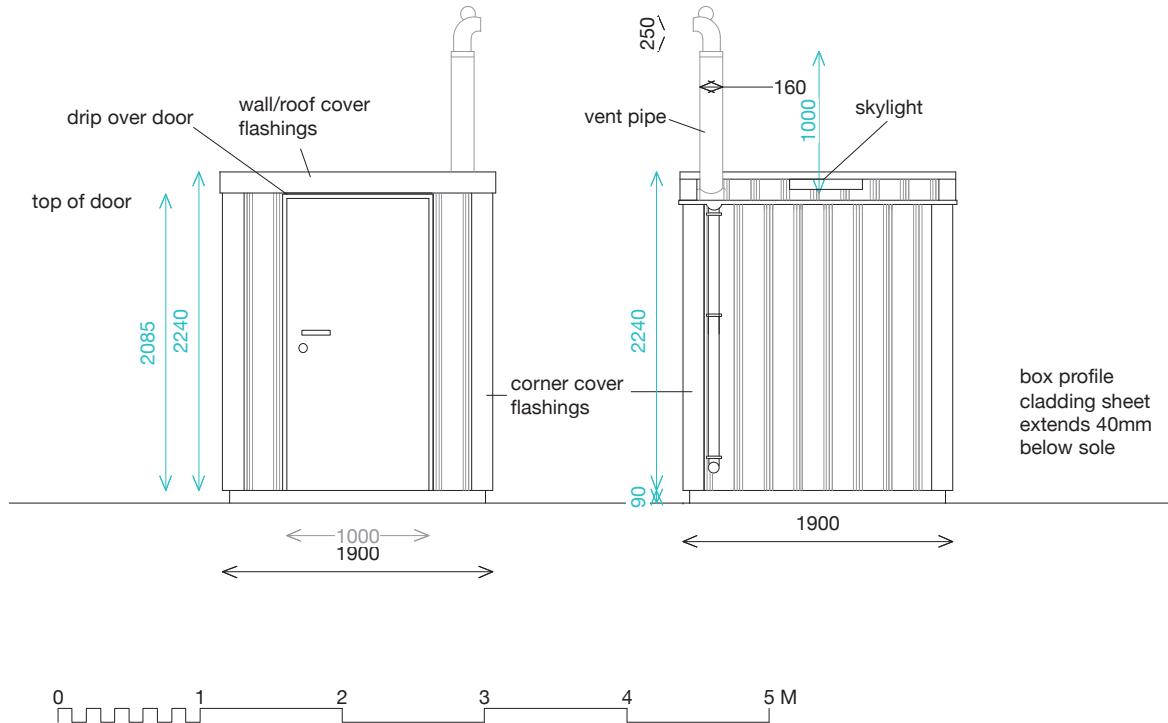


A	Scale and notes added	14.12.21
0	First issue	03.09.10
Rev.	Description	Date
<b>NatSol</b>		
FRONT & REAR ELEVATIONS OF TIMBER BUILDING		
Compus twin - Full access		
Date	03.09.10	Scale
		1:50 @ A4
Drn by:	MB	Rev: A
Drg N°: CT-FA-002		
Natsol Ltd Tel: 01686 412653 www.natsol.co.uk		

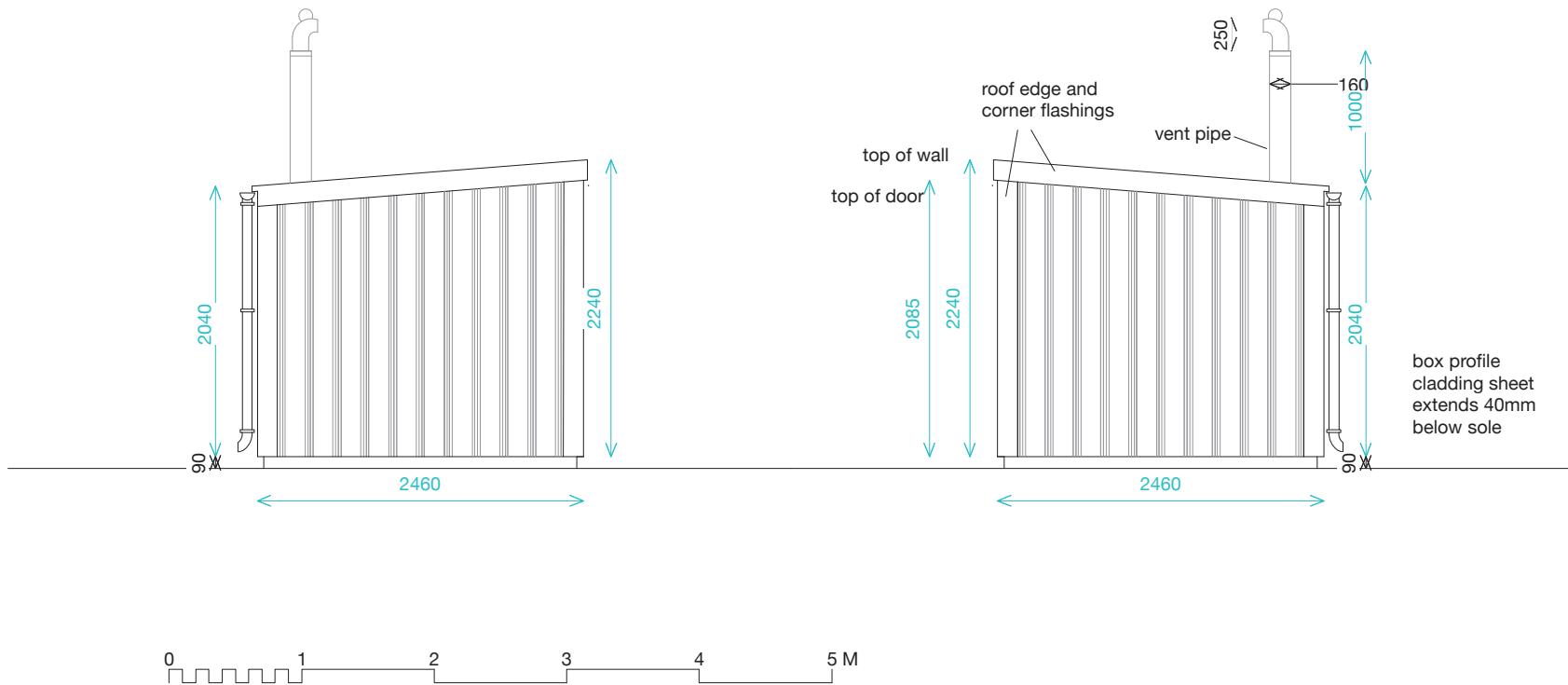
**NOT TO BE USED FOR CONSTRUCTION**



A	Scale and notes added	14.12.21
0	First issue	03.09.10
Rev.	Description	Date
<b>NatSol</b>		SIDE ELEVATIONS OF TIMBER BUILDING
Compus twin - Full access		Date 09.04.08
Scale 1:50 @ A4		Dm by: MB
Rev: A		Drg N°. CT-FA-003
Natsol Ltd Tel: 01686 412653 www.natsol.co.uk		



<p>Natsol Ltd Tel: 01686 412653 www.natsol.co.uk</p>	Compus Twin - Full Access	
	Metal front and rear	
	Date 03.09.10	Scale 1:50
	Drg. No.	
	Drn. B.Wade	



Natsol Ltd Tel: 01686 412653 www.natsol.co.uk		Compus Twin - Full Access
		Metal side elevation
Date 10.02.09	Scale 1:50	
Drg. No.		
Drn. B.Wade		

**Snowdonia National Park Authority –  
Planning & Access Committee**

**Date: 21-January-2026**

**Application Number:** NP5/53/AD8N

**Date Application Registered:** 03/04/2025

**Community:** Bala

**Grid Reference:** 292546 335878

**Case Officer:** Miss Sophie Berry

**Location:**

Co-op Store, 78-86, High Street, Bala. LL23 7AD

**Applicant:**

Ms. Abbie Bannerman  
Co-op  
78-86 High Street,  
Bala,  
Gwynedd,  
LL23 7AD

**Description:**

Advertisement Consent for digital display screen.

**Summary of the Recommendation:**

To GRANT permission subject to conditions relating to:

- Removal within 10 years
- Accordance with approved plans.
- Hours of illumination
- Level of illumination

**Reason(s) Application Reported to Committee:**

Scheme of Delegation - The Community Council has expressed a contrary view to the recommendation, based on sound planning reasons, received within the consultation period.

**Land Designations / Constraints:**

Settlement boundary.

Retail area

Conservation Area

Area of Special Advertisement Control

**Site Description:**

The application site is a Co-op store located on Bala High Street, a designated Retail and Conservation Area. It is immediately adjacent to Ye Old Bulls Head Public House, a Grade II Listed Building.

### **Proposed Development:**

The proposal seeks advertisement consent to display an internal digital totem screen within the shop window of the building, facing onto the High Street.

The advert is to be free standing and proposed to measure 1.8m in height by 0.56m in width with a depth of 0.08m. It comprises a black aluminium frame with digital advertisement screen occupying the top half (0.97m). The advert would not be fixed to the window but positioned inside and slightly set back, owing to the feet of the frame preventing it from being displayed flush against the window. The illumination will be intermittent to a maximum level of 700 candela per square metre.

The applicant has confirmed that outside trading hours, advert will be switched off and therefore not illuminated. The illumination will also adapt to external lighting conditions i.e. brighter in sunlight and dimmer during darker hours.

### **Development Plan Policies:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises Future Wales and the Eryri Local Development Plan (LDP) 2016-2031 which was formally adopted by the Authority on 06 February 2019 and within which the following policies are of relevance:

#### *Eryri Local Development Plan 2016-2031:*

- SP A National Park Purposes and Sustainable Development
- DP 1 General Development Principles
- SP Ff Historic Environment
- DP 6 Sustainable Design and Materials
- DP10 Advertisements and Signs
- DP 18 The Welsh Language and the Social & Cultural Fabric of Communities
- 

#### *Future Wales: The National Plan 2040*

#### Other Policy/Guidance

#### *Supplementary Planning Guidance:*

- SPG 2 General Development Considerations

#### *National Policy/Guidance*

- Planning Policy Wales (PPW), Edition 12 February 2024
- TAN 7: Outdoor Advertisement Control
- TAN 12 Design

- TAN 20: Planning and the Welsh Language
- TAN 24 The Historic Environment

### **Consultations:**

Bala Community Council	Oppose the application as the development would not suit the character of the High Street and possibly affecting the conservation elements of the town.
Gwynedd Highways	The site is located on the A494 Trunk Road and therefore does not propose to make a recommendation.
Welsh Government - Highways	No direction issued

### **Response to Publicity:**

The application has been publicised by way of a site notice.

At the time of writing this report no objections had been received.

### **Planning History**

NP5/53/ADL8F	Consent to display one illuminated external fascia sign	Permitted with conditions November 2011
NP5/53/ADL8H	Advertisement Consent for two fascia signs (externally illuminated) and one projecting sign (internally illuminated)	Permitted with Conditions – May 2010
NP5/53/ADL8K	Advertisement Consent to display partially illuminated fascia sign, externally illuminated projecting sign and logo and non-illuminated post and wall mounted aluminium signs	Permitted with Conditions – March 2017

NP5/53/AD8D	Consent to Display one double free standing illuminated advertisement	Refused - May 2017
NP5/53/8M	Installation of a new refrigeration unit	Permitted with conditions September 2024
NP5/53/8J	Installation of new refrigeration plant unit, external storage unit and fencing, new door to and redecoration of front	Permitted with conditions January 2017

### **Assessment:**

#### **1. Background**

- 1.1. Historically, several forms of advertisement have been approved at the site, including for internally and externally illuminated signs. There has been one refusal (NP5/53/AD8D), however, this was a freestanding sign to be placed on the footway outside the store.

#### **2. Principle of Development**

- 2.1. The primary considerations in this instance are: The impact of the advert upon the character and appearance of the Conservation Area, and, highways safety.
- 2.2. There have been no objections in respect of highways safety with both Gwynedd Highways and Welsh Government Highways department being consulted and responding with no comment. DP10 is intended to relate to signs for smaller tourist attractions, rather than retail development and prohibits internally illuminated signage in those instances. Therefore, the primary Policy in this instance is SPFf, which states that development will be prohibited that will adversely affect heritage assets, including Conservation Areas. As such, the proposed advertisement is considered acceptable in principle.

#### **3. Planning Assessment**

- 3.1. The main issues affecting the acceptability of this scheme are:
  - of the advert upon the character and appearance of the Conservation Area
  - the impact of upon highways safety

### **Impact on the character and appearance of the Conservation Area**

- 3.2. The proposed advert is small in size and is to be positioned on the inside of the shop window where it will be illuminated and visible from the public highway. The agent has confirmed "the luminance levels are a set level of illumination (700cd/m2), however this adjusts automatically dependant on daylight". As stated above, it will not be fixed to the window, therefore the perceived luminance from the outside, compared to an externally mounted display, will be reduced. Its frame is to be finished in a recessive colour and its set back from the shop frontage will ensure it will not appear obtrusive within the street scene. The digital format is necessary to reduce the need for multiple printed posters and signs reducing visual clutter. In addition, the illumination will be switched off outside of trading hours.
- 3.3. Owing to its size, position and design, it is not considered that it would appear obtrusive within the street scene and it would not have an adverse impact upon the character or appearance of the Conservation area or nearby heritage assets.

### **Impact on Highways Safety**

- 3.4. There have been no objections from highways consultees in respect of the advertisement, and it is therefore considered there will be no adverse harm to highways safety as a result of the proposal.

### **Language Considerations**

- 3.5. Policy DP 18: The Welsh Language and the Social & Cultural Fabric of Communities encourages 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.
- 3.6. Given the nature of the proposed sign whereby the content can change together with the restricted considerations that can be applied in considering an application for advertisement consent (amenity & highway safety), it is not considered that a condition can be imposed in this instance. However, an informative will be placed, should permission be given encouraging the use of Welsh Language signage in accordance with policy DP 18.

### **Other Matters**

- 3.7. The community Council has objected on the basis that it will not suit the character of the High Street, and possibly affecting the conservation elements of the town.
- 3.8. Notwithstanding this view, officers are of the opinion that owing to its design, size and positioning and ability to condition the hours of illumination, the advert will not have an adverse impact upon the appearance or character of the Conservation Area or public amenity.

#### **4. Conclusion**

- 4.1. The decision to recommend planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises Future Wales and the Eryri Local Development Plan 2016-2031.
- 4.2. Having regard to Eryri Local Development Plan policies SP A, SP Ff, DP 1, DP6 and DP10, DP18, DP19 and DP21, the development is compatible with the capacity and character of the site and locality within which it is located, is not unduly prominent within the context of the Retail Area and will not appear obtrusive within the Conservation Area. Furthermore, there are no highways safety concerns. As such, the development is considered acceptable subject to compliance with the relevant conditions.
- 4.3. It is considered that the decision complies with the Authority's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

**RECOMMENDATION: To GRANT permission subject to the following conditions:**

- 1) The advertisement and any associated fittings shall be removed from the site in its entirety no later than 10 years from the date of this decision or 10 /years after the date of completion of building operations, whichever first occurs.
- 2) The development hereby permitted shall be retained in accordance with the following approved plans and documents:
  - 9251 Bala, pages 01 to 03
- 3) The advertisement shall only be illuminated between the hours of 7:00 - 23:00 Monday to Saturday and 10:00 and 16:00 on Sundays. .
- 4) The level of illumination shall not at any time exceed 700 candela per square meter.

**Reasons:**

- 1) To comply with Regulation 13(5) of the Town and County Planning (Control of Advertisements) Regulations 1992.
- 2) To define the permission and for the avoidance of doubt.

- 3) To safeguard the visual amenities of the area and in accordance with Eryri Local Development Plan Policies and in particular Development Policy 10
- 4) To safeguard the visual amenities of the area and in accordance with Eryri Local Development Plan Policies and in particular Development Policy 10

To comply with Regulation 13(5) of the Town and Country Planning (Control of Advertisements) Regulations 1992 which contains 5 standard conditions:

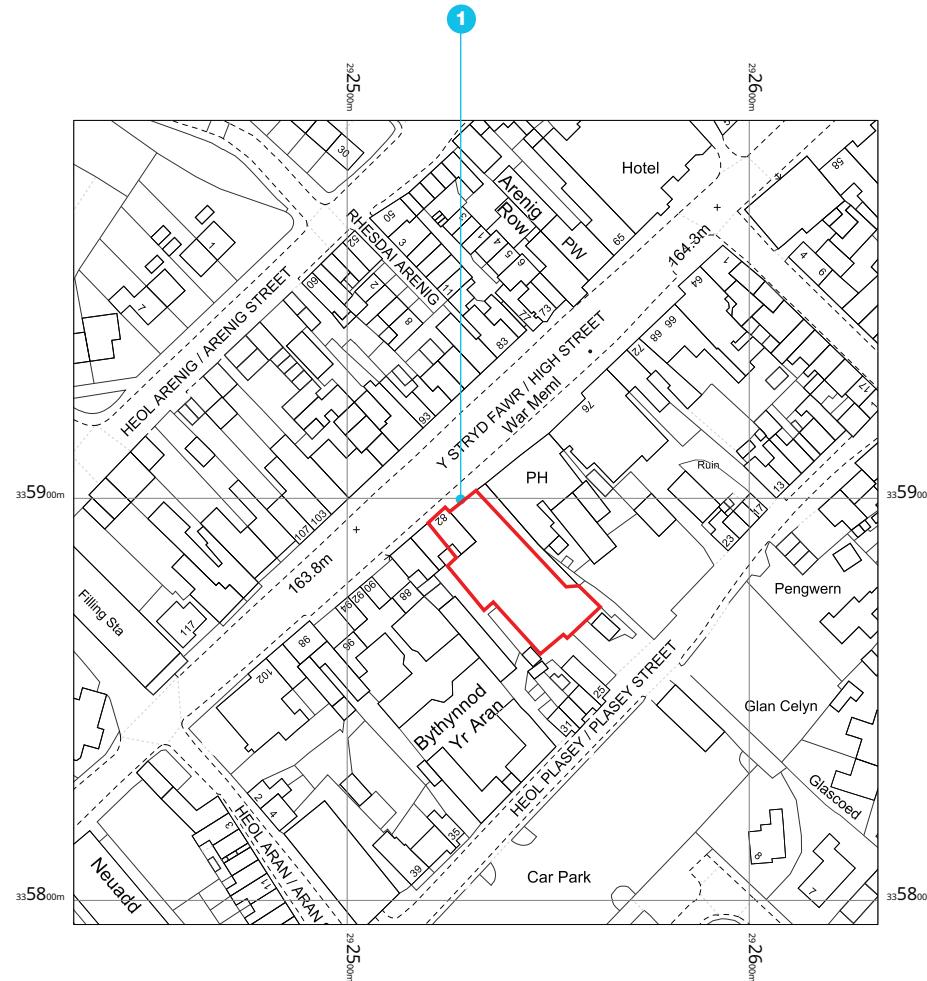
- i. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- ii. No advertisement shall be sited or displayed so as to:
  - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- iii. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- iv. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- v. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

**Advisory:**

To comply with policy DP 18, signage content should be Welsh or bilingual with priority given to the Welsh language.



## SITE LOCATION PLAN



Licence no: 100041041

SCALE 1: 1250 0m 25m 50m  
 SCALE 1: 1 0m 20mm 40mm  
 @A3

No. 31905v33 Client Co-op  
 Issue 01 - 28-02-25 Project 9251 Bala  
 Page 03 of 03 Location LL23 7AD

Created 28-02-25  
 Designer B Carter  
 Approved D Hurley



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# 9251 BALA

## PROPOSED ELEVATION



## EXISTING ELEVATION



Scale 1:100@A3



No. 31905v33  
Issue 01 - 28-02-25  
Page 02 of 03

Client Co-op  
Project 9251 Bala  
Location LL23 7AD

Created 28-02-25  
Designer B Carter  
Approved D Hurley



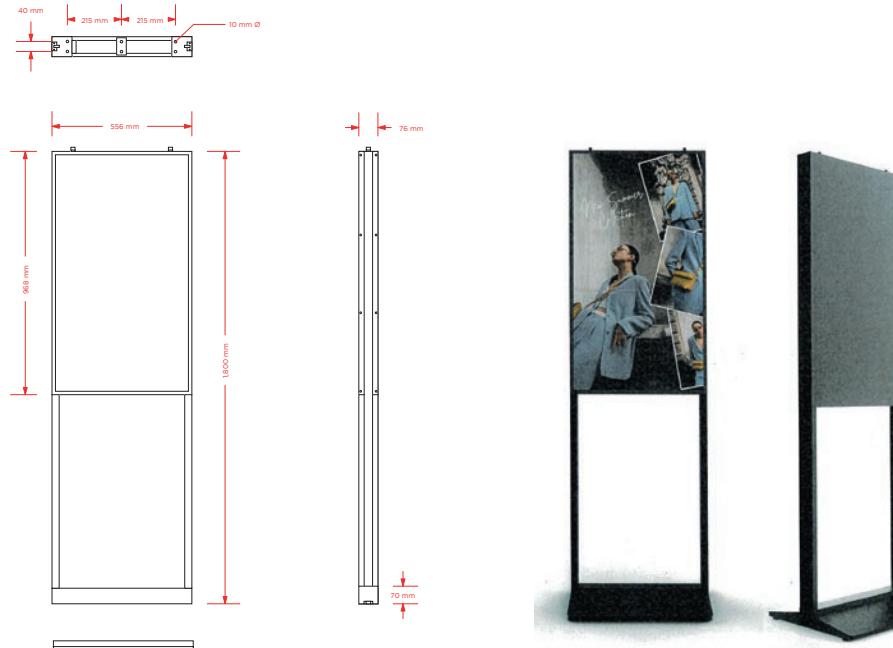
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www.omega-signs.co.uk

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9251 BALA

**Item 01**  
01No. 43" Versi Indoor Digital Screen Totem  
**Size:** 556mm x 1800mm  
**Scale:** 1:20



Scale 1:20 @ A3



Scale 1:100@A3



No. 31905v33  
Issue 01 - 28-02-  
Page 01 of 03

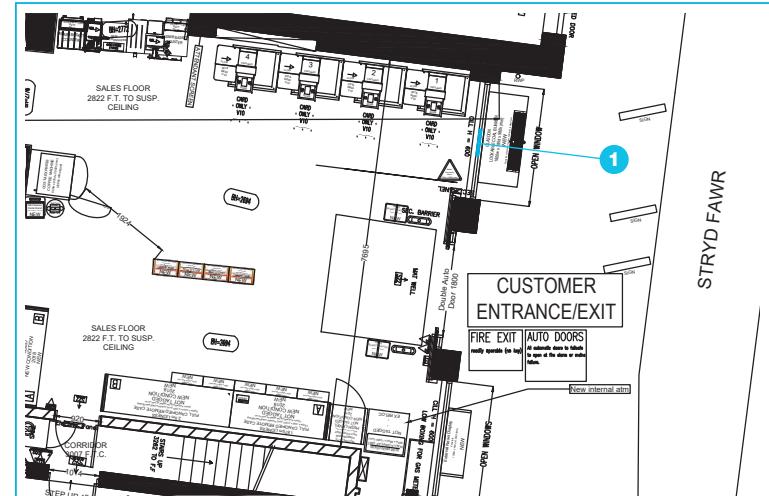
**Client** Co-op  
**Project** 9251 Bala  
**Location** LL23 7AD

**Created** 28-02-25  
**Designer** B Carter  
**Approved** D Hurley

## LOCATION INSIDE STORE WINDOW



## FLOOR PLAN



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**Eryri National Park Authority –  
Planning and Access Committee.**

**Date: 21- January- 2026**

**Application No:** NP5/59/495C

**Date Application Registered:** 17/07/2024

**Community:** Ffestiniog

**Grid Reference:** 274007 341714

**Swyddog Achos:** Mr. Aled Lloyd

**Location:**

Land Near Pont yr Afon Gam, Llan  
Ffestiniog.

**Applicant:**

MED Dafydd,  
c/o 4 Tai Rhos,  
Parc,  
Bala,  
Gwynedd, LL23 7YW

**Description:**

Proposed hydro-electric generation scheme to generate up to (600kW) at Afon Cynfal, to include pipe route, intake weir, extraction pond, below ground penstock (circa 1.2km), turbine building, metering building, alterations to existing access and re-positioning of an existing highway access, laydown areas, temporary construction compound, temporary footpath diversion and above and below ground electric power connection to national grid (circa 600m) (Re-submission)

**Summary of the Recommendation:**

To GRANT Permission,

- Commencement within 5 years
- In accordance with approved plans
- Expiry of permission
- Roofing material of turbine and meter buildings
- Approval of Stonework
- Sound attenuation of turbine building
- Submission of Construction Environmental Management Plan (CEMP)
- Watercourse Crossings
- Ecological Clerk of Works
- Pegging out of pipeline
- Mitigation measure
- Effectiveness of landscaping post construction
- Core working hours
- Compliance with Abstraction license
- Program of Archaeological work
- Submission of Lighting Plan
- Materials and Waste Management Plan (MWNP)

- Welsh / bilingual signage & interpretation.
- Traffic management

### **Reason(s) Application Reported to Committee: Scheme of Delegation**

The application is one that the Director of Planning and Partnerships considers to be Major Development or requires an Environmental Impact Statement.”

#### **Major Development**

Section 17 of the Planning (Wales) Act 2015 and the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO), as amended, require applicants to carry out pre-application consultation for major development. Major development includes development carried out “on a site having an area of 1 hectare or more” and, thus, the proposed development falls within the pre-application consultation requirement. This should not be confused with the definition of ‘Major Development’ in Strategic Policy B of the LDP – which refers to developments which are of major significance in a UK context e.g. major road building programmes or major energy projects. This proposal is not considered to be major in that specific context.

#### **Pre-application Consultation**

As the application is major development, in accordance with Planning Act, it is a requirement to carry out pre-application consultation (PAC) to be undertaken with the local community and stakeholders.

The pre-application consultation in respect of the proposed development commenced on 13<sup>th</sup> October and closed on 25th September 2023

#### **Environmental Impact Assessment**

An Environmental Statement (ES) and technical appendices accompany the proposal, including a Geotechnical Assessment, Ecological surveys, Breeding Bird Surveys, Bryophytes Assessment, Green Infrastructure Statement, Landscape and Visual Impact Assessment, Heritage Impact Assessment, Archaeology Assessment, Traffic Management Plan, Construction Environmental Management Plan (CEMP) framework, Shadow Habitats Regulations Assessment (HRA) and an independent ecology review commissioned by the Authority.

#### **Screening**

The proposed scheme falls under schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 1999, (subsequently updated to The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017). In December 2019 the Authority confirmed that the proposed scheme required an

Environmental Statement as the site lies adjacent and partly within a Natura 2000 sites and lies within the Eryri National Park, and there is a potential for the scheme to have significant effects on several environmental topics including ecology, cultural heritage and landscape.

## **Scoping**

Scoping is identifying the matters to consider within the EIA process, an important preliminary procedure which sets the context for the EIA. In September 2020, following consultation with Natural Resources Wales, Cadw, Gwynedd Archaeological Planning Services, Dŵr Cymru, Gwynedd Highways, Eryri National Park Trees and Woodland Officer, the scope of the EIA was agreed, and the EIA covers the following range of topics:

- Heritage and archaeological sensitivities;
- Landscape and visual impact;
- Effect on trees and vegetation;
- Effect on habitat and biodiversity;
- Effect on the water environment including groundwater; and
- Effect on flood risk.

## **Habitats Regulations Assessment (HRA):**

As the 'Competent Authority' for the purposes of the Conservation of Habitats and Species Regulations 2017 this Authority is required to undertake a Habitats Regulations Assessment.

An Assessment under the Habitats Regulations has been undertaken. Natural Resources Wales agreed with the Authorities findings that the development is unlikely to have an adverse effect upon the integrity of the SAC/SPA in consideration of the mitigation measures detailed within.

## **The Site and Surroundings**

The site' is located approximately 1.2km west of the junction with the B4407, and 3.8km east of Llan Ffestiniog, Afon Cynfal, which would supply water to the proposed hydroelectric scheme flows generally from east to west and is a tributary of the Afon Dwyryd, with a confluence upstream of Maentwrog.

The proposal is located on land at Cwm Farm which lies on the fringes of the Migneint uplands. To the east the Afon Cynfal and its tributaries, including the Afon Gam, Nant y Groes and Nant Y Pystyll-gwyn, gather in the relatively shallow peaty valleys of the Migneint Plateau which lie at between 370 to 500 metres above ordnance datum (AOD). To the west the Afon Cynfal flows westwards along a broad valley.

The site straddles the transition between upland plateau and lowland through a deeply incised river valley. Over this transition the Afon Cynfal descends 120 metres, from 340metres AOD to around 220m AOD, in less than a kilometre length.

The river catchment is mainly unforested upland pasture, except for an area to the south of the proposed intake location which is coniferous forestry. This catchment covers approximately 9.5km<sup>2</sup> with an average altitude of 448m AOD. Average annual rainfall is 2.2 metres (circa 86 inches).

There are two main tributaries of the Afon Cynfal: Afon Gam and Nant y Groes. The Afon Cynfal then joins the Afon Dwyryd approximately 6km downstream from Rhaeadr-y-Cwm, after passing over the well-known Cynfal Falls (approximately 4km downstream from Rhaeadr y Cwm).

Afon Cynfal is a steep upland river draining south-east of Llan Ffestiniog through a deeply incised gorge and over the celebrated Rhaeadr y Cwm waterfall before continuing towards to the Dwyryd system. The valley supports a mosaic of unenclosed rough grazing, acid grassland and heath with rock outcrops and wet flushes, and forms part of the Cwm Cynfal Site of Special Scientific Interest (SSSI) and the wider Migneint–Arenig–Dduallt SAC/SPA complex, internationally recognised for blanket bog, upland heath and associated fauna, as well as oceanic bryophyte assemblages typical of humid ravines. The site lies wholly within the Eryri National Park and within the Arduydwy Historic Landscape of Outstanding Interest. It is also within the International Dark Sky Reserve core area.

The Snowdonia Slate Trail and other Public Rights of Way (PRoW) traverse and overlook the gorge, providing views of the falls and valley. The cultural landscape has strong associations with the Mabinogi (Lleu Llaw Gyffes and Blodeuwedd), reflected in local interpretation and place names.

Existing access consists of farm tracks and gates; there is no dominant modern infrastructure in the immediate setting. Nearby properties are dispersed farmsteads at significant separation and elevation from the turbine site.

The red-line corridor extends approximately 1.2 km along the northern side of the valley from a proposed intake upstream of the principal falls down to a small powerhouse location on lower ground. Land ownership is agricultural, with sections of Open Access land. Parts of the working corridor overlap SSSI; the SAC/SPA boundary runs through/adjacent to the corridor in places.

The site is remote upland grazing which is currently grazed by sheep and designated as Open Access land. Adjacent lies an area of registered Common land. The proposed scheme would lie entirely within the Open Access land. A Public Right of Way (PRoW), Footpath Number 22, passes through the site for much of its route in the form of a trackway that traverses the steep south-facing slope of Cwm Cynfal and forms part of the Snowdonia Slate Trail (an existing long distance trail route).

The area has been mined, historically, for copper and several features remain from this activity. These are in the narrowest and steepest part of the Cwm Cynfal, with a known audit some 19 metres below the trackway and other areas of disturbance, possibly mine spoil above the track to the west and

below it to the east. A suspected ventilation shaft has been noted on the north edge of the track.

Cwm Cynfal is a location with considerable historic interest. The area of Cwm Farm contains several features of archaeological heritage interest. The locality includes an existing public viewing point and car park overlooking the 'Rhaeadr y Cwm.'

The proposed scheme intake weir and first section of pipeline lies within the westerly boundary of the designated Migneint-Arenig-Dduallt Special Protection Area (SPA) and the Migneint-Arenig-Dduallt Special Area of Conservation (SAC). The same area of the proposed scheme lies within the northerly boundary of the designated 'Cwm Cynfal 'Site of Special Scientific Interest' (SSSI).

### **Land Designations / Constraints:**

- Open Countryside
- Open Access Land
- Located partly within the Migneint – Arenig – Dduallt Special Protection Area (SPA) and the Mignaint- Arenig- Dduallt Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) (intake wier and first section of pipeline)
- Within land designated under Section 3 of the Wildlife and Countryside ACT 1985
- Public Rights of Way footpath number 22 which forms part of the Snowdonia Slate Trail
- Dark Skies Core Zone

### **Proposed Development**

The Cwm Cynfal Hydro Scheme is to construct and operate a hydroelectric scheme to generate electricity for export to the Local grid.

The application seeks permission for a run-of-river hydro rated up to 600 kW with an expected mean annual generation of around 2 GWh (indicatively equivalent to c. 700 homes' annual electricity demand

The hydro scheme would have an expected operating life of at least 50 years before any major refurbishments would be required.

The development will involve some permanent and some temporary features, in essence the permanent features will comprise of the following elements:

### **Intake:**

The ‘intake’ would include the construction of a temporary coffer dam to exclude water from the riverbed and a permanent reinforced concrete weir and wingwalls with an intake structure within the river at the abstraction point.

While the Afon Cynfal is not a migratory run for fish the scheme design incorporates measures for the safe passage of migratory fish. An eel pass and a plunge pool, with a minimum depth of 300 millimetres, would be formed across the width of the watercourse immediately downstream of the proposed intake works and weir.

The weir would divide the flow between the river and the hydro-generator intake. The main flow split would be controlled by rectangular notches formed in the concrete weir crest. Intake water would then pass through a fish/debris screen into a header tank or stilling chamber and sump.

### **Pipeline to convey water from the abstraction point to the turbine house –**

The proposed pipeline route would extend across existing grazing land for approximately 1220m (circa 1.2 kilometres) to the final discharge point and would be entirely buried from the intake weir to the to the turbine house i.e. below ground. A short length of buried pipe would take water from the turbine house to the outfall.

The route of the pipeline would commence on the south side of the river beside the weir. Here the river is narrowed to wind through a narrow break in an outcrop of hard rock and then drop steeply beyond, on the south side. Here the pipe has to pass south southwest through the rock wall and to drop sufficiently to allow it to cross underneath the river channel. The pipe crossing under the river would require a 30m long by 4m deep cutting. To allow an excavator to pass through rock cutting to excavate a pipe trench into the floor, it must be 5m wide. After laying the pipe, the trench and cutting would be backfilled and restored to the original ground profile.

Having crossed beneath the river, the pipeline would turn northwest to avoid an area of riverside vegetation and then resume a more westerly course, set well back from the riverbank on a curving alignment, across south side of an area of slightly elevated land in a shallow cutting for a further 300m. By this point the pipe invert would have fallen to around 3m below the abstraction point and the route would be circa 120m north of the river, which drops steeply through a series of cascades into the Cwm Cynfal ravine.

The next length of pipe would fall quickly, around 130 metres, towards the turbine house by traversing the steep northern slope of the ravine. The route would gradually converge with the course of a trackway which it would then follow. The track varies in width from 2.5 to 3m and is supported by a drystone revetment on its south side. The pipe would be buried on the up-slope edge of the trackway. Towards the end of the descent the pipe would depart from the course of the trackway and reach the turbine house, approximately 120m

below the abstraction point. A short, low retaining structure may be required, on the south side of the trackway, to allow the pipeline to pass the ruin.

Located on the south side of the Turbine House there would be a tailrace leading to an outfall. The tailrace would include a 1200mm pipe or equivalent capacity formed of multiple pipes which would be laid underground between the turbine house and the outflow structure. The tailrace would be in the order of 10m long. The outfall would incorporate a sump and diffuser. Boulders would be positioned below the outfall to prevent undercutting of the river bank and bed.

### **Permanent buildings (Turbine house and Metering building)**

The scheme would include the construction of two detached, permanent small buildings, on the westerly half.

#### *Turbine house*

The turbine house would be a steel frame building with concrete block walls with a timber cladding, with external dimensions of 5.4m tall, 8m wide and 8m deep. The roof would be profiled box section. The door would be sound absorbing and positioned to face the river to minimise both noise and visual impact. The building would sit on a concrete apron which would be cut into the slope on the north and east side.

Within the turbine house would be the turbine generator, a transformer and control equipment

#### *Metering house*

The metering house would be a constructed to a height of 3.8m, with concrete block walls and external wall cladding in local stone with a slate roof. The floor level of the building would be set 750mm below ground level and an earth bank formed on the west, north and south sides with shallow slopes formed facing outwards to mimic natural slopes so that the building.

The two proposed buildings have been located in accordance with the technical requirements of a hydro generation scheme.

#### *Grid connection:*

Underground cable of around 600m to the local 11 kV network connection point.

#### *Construction: temporary lay-down and compound areas,*

Materials storage and a temporary PRoW diversion for health and safety, all to be reinstated. Construction period estimated 8–10 months, with progressive reinstatement of the working corridor.

*Restoration/Enhancement:*

Reinstatement of soils, turf and micro-landform; planting and habitat measures under a Biodiversity Enhancement and Monitoring Plan (BEMP).

*Site access and construction*

The site is within designated 'Open Access' land and there is a Public Right of Way (PRoW) along the valley, which follows an existing trackway as it climbs out of Cwm Cynfal.

In addition to the permanent features there will inevitably be non-permanent features which will be a necessary during any construction phase of the development. These will include construction compounds, spoil storage areas and temporary access tracks.

The formation of new temporary vehicular access points and hard standing within the site would be required off the B4391,

*East Access Point*

At the east end of the scheme, there would be a temporary access for delivery of the materials for construction of the abstraction facility on the B4391, approximately 4 metres east of the cattle grid (see Figure 8001). This access route would also be used for excavation and installation of part of the pipeline. On completion of the Scheme, the access and hardstanding would be removed, and soils and vegetation restored.

*Central access point*

Part way along the scheme an existing agricultural access gate will be relocated 80m east to provide permanent access to the site. At this location, the main site compound/temporary laydown shall be constructed. All plant, equipment and materials shall be delivered to this point before being deployed across the site to construct the weir, pipeline and turbine house. The route of the pipeline as far as the turbine house and outfall can be accessed from this here using the trackway. On completion, the hard standing would be reduced to a permanent access point some 80 metres east of the current gate for farm management and maintenance of the hydro scheme. The existing roadside wall and fence would be reinstated, and the soils and vegetation restored.

*Western access point*

Temporary construction access would be at the existing field gate on the B4391 approximately 70 metres west of the public car park. This access point would be used during cable installation and construction of the metering building. There is an existing farm track from the gate down to Hafod-Offeiriad. On completion this entrance would be used only infrequently to check the metering building. Meter readings would be taken remotely and so would not normally require access.

The accesses to the abstraction point, the pipeline, and buried cable would be temporary in nature. Where fences and gates are taken down to enable construction and access they would be replaced on completion.

### *Documents*

The following documents were submitted as part of the application and are available on the Authority's Website during consideration of the application

- Covering Letter
- Pre-application Report (PAC)
- Design and Access Statement
- Green Infrastructure Statement
- Heritage Impact Assessment

Environmental Statement which contains the following appendices

- Geotechnical Assessment
- Flood Consequence Assessment
- Ecological Surveys
- Breeding Bird Surveys
- Bryophytes Assessment
- Habitat Regulations Assessment
- Landscape and Visual Impact Assessment
- Archaeology Assessment
- Construction Environmental Management Plan

### **Planning Legislation and Policy**

#### **Eryri Local Development Plan 2016-2031**

- SP A: National Park Purposes and sustainable Development
- SP C: Spatial Development Strategy
- DP 1: General Development Principles
- SP Ch: Social and Physical Infrastructure in new development
- DP 2: Development and the Landscape
- SP D: Natural Environment
- SP Dd: Climate Change
- DP 3: Energy
- SP Ff: Historic Environment
- DP 6: Sustainable Design and Materials
- DP 8: Protection of Non-Designated sites
- SP H: A Sustainable Local Economy
- SP L: Accessibility and Transport
- DP 18: The Welsh Language and the Social & Cultural Fabric of Communities
- DP 20: Agricultural Diversification

## Supplementary Planning Guidance

- SPG 1: Sustainable Design in the National Parks of Wales
- SPG 2: General Development Considerations
- SPG 6: Nature Conservation & Biodiversity
- SPG 7: The Slate Landscape of Northwest Wales World Heritage Site
- SPG 8: Landscape and Seascapes of Eryri
- SPG 10: Renewable and Low Carbon Energy
- SPG 12: Enabling Sustainable Development in Welsh National Parks
- SPG 13: Landscape Sensitivity and Capacity Assessment
- SPG 14: Obtrusive Lighting (Light Pollution)

## National Policy

- Future Wales (FW): The National Plan 2040
- Planning Policy Wales (Edition 12) 2024

## Technical Advice Notes

- Technical Advice Note 5: Nature Conservation and Planning
- Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11: Noise
- Technical Advice Note 12: Design
- Technical Advice Note 15: Development and Flood Risk
- Technical Advice Note 18: Transport
- Technical Advice Note 24: Historic Environment

Former TAN 8 Planning for Renewable Energy was revoked in February 2021 on the basis that amended spatial and technical guidance within it is now provided within FW Policy 17.

## ***Legislated Duties and Goals***

The following legislation sets duties or goals relevant to the consideration of the proposed development.

- The Well-Being of Future Generations (Wales) Act 2015, containing a sustainable development duty and seven wellbeing goals.
- The Environment (Wales) Act 2016 (as amended) sets a biodiversity and resilience of ecosystems duty (Part 1 section 6) and an enhancement duty (section 7). A net zero emission target to be achieved by 2050 is set (Part 2 section 29) and the process for carbon budgets in Wales is established (Part 2).

## ***National Policy: Energy***

The following national strategies and plans are relevant to the application

- A Low Carbon Revolution: Wales' Energy Policy Statement (2010)
- The Climate Change Strategy for Wales (2010)
- Energy Wales: A Low Carbon Transition (2012)
- Energy Wales: A Low Carbon Transition Delivery Plan (2014)
- Energy Generation Targets for Wales: Statement to Assembly Members (2017, as subsequently reviewed, taking account of the Renewable Energy Deep Dive (2021-22), noting a slowing of renewables deployment growth)
- Climate emergency declaration (2019)
- Policy Statement: Local Ownership of Energy Generation in Wales – Benefitting Wales Today and for Future Generations (2020)
- Programme for Government (2021)
- Net Zero Wales (2021)
- Nature emergency declaration (2021)
- Guidance for developers, local communities and decision makers – Local and shared ownership of energy projects in Wales (2022)
- Energy Generation in Wales Report 2022 (2023)

These strategies and plans for energy describe a vision for Wales in which significant growth in renewable generating capacity is required to meet Wales' net zero ambition, whilst ensuring that the government '[embeds] *our response to the climate and nature emergency in everything we do*' and builds a '*stronger, greener economy as we make maximum progress towards decarbonisation*' (Programme for Government 2021).

### ***National Policy: Planning***

Planning Policy Wales (PPW) provides detailed support for renewable and low carbon energy development in the following terms:

- Paragraph 5.9.1 taken with 5.9.19 advises planning decision-makers to facilitate renewable and low carbon energy development and ensure that an area's full potential is maximised and targets are achieved.
- Paragraphs 5.9.16-18 reinforce the locational policy for large scale wind energy development in FW through the designation of PAAs where there is a presumption in favour of large-scale wind energy development.
- Paragraph 5.9.20 advises decision-makers to identify measures to control and mitigate the adverse effects of wind energy development.
- Paragraphs 5.9.24-28 frames the Welsh Government's support for community benefit and ownership schemes, whilst making clear that it is for the planning system to assess the benefits associated with development but not to take the identify of owners/ ownerships into account as these are not material considerations.

- Renewable energy is strongly supported **within environmental limits**, and proposals must avoid significant harm to designated sites and demonstrate **net benefit** for biodiversity in line with the section on **distinctive and natural places**

PPW sets out the policy framework for the conservation of biodiversity and irreplaceable natural assets:

- Paragraphs 6.4.10-15 relate to the section 6 and section 7 duties under the Environment (Wales) Act 2016 and require decision-makers to follow a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity. Figure 12 summarises the step-wise approach under which as a first step adverse effects are avoided, then minimised, mitigated and, as a last resort, compensated for on and then finally off site if harm or loss cannot be avoided. Enhancement must be delivered on or closely adjacent to the site and be over and above any requirement for mitigation or compensation.
- Paragraph 6.4.15 and Footnote 129 make clear that harm to certain irreplaceable habitats and natural assets must be prevented in the step-wise approach by avoidance.

In relation to the historic environment, PPW provides as follows:

- Paragraph 6.1.20 seeks to protect areas on the register of historic landscapes.

**Future Wales – The National Plan 2040** is the national framework.

- Policy 17** supports renewable and low-carbon energy generation across Wales
- Policy 9** promotes **resilient ecological networks** and measurable biodiversity enhancement.

### Consultees and Responses

Ffestiniog Town Council	Support – No planning reason given
Ysbyty Ifan Community Council	Support - Since Ysbyty Ifan Community Council is very close neighbours to the scheme, the members feel that having this scheme is a great advantage to the target of achieving a net zero Wales and an advantage to getting cheaper energy in the future by using natural resources. These are the kinds of projects that need more of them.

Natural Resources Wales	<p>Comments (15/10/24)</p> <p>We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites and fluvial geomorphology. If this information is not provided, we would object to this planning application. Further details are provided below.</p> <p>We also advise that based on the information submitted to date, conditions regarding protected sites and protected species should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.</p> <p><b>Response 30/04/25</b></p> <p>We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:</p> <p>Condition 1: Protected Sites and Protected Species</p> <p>Condition 2: Fluvial Geomorphology</p> <p><b>Response (19/12/24)</b></p> <p>We note that the updated plan (CYN 3001. Additional information 25/11/2024 RML proposed block plan area 1) shows the exclusion area around and uphill of the rare bryophyte <i>Barbilophozia kunzeana</i>. This addresses the concerns raised in our previous response (CAS-262044-K7C3 dated 15/10/2024) regarding this matter.</p>

	<p>We note the developer's confirmation that an 'above-ground' river crossing will not be pursued. We also note the additional information regarding the below-ground pipeline and cable crossing points, which are described as being 'beneath the existing riverbed.' However, we have concerns with the proposed trenching method for creating the below-ground crossing, as it would lead to the permanent removal of natural riverbed bedrock features. Furthermore, concrete can crack over time, and may also potentially result in an artificial bed feature post the design life of the scheme. Additionally, open-cut methods in high-energy drift geology pose a high risk of eroding and destabilising the channel.</p> <p>We therefore advise that the developer explore the feasibility of directional drilled crossings (1 to 2 meters below bed level) at points 8, 16, and 17, with the launch and reception pits set well back from the channels.</p> <p>For crossing 8, the main Cynfal river, we advise that the launch pit be located on the northern side of the stream, outside the SAC and SSSI. We also advise that the developer explore mitigation measures to avoid damage to the heathland habitat on the southern side of the crossing.</p> <p>We also note the points raised regarding PPW12. Our advice remains unchanged that it is a matter for your Authority to consider whether the proposal is justifiable within an SSSI when applying the step-wise approach and paragraph 6.4.27 of PPW.</p>
Gwynedd Council - Highways	No response
Gwynedd Council - Pollution Control and Licensing Service	Comments – Recommend conditions on a grant of planning permission for the submission of a Construction Environmental Management Plan (CEMP), Noise Management Plan and hours when construction works is carried out.

Gwynedd Council – Public Rights of Way	Temporary diversion acceptable in principle subject to separate legal process/consent, safe routing, fencing and signage, and full reinstatement to agreed standard post-works.
Gwynedd Council World Heritage Site Officer	No response
Dŵr Cymru	No comments
SaB	<i>Comments</i> - The proposals involve alterations to ordinary watercourse/s through installation of intake structures and culvert crossings. Ordinary Watercourse Consent will be required for such activities and FCRMU@gwynedd.llyw.cymru should be contacted for further advice.
Gwynedd Archaeological Planning Service	Comments – Appropriate archaeological mitigation is undertaken and recommend conditions for a specification for a programme of archaeological work.
Cadw	No Comments
RSPB	No response
Ecology	<p>Comments - The Site is located partly within, and adjacent to, the Migneint-Arenig-Dduallt Special Protection Area (SPA) and Special Area of Conservation (SAC) and within 30km of three SACs that have bats as a qualifying feature: Meirionnydd Oak Woods and Bat Sites SAC; Gwydyr Forest Mines SAC; and Glynllifon SAC.</p> <p>National planning policy (Planning Policy Wales (PPW)) states that there is a presumption against all forms of development in a SSSI as a matter of principle, except for developments necessary for the management of the SSSI and minor developments necessary to secure the SSSI's role as a living landscape. It therefore needs to be ascertained whether the Proposal is justifiable in the context of wholly exceptional circumstances and only where it is considered to be appropriate and not likely to damage a SSSI. Should it be</p>

	<p>considered justifiable, then a broad and clear agreement for mitigation and enhancement as part of the proposal is required.</p> <p>Furthermore, whilst the ES and CMS do include measures for habitat restoration on completion of each section of works, which includes habitats that are features of the SSSI, more details on how that restoration will be undertaken, and monitored to ensure it is successful, should be provided, along with details of suitable habitat restoration/creation to demonstrate biodiversity net gain, to provide the clear agreement for mitigation and enhancement required under PPW.</p> <p><b>Priority Habitats</b></p> <p>Parcels of priority habitat were recorded on Site. It is understood that any loss of these habitats would be temporary except for a small area of permanent land take of acid grassland community for track widening. All priority habitat should be retained and protected where possible and replaced on a minimum like-for-like basis where this is not possible. Details of how retained habitat will be protected, affected habitat will be reinstated, and permanent loss will be compensated should be contained within the CEMP.</p> <p><b>Other Habitats on Site</b></p> <p>I agree with the assessment within the ES regarding other habitats on Site of local value and welcome the mitigation measures outlined within the ES which would protect all habitats.</p> <p><b>Protected Species</b></p> <p><b>Bats</b></p> <p>One sycamore tree with the potential to support roosting bats was recorded, though surveys did not identify a roost to be present. The mine adit was confirmed as a hibernaculum for lesser horseshoe bats, and also likely used by other bats for hibernation (common pipistrelle, soprano pipistrelle and brown long-eared bats were all recorded during static detector surveys). Furthermore,</p>
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	<p>the riparian habitat on Site is used by commuting bats and is an important connecting habitat feature.</p> <p>The riparian habitat and sycamore tree are to be retained and protected under the proposed design. However, works in close proximity could cause disturbance if bats are present. There is also potential for indirect disturbance of the mine adit through noise and vibration.</p> <p>The ES provides details of appropriate mitigation measures for bats, all of which should be detailed within the CEMP, this includes pre-construction checks of the tree and static monitoring of the mine adit and a commitment to no night-time working/use of artificial lighting.</p> <p><b>Breeding Birds</b></p> <p>Breeding bird surveys identified, <i>inter alia</i>, four species which are qualifying features of the Migneint-Arenig-Ddualt SSSI. No territories of the SPA qualifying features were recorded within the Site or 500m buffer zone. Territories of Section 7 species, plus additional, more commonly occurring species were also recorded.</p> <p>As stated within the ES, to avoid disturbance to breeding birds, works should be undertaken outside of the bird breeding season where possible with appropriate pre-construction checks to be undertaken and buffering of active nests, if this is not possible. As outlined in NRW's consultation response, these measures should be detailed within the CEMP and consist of the following provisions:</p>
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## **Responses to Publicity:**

The application has been publicised by way of site notices, neighbour notification letter to 17 nearby residential properties.

At the time of writing this report 592 representations have been received to the application as submitted. Of the 592 representations, 453 have raised objections, 139 supports the proposal. Of the 453 objections 411 are identical submissions following an on-line campaign.

It should be noted that this report nevertheless considers and accords weight in the planning balance to all matters that are material planning considerations, within the framework established by applicable law and policy.

### *Objections*

- Risk to bryophyte-rich ravine habitats (SSSI/SAC); potential under-estimation of waterfall/perceptual change; geomorphological risk at the river crossing; Water Framework Directive (WFD) deterioration; absence/insufficiency of demonstrable biodiversity net benefit; PRoW disturbance and visitor experience; “industrialisation” of a wild valley; and precedent within a National Park.
- Cwm Cynfal is a place that has inspired storytellers, artists and poets for over a millennium. Set deep within the gorge is one of Eryri’s most majestic and, at present, completely unspoilt waterfalls. Its mist-shrouded torrent was immortalised in the Victorian landscape painter David Cox’s iconic watercolour of 1836, displayed in the British Museum
- The visual impact of water abstraction on the waterfalls has been understated due to inadequate assessment methodology. Acoustic and other sensory impacts were omitted from consideration, as has future opportunity to promote the site for recreation in line with policy – an opportunity that would be diminished if the waterfall becomes a less impressive overall sensory experience. ENPA should retract the position it reached on these matters in 2016 and approach them with a fresh and open mind.
- Bryophytes (liverworts and mosses) present along the gorge were a key reason for SSSI designation. There is considerable uncertainty about whether the proposed level of water abstraction will harm bryophytes, so the Precautionary Principle should be engaged, in line with the ‘Key Planning Principles’ on page 17 of Planning Policy Wales 12 (Feb 2024, PPW), which states:
- Contrary to the applicant’s assertion based on flimsy evidence, the scheme will not deliver a Net Benefit for Biodiversity (NBB). This alone is grounds for refusal

- ENPA has insufficient information to be confident that the pipe crossing will not create significant localised erosion damage and sediment pollution of the water course and downstream SSSI, contrary to several relevant development plan policies
- The proposal for a 'local energy club' to provide cheaper electricity for the local community is not secured by a planning obligation or other legally binding means. It is too complex to be secured by a planning condition. Hence this proposal is not a valid material consideration in determining the application. Many local consultees at pre-application consultation stage may have been (doubtless inadvertently) misled, rendering it inappropriate to give much weight to those responses
- Generally supportive of small hydro-electric generation schemes where these can contribute to renewable energy generation at sites which avoid significant damage to the landscape, stream character or environmental amenities. Continued objection to the project on the grounds that it would risk significant visual damage to the waterfall and its unique landscape context, leading to a loss in recreational amenities as well as possible ecological damage.

*Support*

- Emphasise contribution to decarbonisation, farm diversification, local employment, energy resilience and demonstration of sensitive design and reinstatement methods within a protected landscape.
- Recognised that the location has significant cultural and heritage importance, but I haven't seen anything in the supporting evidence with the planning application of a micro hydroelectric scheme in this location will be prejudicial, and I would urge the planning decision be led by evidence
- In general, PCE has been very supportive of developments like this, which have a positive economic impact and promote well-being, while respecting the sensitive and environmental requirements of these areas.
- It is essential for businesses to have the opportunity and support to develop green energy plans in rural 'P C E' areas. This development is one of stewardship, lying neatly and harmoniously with the beautiful surrounding rural area without detracting from the beauty of Cwm Cynfal in any way. The plans show careful and thorough environmental awareness, ensuring that the development does not negatively impact any biodiversity within the designated area.

## 1.0 Principle of Development

1.1 The **Eryri Local Development Plan (2016–2031)** contains the principal decision-making policies. It is appropriate to consider the proposal against Strategic Policy A, D, Ff and Development Policies 1, 3, 6, and 20.

- **Strategic Policy D (Natural Environment) and Development Policy 1 (General Development Principles)** – protect and enhance biodiversity, water, soil and amenity; require best-practice construction management.
- **Development Policy 2 (Landscape)** – respect LANDMAP layers and special qualities; protect the International Dark Skies designation.
- **Development Policy 3 (Energy)** – Renewable energy schemes are supported for microgeneration (under 50kw) and at Sub Local Authority Scale (up to 5MW) where they do not cause harm to landscape, amenity, nature conservation and heritage assets.
- **Development Policy 6: Sustainable Design and Materials**
- **Development Policy 20 (Agricultural Diversification)** Sets out general support for farm diversification proposals on farms and the planning considerations

1.2 Development Policy 3 is linked to SPG 10 which refers to Renewable and Low Carbon Energy. Paragraph 3.19 – 3.30 specifically refers to hydro and micro hydro schemes. In addition to this SPG 1 also recognises that:

*“Generating energy through water, or hydro power, is an age-old, proven technology. Small scale hydro power has been recognised as being extremely efficient with low environmental impacts. Owing to their topography, large parts of the National Parks of Wales are ideally suited to appropriately scaled run of-the river hydro power schemes. Micro-hydro schemes can be an attractive and cost effective means of producing electricity in areas with suitable water flow. Abstraction licences are required for hydro power schemes and potential ecological impacts need to be considered.”*

It also includes the relevant design parameters for renewable energy, and this includes micro hydro.

1.3 Development Policy 3, states “Where appropriate planning applications should be accompanied by an Energy Statement either separately or as part of the Design and Access Statement and should take into account the Supplementary Planning Guidance documents on Sustainable Design and Renewable

- 1.4 The application includes a Design and Access Statement and Energy Local Modelling Report Rev 3 and map, which together with the submitted Environmental contains sufficient information to comply with policy DP 3.
- 1.5 National Planning Policy should also be considered. Policy 17 of Future Wales refers to Renewable and Low Carbon Energy and Associated Infrastructure. The policy is clear that the Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. The policy requires, in determining planning applications for renewable and low carbon energy development, that significant weight must be given to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.
- 1.6 The policy, amongst other things, requires all proposals to demonstrate that they will not have an unacceptable adverse impact on the environment. The environmental impacts of the development proposed in this instance will be comprehensively assessed later in this report. The policy recognises that large scale wind and solar developments should not be permitted in National Parks, however it does not preclude other forms of renewable and low carbon energy production within National Parks.
- 1.7 Paragraph 6.3.10 of PPW states that Major developments should not take place in National Parks or AONBs except in exceptional circumstances. This may arise where, after rigorous examination, there is demonstrated to be an overriding public need, refusal would be severely detrimental to the local economy and there is no potential for locating the development elsewhere or meeting the need in some other way. Any construction and restoration must be carried out to high environmental standards.
- 1.8 Hydroelectric schemes depend on natural resources and topography. It is therefore accepted that such developments constitute necessary infrastructure provision that would be justified in such a countryside location. This is reflected in the permissive policy framework at both a national and local level in circumstances where environmental impacts are found to be acceptable for a scheme of this nature and scale. Although the scheme is deemed to be major development given the area of land required, it is modest in physical scale, significantly relies on buried infrastructure, and incorporates a high standard of mitigation and reinstatement.
- 1.9 Having considered the contribution towards renewable energy targets, coupled with the permissive policy framework, it is considered that the wholly exceptional circumstances needed to justify the development is met. The proposal would, therefore, be broadly compliant with PPW with regards to major development and acceptable in principle subject

to compliance with the detailed policy criteria discussed below and where any environmental effects can be satisfactorily controlled through conditions.

## 2.0 Assessment

### ***Landscape and visual effects***

- 2.1 The applicant submitted a Landscape and Visual Impact Assessment (LVIA) as part of the Environmental Statement (ES).
- 2.2 By virtue of the National Park designation, and the LANDMAP evaluation, the landscape is highly valued. It is highly susceptible to change and the sensitivity of the site features, landscape within the immediate vicinity, as well as within the wider landscape character areas has been assessed as high.
- 2.3 *Cwm Cynfal's gorge and falls are of very high sensitivity. The LVIA assesses key receptors:*
- 2.4 Slate Trail users at/near Rhaeadr y Cwm; valley rim vantage points; and more distant moorland views. During construction, effects are judged minor–moderate adverse given the temporary opening of a work corridor and presence of compounds/plant. Following restoration (soils handling, turves reinstatement, micro-landform re-profiling and vegetation recovery), residual effects are assessed as minor adverse, principally limited to the immediate vicinity of the powerhouse where careful stonework and planting will soften form and tone. There is no external lighting, safeguarding the Dark Skies designation.
- 2.5 The assessment considers landscape and visual effects on receptors including pedestrians on the B4391, on the PRoW and in open access areas. Motorists on public roads and the viewpoint car park are also considered.

### ***Construction effects on the landscape***

- 2.6 Construction effects would be temporary and short term as the total construction phase is estimated to be between 8-10 months. There would be major-moderate adverse effects on the landscape within the site and within its immediate vicinity, although this would be limited to a very localised area. There would be a moderate-minor effect on the features within the site with the temporary disturbance to the existing grassland/heathland vegetation, but no trees or features of value lost. Effects on the wider landscape character areas would be moderate-minor adverse given that the size and scale of change would be minor and experienced over a small geographic area.

### *Long term effects on the landscape*

2.7 The long-term effects on the landscape during the operation phase would be negligible. The vegetation disturbed during the construction phase would have been reinstated in the short term and the planting of a few additional trees would be beneficial. The above ground, permanent structures are sensitively sited and fit in with the landscape in terms of their scale and appearance. Effects would be experienced at site level and within the immediate vicinity of the site.

### *Potential visual effects*

2.8 Those visiting the Cynfal waterfall viewpoint and walking on the PRoW and within the open access land are highly sensitive visual receptors. Motorists travelling on the B4391 and using the car park are high-medium sensitive visual receptors.

### *Construction stage visual effects*

2.9 During the construction phase, there would be some major-moderate short term, temporary adverse effects on views from the viewpoint and from the open access land and PRoW 22. The effect on views from other PRoW would be moderate-minor adverse given that the construction works would only be partially visible or seen from some distance away as part of a wider view. These visual effects would be experienced for less than 10 months.

### *Long term visual effects*

2.10 The long-term visual effects of the proposed scheme would generally be minor adverse-negligible given that the vegetation along the route of the pipeline/cables would be reinstated, and the proposed buildings and structures would be in keeping with the surrounding character in terms of scale and appearance.

### *Flow Photo Study*

2.11 The flow/photo study evaluated the effect of abstracting water for the proposed hydroelectric scheme on the amenity value of Rhaeadr y Cwm. The rugged terrain topographical variation, cliff faces, deep ravine and far-reaching views towards the sea are impressive. However, the shape and characteristics of Rhaeadr y Cwm and the intensity of the white water contribute to the visual amenity of Cwm Cynfal as a whole. The flow assessment uses photographs of the waterfall in different flow conditions to mimic flows with and without abstraction.

### *Summary of Abstraction*

2.12 A non-consuming abstraction licence for the hydro scheme has already been granted by NRW following consultation with SNPA to abstract water from the river Cynfal to generate electricity. Abstraction would only occur when there is sufficient water remaining in the river to maintain what NRW regard as an adequate flow, known as the 'Hands Off Flow' (HoF). When there is more than the HoF in the river, not more than 70% of the extra flow could be extracted. The maximum quantity of water that may be extracted is 45,619.2 cubic metres per day, which equates to 16,651.008 cubic metres per year. This instantaneous rate of abstraction must not exceed 528 litres per second (l/s)

2.13 The abstraction license from Natural Resources Wales (NRW) specifies restrictions and requirements on the amount abstracted from the watercourse. Namely these are:

- No abstraction of water shall take place unless the rate of flow in the Afon Cynfal immediately downstream of the authorised point of abstraction ... is equal to or greater than 45 litres per second and the abstraction shall not cause the flow immediately downstream of said abstraction point to fall below that rate.
- The quantity of water abstracted shall not exceed 70% of the available flow in the Afon Cynfal in excess of 45 litres per second. 45 litres per second is an estimate of the Q95 which is the flow that is expected to be exceeded in the natural watercourse 95% of the time. The Independent consultants have confirmed this estimate.

2.14 The maximum abstraction rate is 528 litres per second. For the maximum abstraction to occur there would need to be 799litres per second (528+45+226) flowing in the Afon Cynfal at the abstraction point to meet the licence requirement that the quantity of water abstracted shall not exceed 70% of the available flow in the Afon Cynfal in excess of 45 litres per second. This equates to a flow expected to be achieved approximately 20% of the time in the natural watercourse.

2.15 The proposal states that the abstraction will not start until 15% of the maximum rate is available. This is ~80l/s. For 80l/s to be available to flow through the turbine, the flow in the Afon Cynfal would need to be ~160l/s to allow for the Q95 and abstraction condition of a 70:30 flow split above the Q95 to be met (leaving 80l/s in the watercourse to flow over the waterfall). This equates to a flow expected to be achieved approximately 60% of the time in the natural watercourse.

2.16 The perceptual experience of the waterfall in operation has been analysed and concludes

- residual flow/by-wash and hands-off thresholds maintain year-round water presence and sound; under low natural flows some reduction in sheet-flow is inevitable but water remains visually legible.

***Independent landscape Visual Appraisal and a Flow/ Photo Survey for Rhaeadr y Cwm***

2.17 During consideration of the application the Authority commissioned an independent Hydrologist and Landscape Architect to review the effect on the waterfall and provide an assessment as to the potential impact of the extraction of water on the Rhaeadr y Cwm waterfall to assist the Authority in determining the application.

2.18 The report concluded that, *“Overall, the visual impact of the abstraction on the watercourse needs to be balanced against the potential benefits of a renewable source of power generation. The evidence suggests white cascades will remain visible at point of minimum flow that the scheme could operate for Rhaeadr y Cwm waterfall but the more impressive flows will be experienced for a reduced proportion of the year.”*

*If SNP Authority would like further confidence, we would suggest the collection of more extensive photography from key viewpoints to the Rhaeadr y Cwm waterfall at different flow rates for comparison. In addition, a site walkover at low and high flow would enable greater understanding of the difference of experiential quality (considering spray and sound) for visitors at different flows.”*

2.19 The Authority has considered the comments, in addition to subsequent third-party comments in light of this giving appropriate weight to this in consideration of the application.

2.20 As is discussed in the other parts of this report, it is considered that the environmental and visual effects can be adequately managed and mitigated against through rigorous conditions during the construction phase and post construction. A position that is backed up by the responses from statutory consultees who have not raised objections to the proposed scheme. It is considered that sufficient powers are in position between the various agencies including the Natural Resources Wales and the National Park Authority to ensure no long-term harm contrary to relevant planning policy. It is therefore considered that there is sufficient information before the Local Planning Authority to make a balanced planning decision.

## Review of Landscape and Visual Aspects

2.21 This is a highly valued and sensitive landscape with high susceptibility to change. The National Park is designated to conserve and enhance the natural beauty, wildlife and cultural heritage and to promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. Fast-flowing streams and waterfalls are key characteristics of the landscape.

2.22 Visitors to the waterfall viewpoint, on the PRoWs and within the open access land are considered highly sensitive visual receptors. The PRoWs form part of the 'Snowdonia Slate Trail,' drawing in hikers on this long distance trail through what was once the centre of the slate industry. The Rhaeadr y Cwm waterfall and landscape setting are valued by those appreciating the scenery and engaged in recreation. The white water cascades of the waterfall are of key value to the visitor experience.

2.23 The Landscape and Visual Appraisal (LVA) submitted as part of the EA. includes the central section of the site where there are views eastwards to Rhaeadr y Cwm waterfall, including viewpoint 17 from the recognised viewpoint on B4391 which provides panoramic views of the rock ravine and waterfall and viewpoints 8 and 9 from PRoW Ffestiniog 22. The LVA indicates that the Rhaeadr y Cwm waterfall is not widely visible from other areas due to the terrain of the landscape.

2.24 The LVA submitted, covers the full scheme and concludes the long-term visual effects would generally be minor adverse-negligible. There is limited discussion of visual impact to flows over the waterfall but there is a reference to the Flow/ Photo Survey summarising, '*The proposed hydro scheme would have an insignificant effect on the visual amenity of Rhaeadr y Cwm since there is no effect on the shape and characteristic of the waterfall and only a small difference in the intensity of white water occasionally.*'

2.25 The submission demonstrates that the proposed hydro scheme will reduce the proportion of the year that the Rhaeadr y Cwm waterfall has medium-high flow rates and there will be lower rates more frequently. Although white water will remain visible according to the evidence presented and there is negligible level of change in the visual from the recognised viewpoint, the waterfall may appear less dramatic. Comments received also refer to sensory impacts and reduced levels of noise created by the waterfall especially at times of high flow.

2.26 Given the high value of these views and susceptibility of receptors to change in their views, any visual impacts above negligible have the potential to give rise to significant visual effects and could affect the visual grandeur of the waterfall.

- 2.27 Overall, the impact (visual and noise) of the abstraction on the watercourse needs to be balanced against the potential benefits of a renewable source of power generation and the support for such schemes contained within both Local and National planning Policy. The evidence suggests white cascades will remain visible at point of minimum flow that the scheme could operate for Rhaeadr y Cwm waterfall, but the more impressive flows will be experienced for a reduced proportion of the year.
- 2.28 In summary terms the evidence concludes that the proposed development would cause no significant effects on statutorily protected landscapes.
- 2.29 The long-term effects on the landscape during the operation phase would be negligible. The vegetation disturbed during the construction phase would have been reinstated in the short term and the planting of a few additional trees would be beneficial. The above ground, permanent structures are sensitively sited and fit in with the landscape in terms of their scale and appearance. Effects would be experienced at site level and within the immediate vicinity of the site.
- 2.30 It is considered that the proposed development has been sited and designed to avoid landscape harm to statutorily designated landscapes. As with all developments, it should be acknowledged that there will be an impact but, in this case, it is not considered that the degree of impact would be of such a level that it would justify the refusal of this proposal which is otherwise supported by Local and National Planning policy.

#### Pipeline route

- 2.31 *Cutting through rock and stilling chamber.* A 4m wide cutting through rock would be required for the first 30m of the pipeline, terminating in a stilling chamber. The depth and width of excavation would need to allow access for an excavator. On completion the cutting would be backfilled and the soils and turf placed back on the surface.
- 2.32 A 6m wide construction corridor would be set out on the site and within this a working corridor of 3.6m width is required. In addition, a lay down area would be required on the north side of the pipeline route so that lengths of pipe can be delivered, stacked, and then welded into continuous lengths.
- 2.33 The pipeline would be installed in lengths that can reasonable be completed in a single day. For each day topsoil would be excavated and turf removed for storage within the 6m construction corridor. Underlying soils would then be excavated to the required depth and the pipe laid in the trench. The installation of the pipeline would involve sequential excavation to allow the pipe to be placed in the trench and buried under suitable backfill fill material, followed by original soils and turves.

2.34 Along the existing trackway where the proposed pipe route is at its narrowest over a length of 350m, the intention is to shallow cut into the slope on the north side to form the 3.6m wide working corridor, which is slightly wider than the existing track, which varies between 2m and 3.5m. Whilst a 6m wide construction corridor will be set out, it is not envisaged that any disturbance would occur outside the 3.6m wide working corridor due to the topography. The excavated material would be spread evenly for temporary storage on the track. The pipe would be laid against the cut slope on the newly excavated ground and then the excavated materials would be placed back over the pipe to reinstate the original slope. Only plant and equipment will use this length. Controlled trench blasting will not be considered here because of the shallow depth of excavation and the need to avoid the known mine workings/audit locations

*Turbine house and discharge pipe*

2.35 A construction ‘platform’ would be excavated into the natural slope and the arisings stored nearby. A steel frame would be installed on a concrete foundation. Blockwork walls and roof would be constructed with materials brought to site using the central access point on the B4391.

2.36 The outfall structure would require the excavation of a trench from the turbine house to the riverbank. To minimise the risk of sediment and suspended cement entering the river, the area of construction in the river bank would be contained within an impermeable membrane supported by a sandbag wall. A water pump would be available to transfer contaminated water to a settling tank or lagoon. Concrete pouring would occur only within this barrier. On completion of the works the barrier and sandbags would be removed and the riverbank restored.

*Grid connection*

2.37 A cable would be laid underground from the turbine house to the metering building close to the B4391 and then continue north overhead or underground as required to meet the SPEN Local grid connection. Part of this would be across third party land. A 3.6m wide working corridor would be defined by temporary marker posts up the steep valley side). The excavated cable trench could form a channel for surface water. To minimise this effect, the cable laying would be completed in stages than can be completed in a single day. By this method only a minimum length of ground would be stripped of vegetation and left exposed to soil erosion and the gathering of sediment. Each day’s work on the steep slope would be completed and topsoil and turf placed before the end of a working day.

2.38 The buried cable must cross a small watercourse beside the ruined buildings of Hafod-Offeiriad. The proposal is to protect the cable in a

culvert laid under the watercourse channel. A cofferdam, a small temporary structure constructed using sandbags and a suitable waterproof membrane, would be formed upstream of the watercourse crossing and a pipe used to divert water around the works area. A trench across the channel would be dug and the culvert installed. The trench would be backfilled with protection of the reinstated watercourse channel to prevent erosion of the newly placed backfill.

#### *Metering house*

- 2.39 A construction platform and working area would be excavated into the natural ground and the arisings stored nearby, the foundations would be laid, and the building constructed to incorporate a slate roof, with external stone walls and timber doors.
- 2.40 It is considered that the design and use of materials on the metering building is acceptable and will ensure that it integrates into the local landscape.

#### *Character and quality of the wider landscape*

- 2.41 The proposal will be an appropriately sited and well-designed scheme and controlled through appropriate conditions which offers substantial renewable energy benefits.

#### *Visual impacts on receptors*

- 2.42 It is acknowledged that the area is frequented by walkers and is visible from public vantage points.
- 2.43 That said, the application site and its surroundings is not densely populated. It is considered that the proposed siting arrangement as secured in the recommended conditions is sufficient to avoid significant harm to any local receptors.
- 2.44 It is considered that the proposed development has been sited and designed to avoid detrimental landscape harm to statutorily designated landscapes and can afford this issue neutral weight in the planning balance.

#### **Biodiversity and Habitats Regulations Assessment**

- 2.45 **Designations: Parts of the working corridor are within the Cwm Cynfal SSSI**; the broader area lies within/adjacent to the Migneint–Arenig–Dduallt SAC/SPA. Key receptors: oceanic bryophyte communities in humid ravine niches; upland blanket bog and heath; otter; bats (incl. lesser horseshoe at regional scale); and SPA raptors (hen harrier, merlin, peregrine).

2.46 As the 'Competent Authority' for the purposes of the Conservation of Habitats and Species Regulations 2017 this Authority is required to undertake a Habitats Regulations Assessment. An Assessment under the Habitats Regulations has been undertaken. Natural Resources Wales agreed with the Authorities findings that the development is unlikely to have an adverse effect upon the integrity of the SAC/SPA in consideration of the mitigation measures detailed within and which can be secured by planning condition/s.

### **Protected Sites**

2.47 The proposal is located partly within the Migneint – Arenig – Ddualt SSSI. The SSSI includes a number of notified features. NRW have provided advice to the applicant in the statutory pre-application response, which included technical advice on measures to avoid damage to the SSSI. Since this advice was issued, in Planning Policy Wales (Edition 12, dated February 2024) has been published. The policy position on the protection of SSSI's is now set out in PPW.

2.48 A key national priority within Future Wales is to develop strong ecosystems through the provision of resilient ecological networks and green infrastructure. Policy 9 places importance on safeguarding and creating or enhancing ecological networks. Safeguarding areas involves identifying land that is important for expanding or connecting ecological networks. The policy focus is on creating large-scale, resilient, and functional ecological networks. It states protected sites (such as SSSIs) are critically important to the long-term resilience of our ecosystems.

2.49 Sections 6.4.25 - 6.4.27 of PPW state that there is a presumption against all forms of development in a SSSI as a matter of principle, except for developments necessary for the management of a SSSI and minor developments necessary to secure the SSSI's role as a living landscape. Accordingly, it will be wholly exceptional for most forms of development to be justifiable within a SSSI when applying the step-wise approach and paragraph 6.4.27 of PPW.

2.50 The Local Planning Authority, as the decision maker, should consider national planning policy and determine whether the proposed development is:

- necessary for the management of the SSSI; or
- a minor development necessary to secure its role as a living landscape (where effects on the special features for which a site has been designated can be considered to be acceptable); or
- justifiable in the context of wholly exceptional circumstances and only where it is considered to be appropriate and not likely to damage a SSSI and where there is broad and clear agreement for mitigation and enhancement as part of a development plan.

2.51 In relation to the first bullet point, the proposal is not necessary for the management of the SSSI neither is it wholly necessary to secure its role as a living landscape.

2.52 In consideration of the above the Authority must come to a decision if the proposal is justifiable, and if it is concluded that it is, the development must be adequately conditioned to ensure that the integrity of the site is protected, and any impact is suitably mitigated.

2.53 A small percentage of the application site includes both temporary work (as laydown areas) and very limited permanent works (within the extreme westerly edge of the 2002 designated SSSI

2.54 There is no permanent direct loss of SSSI habitat or species identified within the proposed northerly laydown area of the project. The direct permanent loss of habitat is avoided by the creation of only short-term laydown areas. An additional protection of the special feature of the bryophyte, is a proposed 10 metre exclusion zone measure.

2.55 NRW in their response dated 30/04/25 have stated that “Provided the impact pathways referenced for those SAC/SPA features are adequately addressed, we consider those features of the SSSI will also be adequately safeguarded”

2.56 During consideration of the application an updated plan (CYN 3001. Additional information 25/11/2024 RML proposed block plan area 1) was submitted which indicates the exclusion area around and uphill of the rare bryophyte *Barbilophozia kunzeana*. This addresses the concerns raised by NRW in their response (CAS-262044-K7C3 dated 15/10/2024).

2.57 The Environmental Statement (ES) identifies that habitats that are features of the SSSI (for example the M6c community on the route of the pipeline near the intake, along with acid grassland) may be impacted. The ES and the Construction Method Statement include measures to restore habitat on completion of each section of works. Detailed habitat restoration measures, as well as pollution prevention measures, will have to be clearly set out in the Construction Environmental Management Plan (CEMP). This can be secured by conditioned.

2.58 NRW consider the proposals have the potential to impact upon the biological features of the SSSI and have concluded that provided the impact pathways for the SAC features are adequately addressed, and subject to the implementation of an approved CEMP they consider those features of the SSSI will also be adequately safeguarded.

2.59 *Migneint, Arenig, Dduallt SAC* - The proposal is located partly within the SAC which is important for its habitats including blanket bog, dry and wet heath, and oak woods. The development has the potential to

impact on the SAC during both the construction and operational phases of development.

- 2.60 The Breeding Bird Survey Reports (dated 2019 & 2023; BiOME Consulting Limited) concluded no territories of peregrine, hen harrier or merlin were observed within a 500m buffer zone. The HRA concluded no adverse effects to the SPA features as a consequence of the proposed project.
- 2.61 NRW welcomed the mitigation measures to avoid possibility of damage to active bird's nests and/or disturbance of nesting Schedule 1 species. They advised that detailed mitigation measures should be clearly set out in the CEMP.
- 2.62 *Meirionnydd Oakwoods and Bats Sites SAC* - Lesser horseshoe bats are a feature of the nearby Meirionnydd Oak Woods and Bats Sites SAC. A bat survey carried out by RML V2: 23/08/2023 showed that a nearby mine is a hibernaculum for lesser horseshoe bats and is highly likely to be used by other bat species for hibernation. Noise/vibration (including from blasting if needed) has the potential to disturb bats. The ES identifies reasonable avoidance measures, including pre-construction checks. Detailed reasonable avoidance measures, along with details of construction methods (including with respect to any blasting) can be secured in the CEMP via condition.
- 2.63 *Fluvial Geomorphology* - Following comments from NRW the submission of the "Stream and River Crossing Trenching Method" by Waterco, dated 17/03/2025, was submitted in support of the application. NRW have confirmed that they have no objection to the crossing of the Cynfal, provided that the measures detailed in the "Conclusions and Recommendations" section of the report are adhered to, or if it is ultimately decided post-consent that a Horizontal Directional Drilling (HDD) solution is feasible This can be conditioned.
- 2.64 As already highlighted, wholly exceptional circumstances are necessary to justify this development within a SSSI. Within this context, it is clearly relevant to note that the development would make a positive contribution towards meeting the UK and Welsh Government's ambitious targets for renewable energy generation. Given the climate emergency, this weighs substantially in favour of the proposal. Although comments have been received raising concerns with regards to the scheme and potential impact upon protected sites, sufficient information has been submitted to demonstrate that the risks can be adequately managed, restoration can be secured and this is reflected in the advice given by NRW. In balancing such matters, it is considered that the contribution towards renewable energy targets, coupled with the protection and restoration measures proposed, amount to the wholly exceptional circumstances needed to justify the development. The proposal would, therefore, be broadly compliant with PPW and the

development plan framework in this respect. With the imposition of conditions, the proposal also conforms with ELDP policies DP 1, DP 3, SP D, DP 8 and SP A.

## Flood risk

- 2.65 The application proposes less vulnerable development for the installation of a hydro-electric scheme and associated works. Given that the application was validated prior to 31st March 2025, in accordance with Welsh Government's written statement dated 31<sup>st</sup> March 2025, the application has been assessed based on Technical Advice Note 15 (TAN15), July 2004.
- 2.66 The Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be partially at risk of flooding and falls into Flood Zone 2/3 Rivers. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Section 5 acknowledges that certain uses can be considered as exceptions to the general rule as they are required in a fluvial, tidal, or coastal location by virtue of their nature. This proposal can be considered as an exception. Exceptions are not subject to the first part of the justification tests in section 6 but are subject to the acceptability of consequences part of the test as outlined in section 7 and the requirements of appendix 1
- 2.67 The submission of a Flood Consequence Assessment (FCA) demonstrates that the turbine house is located outside of the 0.1% (1 in 1000 year) fluvial flood event and sits approximately 1.2m above the flood extent for this scenario. The FCA also demonstrates that the construction compound is located outside of the 0.1% (1 in 1000 year) fluvial flood event. The application also included a report based on hydraulic modelling and forms part of Appendix 17 of the Environmental Statement (Waterco. Hydraulic Modelling Technical Note. February 2024).
- 2.68 The modelling/report considers the impact of the weir and associated backwater effect i.e. increase in flood risk upstream of the proposed weir. The model has considered a flood event with a return period of 1% annual exceedance probability (1 in 100) event with suitable allowance for the impact of climate change on flows. The impact is localised and confirmed to 32m upstream, and flooding will remain contained within the river's channel (due to the topography and channel characteristics).
- 2.69 NRW have confirmed that the flood risk associated with the proposal has been assessed and has been demonstrated to be acceptable in this instance. It is therefore considered that the proposal can be justified and meets requirements of TAN 15 and Strategic Policy A and DP 1 of the ELDP.

## Construction phase impacts

2.70 The proposed works are located partly within the SAC. However, the “Shadow Habitats Regulations Assessment – Screening Report” (RML November 2023) states that habitats that are features of the SAC will not be affected by the proposed works. Although Annex 1 habitats may be affected in some sections, the report indicates that these areas are outside the SAC.

2.71 The proposed works also has the potential to affect habitats on site through the risk of pollution. This has been addressed in the submission of the Construction Method Statement (Baileys & Partners, September 2023). However, on the advice of NRW that further pollution prevention measures are needed which should be set out in a CEMP to be approved by the Local Planning Authority (LPA), in consultation with NRW, as a condition of any planning permission

2.72 Shadow HRA: Screening found no likely significant effect on qualifying habitats/species with embedded mitigation; Appropriate Assessment is nevertheless undertaken by the Authority to confirm no adverse effect on integrity (NAEI), having regard to operational flow regimes (NRW licences), in-channel works isolation and pollution prevention, and post-construction monitoring.

2.73 Bryophytes and waterfall spray: Objectors fear that reduced flow could alter humidity/microclimate supporting sensitive bryophytes. Evidence indicates that key oceanic species here are associated with ravine humidity and seepages beyond the immediate spray cone; residual flow maintains visual and acoustic presence at the falls. A Bryophyte Monitoring and Adaptive Management Plan is nonetheless recommended: fixed quadrat monitoring for Years 1–5 (and Years 7/10 if triggered), with remedial actions agreed with NRW should thresholds be exceeded.

2.74 With the lay-down relocation, 10 m buffer zone, robust CEMP, BEMP and monitoring, the proposal avoids damage to SSSI interests and secures measurable net benefit for biodiversity, in line with PPW12 and Future Wales Policy 9.

2.75 The Authority as the competent Authority had carried out an assessment under the Habitat Regulations. As required by the regulations, Natural Resources Wales must be consulted on the assessment and its views taken account of before planning permission can be granted

2.76 NRW have been consulted and have provided the following response

*“Our response should be taken as NRW's formal representation, as the appropriate nature conservation body, to your appropriate assessment (AA) NP5/59/495C A Record of a Habitat Regulations Assessment)*

*under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended.*

*In consideration of the mitigation measures detailed we agree with your conclusion that the development is unlikely to have an adverse effect upon the integrity of the SAC/SPA."*

***Biodiversity Enhancements – Diversity extent condition connectivity and adaptability (DECCA)***

2.77 The Green Infrastructure Statement outlines the stepwise approach which has been followed to maintain and enhance biodiversity, build resilient ecological networks, and deliver net benefits for biodiversity. An eel pass, bat boxes and tree planting have been included within the Proposal as enhancements and it has been shown that following construction, habitat connectivity will return to its pre-construction state. An assessment of the Proposal against the DECCA framework has also been completed.

***Water environment, geomorphology and Water Framework Directive (WFD)***

2.78 Abstraction/impoundment controls are regulated by NRW licensing, including hands-off flows.

2.79 River crossing: A Fluvial Geomorphology Method Statement is required to specify isolation techniques (e.g., cofferdams where necessary), embedment depth and bed armouring keyed to design flood events, spoil management and restoration of bed material, with a post-event inspection regime and 5-year monitoring. Intake/outfall: To be naturalised and designed to avoid local scour and bank erosion; as built surveys to be submitted.

2.80 CEMP: Pollution prevention and silt management (settlement capacity, silt fencing, weather window triggers), fuel/plant controls and incident response protocols. This can be conditioned

2.81 With these measures, officers are satisfied the proposal avoids WFD deterioration and maintains waterbody objectives. In consideration of the above the proposal complies with the adopted polices of the ELDP.

***Dark sky reserve***

2.82 The site is set within the Dark Sky Reserve core zone. Although no lighting is currently proposed as part of the scheme, submission of a lighting design scheme has been conditioned to ensure that there is no permanent effect on the Dark Sky status and to ensure compliance with ELDP DP 2 should the situation change and it be found that lighting is required.

## **Cultural heritage and historic landscape**

2.83 The Heritage Impact Assessment identifies dispersed archaeology (former routeways, boundaries, mining features). No direct impact on scheduled monuments or listed buildings is anticipated. A Written Scheme of Investigation (WSI) and watching brief will address chance finds and secure mitigation through micro-siting where appropriate. The powerhouse materials and stonework respond to local vernacular; a small interpretive panel is proposed to explain the cultural narratives of Cwm Cynfal. The proposal conserves cultural heritage significance and contributes to the Park's second statutory purpose (understanding and enjoyment). With the imposition of planning conditions, the proposal complies with ELDP policies DP 3, SP A, DP 1, SP Ff and DP 8.

## **Public Rights of Way and recreation**

2.84 A temporary PRoW diversion is proposed during construction for health & safety. Given the temporary nature of the diversion, it is not considered that the diversion will unacceptably impact amenity or access and is compliant with ELDP policies SP L, DP 3 and DP 1.

## **Highways and construction traffic**

2.85 The Traffic Management Plan (June 2024) identifies routing from the A470/B4391, vehicle types, delivery timing, banksmen, verge protection and condition surveys. Traffic is modest and temporary. The CTMP will be secured by condition, including pre- and post-works road condition surveys and reinstatement and is compliant with ELDP policies SP L and DP 1.

2.86 At the time of writing this report no response has been received from Gwynedd Highways. However, comments were received during the PAC process and additional information submitted in light of this.

2.87 It is considered that there will be only temporary highway impact on the B4391. Works affecting the highway will have to be consented by the Highway Authority

## **Noise, dust and construction amenity.**

2.88 A CEMP will secure hours of working, quiet plant selection, dust suppression, soils handling, and community liaison. Operational noise is expected to be low; an acoustic verification condition is included to confirm in-situ performance and allow remedial lining if needed. With the imposition of conditions, it is considered that the impacts can be suitably controlled to ensure the scheme does not negatively impact amenity and ensure compliance with ELDP policies DP 1 and DP 3.

## **Socio-economic outcomes and Welsh language**

2.89 The proposal supports a working upland farm to diversify income, retains skills within the local economy and contributes to energy resilience. Claimed tariff reductions via community "Energy Local" club are noted but attract limited planning weight unless secured; nevertheless, the grid exportable renewable generation itself is a significant material consideration. There is no adverse effect on the Welsh language anticipated; the use of bilingual interpretation is a positive element and complies with Development Policy 18 of the ELDP.

## **Cumulative effects and precedent**

2.90 The scheme's footprint is small and site-specific; cumulative landscape effects are limited given the dominance of buried infrastructure and high reinstatement standards. Approval would not create a general precedent for hydro elsewhere in the Park; each case turns on its own merits, designations and sensitivity.

## **3.0 Planning Balance**

3.1 Overall: With the lay-down relocation and 10 m buffer, NRW-aligned CEMP, quantified BEMP and monitoring/adaptive management, it is considered that impacts will be limited and generally reversible, and outweighed by the public benefits of renewable energy generation and climate action. The Authority's HRA confirms no adverse effect on site integrity. The proposal accords with PPW12, Future Wales Policies 9, 17 and 18, Cynllun Eryri objectives, and LDP SP, A, B D, Ff, H and DP 1, DP 2, DP 3, DP 6, DP 8 and DP 20.

## **4. Conclusion**

4.1 The proposed development provides additional renewable electricity generating capacity that aligns with the sweep of National energy and climate policies and supports the international and national targets for renewable energy. Substantial positive weight must therefore be given to the renewable energy benefits of the proposed development and the contribution that this will make to the achievement of National policy objectives in the planning balance.

4.2 In reaching this finding, it is noted that with the recommended conditions in place, there are no unacceptable visual impacts on nearby communities or dwellings, on international or nationally designated nature conservation sites or their features and that biodiversity enhancement is proposed. Recommended conditions also provide that there will be no unacceptable impacts in terms of landscape, statutorily protected built heritage assets, noise, effects on the transport network are also adequately controlled, and construction materials are appropriately sourced and controlled.

- 4.3 The proposed development was accompanied by a shadow HRA report. The Authority as the competent Authority carried out its own HRA and consulted with NRW as required.
- 4.4 NRW's response states "*In consideration of the mitigation measures detailed we agree with your conclusion that the development is unlikely to have an adverse effect upon the integrity of the SAC/SPA.*"
- 4.5 Subject to the application of recommended conditions, no pathways to significant effects on any National Network nature conservation site to arise from the proposed development has been identified.
- 4.6 All other matters arising from written submissions has been taken into account but on balance find that whilst the issues raised have been afforded appropriate weight in consideration of the application, none either individually or cumulatively outweigh the renewable energy benefits of the proposed development as framed in relevant planning policy when considering the planning balance. The effects of the proposed development have been identified, and appropriate and necessary conditions have been proposed to manage these.
- 4.7 On balance the application is considered acceptable and is therefore being recommended for approval

**RECOMMENDATION: To GRANT planning permission subject to the following conditions and the applicant entering into a Section 106 Agreement**

- 1. The development hereby permitted shall be commenced before the expiration of FIVE years from the date of this decision.
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Description	Drawing Reference	Version	Drawing Date	Revison No
<b>Location Plan</b> – with insert plans per route section length	CYN-2001	009	03/09/2019	Rev 010
<b>Block Plans</b>				
Area 1	CYN-3001	009	03/09/2019	Rev 010
Area 2	CYN-3002	009	03/09/2019	
Area 3	CYN-3003	009	03/09/2019	

Area 4	CYN-3004	009	03/09/2019	
Area 5	CYN-3005	009	03/09/2019	
<b>Structure &amp; Buildings</b>	CYN-5001	002	01/09/2018	
<b>Pipe/Access Bridge</b>				
<b>Metering Building</b>				
Plans	CYN-5002	004	09/09/2019	
Elevations	CYN-5003	003	05/09/2019	
<b>Turbine House</b>				
Location Plan	CYN-5004	003	04/09/2019	
Site Layout	CYN-5005	003	04/09/2019	
Elevations	CYN-5007	004	30/09/2019	
Turbine House 'In Situe' Elevations	CYN-5009	004	30/09/2019	
<b>Engineering Works</b>				
Track Widening	CYN-6002	005	28/10/2019	
Pipe trench section	CYN-6004	006	04/11/2019	
Intake plan & Section A-A	CYN-6005	003	28/10/2019	
Intake location Plan	CYN-6006	004	04/11/2019	
Intake sections B-B, C-C & D-D	CYN-6007	002	28/10/2019	
Outfall	CYN-6008	002	28/10/2019	
Features 16 & 17 Stream Crossing- additional information	CYN-6009		10/11/2024	Rev 1
Features 8 – Pipe River Crossing- additional information	CYN6010		10/11/2024	Rev 1

Stream and River Crossing Trenching Method	15414		17/03/2025	
<b>Access</b>				
Site Entrance- Intake	CYN-8001	002	24/09/25	
Site Entrance - main	CYN-8002	001	10/09/2019	
Site Entrance – Metering House	CYN-8003	001	10/09/2019	
Public Footpath – Temporary Diversion	CYN-9001	002	04/09/2019	
<b>Traffic Management Plans</b>				
Site Entrance – Intake				
Site Entrance- main – Metering House				
Site Entrance – Main Visibility				

3. This permission is for for a period of 50 years from the date of this permission, or until the turbine ceases to operate for a continuous period of not less than 12 months, whichever is sooner. Within 3 months from that time, the weirs, turbine house and all other structures on or above the ground shall be dismantled, the materials removed from the site and the site restored to the satisfaction of the Local Planning Authority unless the Local Planning Authority gives consent for any variation.
4. The roofing sheets for the turbine building hereby approved shall be finished in slate grey/BS18 B29 colour.
5. The roof of the meter building shall be covered with blue-grey slates from the Blaenau Ffestiniog area, or slates with equivalent colour, texture and weathering characteristics details of which shall be provided and approved in writing by the Local Planning Authority and retained thereafter.

6. Prior to any stonework commencing on the site, a trial stonework panel including pointing not less than 2.00 m<sup>2</sup> shall be constructed. No building operations in stone shall be carried out on the site unless and until the trial panel has been inspected and approved by means of a formal application to the Local Planning Authority. The stonework of the metering house shall be built in accordance with the approved sample.
7. The turbine building hereby permitted shall be so constructed as to provide sound attenuation against internally generated noise to a standard that causes no reasonable loss of amenity to the residents of nearby properties.
8. Should any complaints with regard to overall noise levels and to tonal noise components that emanate from the power house be received the applicant/developer shall arrange for a suitably qualified acoustic consultant to be agreed in writing by the Local Planning Authority prior to undertaking a full overall noise and tonal assessment of the noise generated by the development. The noise assessment shall be submitted to the Local Planning Authority. If it is found that noise mitigation measures are required, these shall be carried out in accordance with the Local Planning Authorities request and within a timescale to be agreed in writing.
9. **Prior to the commencement of development**, an updated Construction and Environmental Management Plan (CEMP) shall be submitted by means of a formal application to the Local Planning Authority. The CEMP must include
  - Construction methods: details of materials, how waste generated will be managed;
  - General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
  - Species protection: Details of avoidance and mitigation measures (including with respect to bats, otters and Schedule 1 birds), details of bat monitoring, details of ecological compliance audit.
  - Habitats protection: Details of measures for habitat restoration during the works.
  - Invasive species: Details of measures to control and eradicate any invasive species on site.
  - Soil Management: details of topsoil strip, storage and amelioration for re-use.

- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration activities (informed by blasting strategy if required), for example acoustic barriers; details of dust control measures; measures to control light spill.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management;
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities,
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Environmental clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

10. **No development shall commence** until final details of watercourse crossings at locations 8, 16 and 17 are submitted to and approved by means of a formal planning application to in writing by the Local Planning Authority.
11. **No development shall take place** until such time as a qualified Ecological Clerk of Works shall be appointed to oversee the entirety of the development.

The appointed Ecological Clerk of Works shall:-

- i) oversee the works on the site as it proceeds and shall advise on the means to mitigate or reduce harms that may be encountered as a result of the on-going construction process including the route and formation of the access track for its full length from the power house to the intake.

- ii) oversee the implementation of the approved Construction and Environmental Method Statement (CEMP) & Environmental Management Plan and the Restoration Plan.
  - iii) Submit weekly progress reports to the Local Planning Authority
- 12. **No development shall commence** until the water pipeline between the intake and the Turbine House depicted on the submitted plans, including trench digging, shall take place until the pipeline route has been pegged out on the ground under the supervision of the Ecological Clerk of Works.
- 13. The applicant/developer shall ensure that all avoidance mitigation measures are followed and implemented in full.
- 14. No later than 12 months after the completion of the restoration work a report by a suitably qualified person assessing the effectiveness of the landscape restoration and making any recommendations for alterations, further work or improvements and a timetable for such works shall be submitted by means of a formal application to the Local Planning Authority. Any recommendations in the report shall be carried out to the timetable.
- 15. Construction works which are audible at the boundary of any residential receptor shall not take place outside the hours of 7:00am to 7:00pm Monday to Friday and 7:00am to 1:00pm Saturday. No construction work shall be conducted on Sundays or Bank Holidays.  
Notwithstanding these stated hours, works will be permitted outside of these hours but will be limited to emergency works only.
- 16. The abstraction and impounding of water is to be made in complete accordance with any 'License to Abstract' and 'License to Impound' as issued by Natural Resources Wales.
- 17. No development (including topsoil strip or other groundworks) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and all archaeological work completed in strict accordance with the approved details.
- 18. A detailed report on the archaeological work, as required by condition 15, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.
- 19. No external lighting may be installed without the prior submission of a formal lighting plan by means of a formal application to the authority for approval. This lighting plan shall consider existing and proposed lighting together with any spillage originating from internal locations. This component requirement shall include:

- Details of lighting to be used during and post construction
- Plans illustrating the location and type of lighting
- Plans illustrating projected or retained bat emergence points; together with retained or proposed features planned to be functionally used by bats for foraging/dispersal purposes
- Ecological compliance audit external lighting key performance indicators.
- Post construction light monitoring
- Provisions of the scheme shall accord with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust [Guidance Note 08/23: Bats and Artificial Lighting at Night](#)

20. With the exception of any site investigations, no development shall commence until a Materials and Waste Management Plan (MWMP) has been submitted to and approved in writing by the relevant Local Planning Authority. The approved Materials and Waste Management Plan shall be implemented as approved for the duration of the construction period and shall provide details of:

- a) contact names and numbers of personnel responsible for adherence to the MWMP;
- b) the areas of the site subject to excavations;
- c) the amount and composition (topsoil, sub soil, overburden, stone etc) of excavated material subject to the development;
- d) the amount and composition of material that is to be reused as part of the development;
- e) if material is to be reused on site, a methodology as to the suitability of the material noting:
  - i. whether the material requires on site / off site processing or recycling prior to re-use,
  - ii. the locations / areas on site the material is to be re-used, and
  - iii. areas where material is to be stored / processed during the construction period and how the areas are to be restored upon completion of works;
- f) the amount and composition of material that is to be disposed of off-site as waste / or recovered off site as product;
- g) the method (Permitted site, CL:AIRE DoWCoP, Exemptions etc) and off-site facilitates the material / waste is to be disposed / recovered; and
- h) the location of the disposal of any foul water waste, in line with the submitted Shadow Habitats Regulations Assessment Report.

21. Any signs or interpretation information, informing and promoting the development both within and outside the site must be Welsh or bilingual giving priority to the Welsh language.

22. The proposed scheme shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by both the Local Planning Authority. The CTMP shall detail the proposals for the movement of construction traffic for the scheme.

**The reasons for the Authority's decision to grant permission for the development subject to compliance with the conditions herein before specified are:**

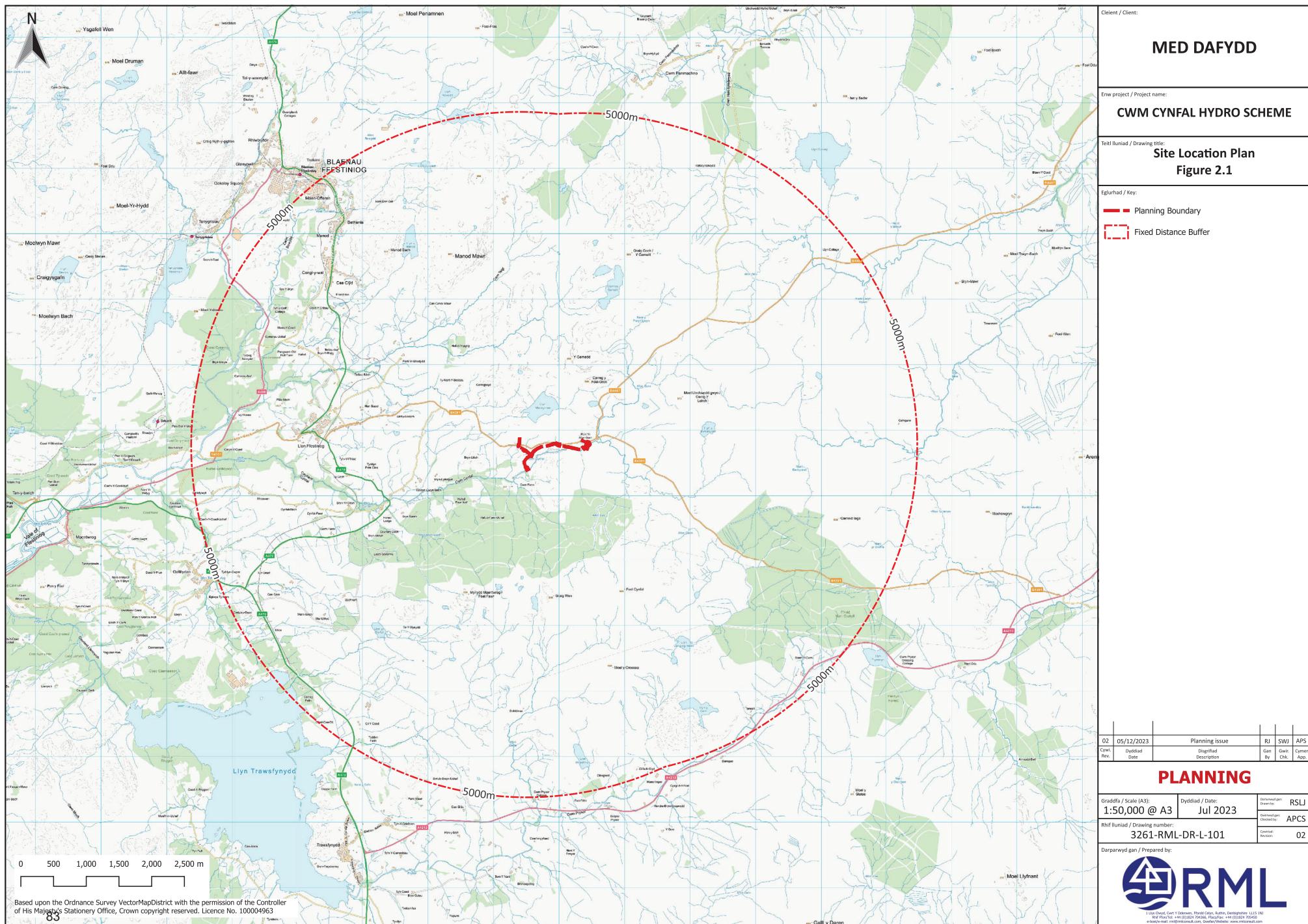
1. To Comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. To define the permission and for the avoidance of doubt.
3. To safeguard the visual amenities of the area in accordance with the Eryri Local Development Plan and in particular Policy 1.
4. To ensure a satisfactory standard of appearance of the development and the use of appropriate local building materials, in accordance with Eryri Local Development Plan policies and in particular policies A, 1 and 6.
5. To ensure a satisfactory standard of appearance of the development and the use of appropriate local building materials, in accordance with Eryri Local Development Plan policies and in particular policies A, 1 and 6.
6. To ensure a satisfactory standard of appearance of the development and the use of appropriate local building materials, in accordance with Eryri Local Development Plan policies and in particular policies A, 1 and 6.
7. To safeguard the visual amenities of the area and nearby residents in accordance with Eryri Local Development Plan 2016-2031 Policy 1.
8. To safeguard the visual amenities of the area and nearby residents in accordance with Eryri Local Development Plan 2016-2031 Policy 1.
9. To ensure appropriate management of the environmental impacts during the construction phase of the development and protect amenity.
10. To identify the precise route of the pipeline in order to protect the Ecology in accordance with the Eryri Local Development Plan and in particular policy D.
11. For the avoidance of doubt and in order to protect the biodiversity, the environment of the area and the visual impact on the wider landscape in accordance with Eryri Local Development Plan Policies and in particular policies 1 and A
12. To identify the precise route of the pipeline in order to protect the Ecology in accordance with the Eryri Local Development Plan and in particular policy D.

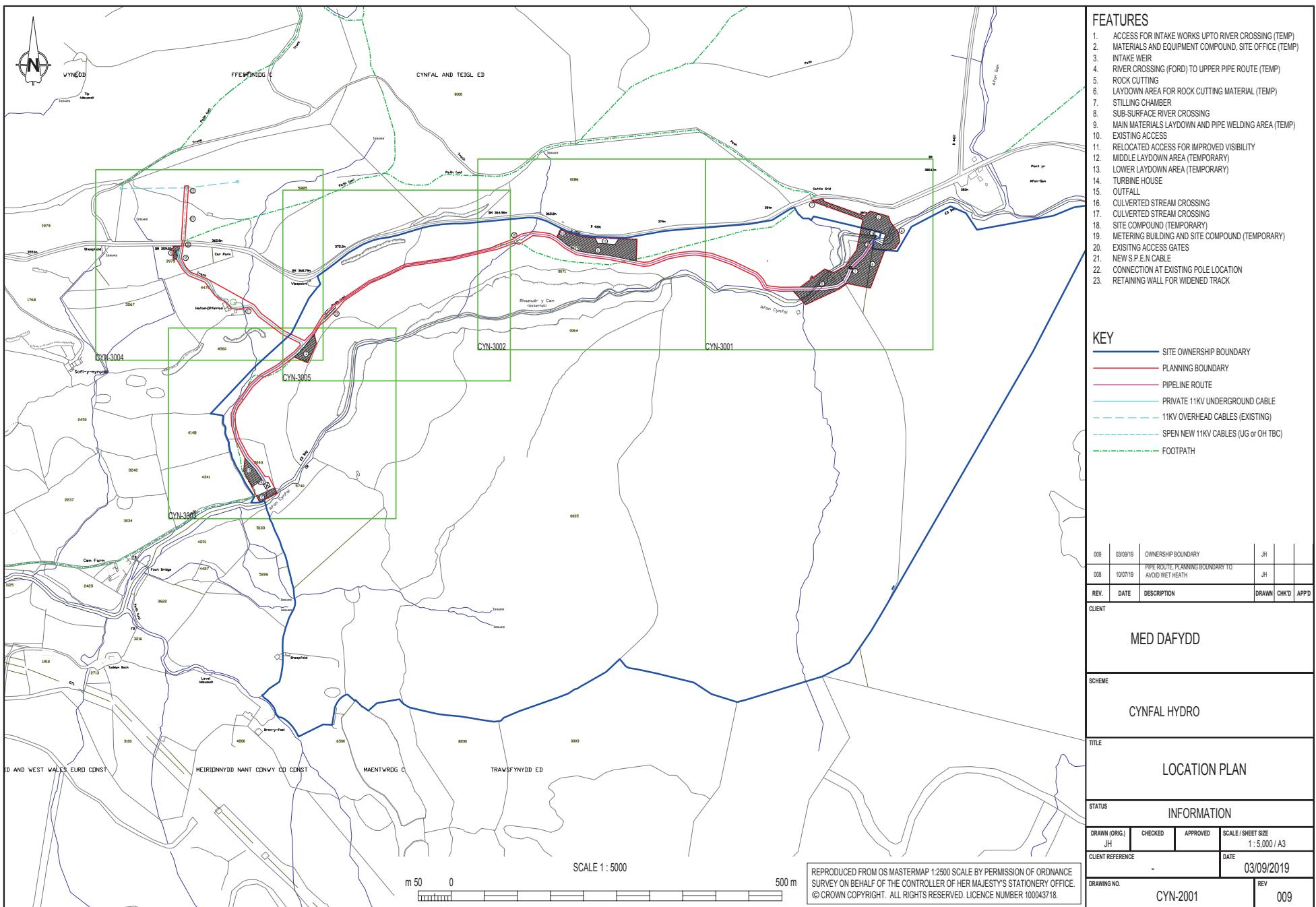
13. To ensure a satisfactory standard of development and to minimise the risk of unacceptable harm or disturbance to protected species in accordance with Eryri Local Development Plan Policies and in particular Policy D.
14. To ensure a satisfactory standard of development and to minimise the risk of unacceptable harm or disturbance to protected species in accordance with Eryri Local Development Plan Policies and in particular Policy D.
15. To minimise the loss of amenity to neighbouring properties and the surrounding area in general in accordance with Eryri Local Development Plan Policies and in particular Policy 1.
16. To ensure that the flow of water within the river is adequately maintained
17. To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2018 and TAN24: The Historic Environment.
18. To ensure that the work will comply with Management of Archaeological Projects (MAP2) and the Standards and Guidance of the Chartered Institute for Archaeologists (ClfA).
19. To ensure a satisfactory standard of development and to minimise the risk of unacceptable harm or disturbance to protected species and Dark Sky core Zone in accordance with Eryri Local Development Plan Policies and in particular Policy D.
20. To ensure that the development is carried out with the least effect on the environment and the site is developed correctly. To assist effective monitoring of the development during the construction period and to strive to reduce the amount of waste associated with the development in accordance with ELDP policy DP1
21. In the interests of the Welsh Language and in accordance with Eryri Local Development Plan Policies and in particular Policy 18.
22. In the interests of highway safety and public amenity in accordance with Eryri Local Development Plan policies and in particular policies SP A, DP 3, DP 1.

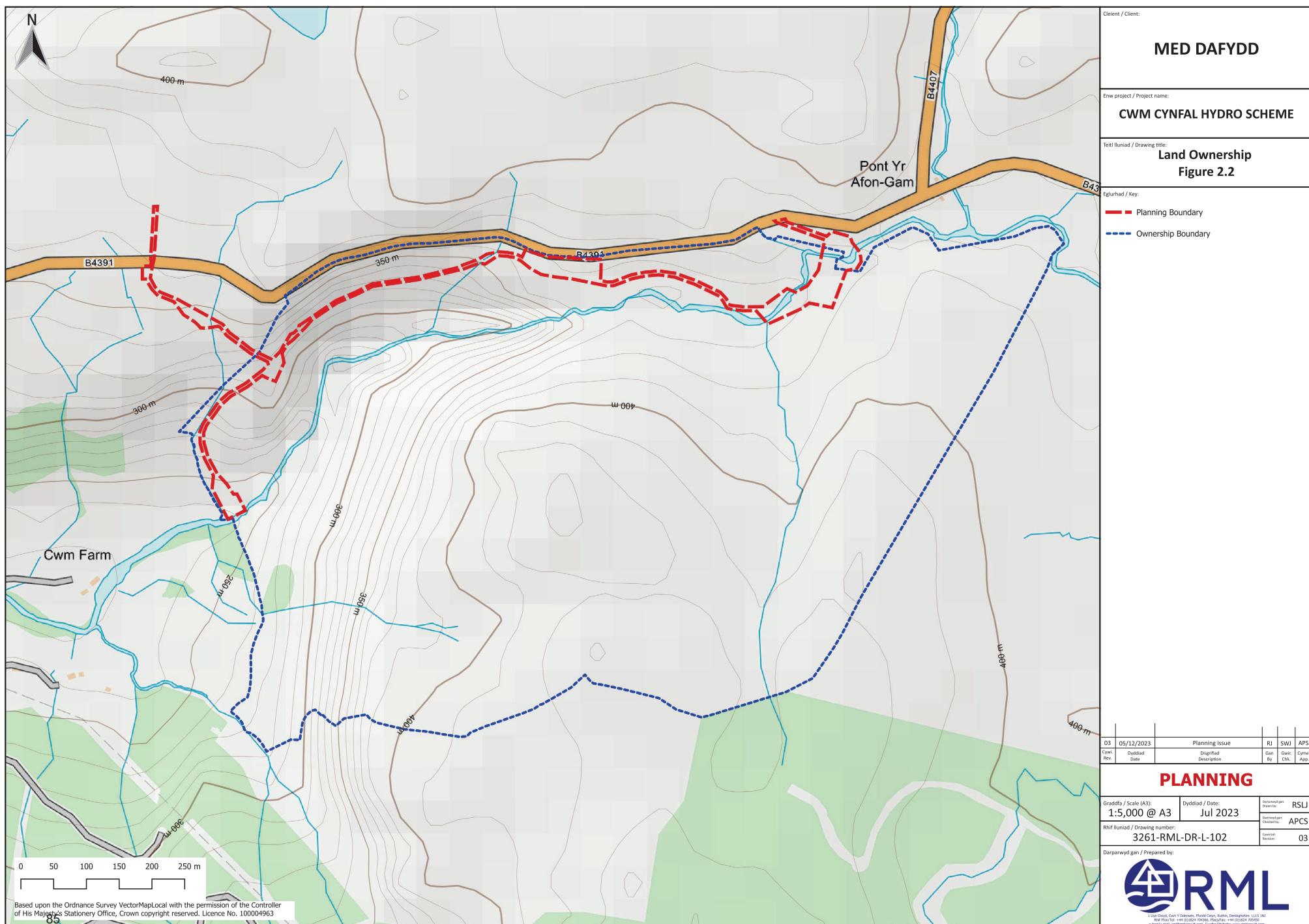
#### **Advisory Notes**

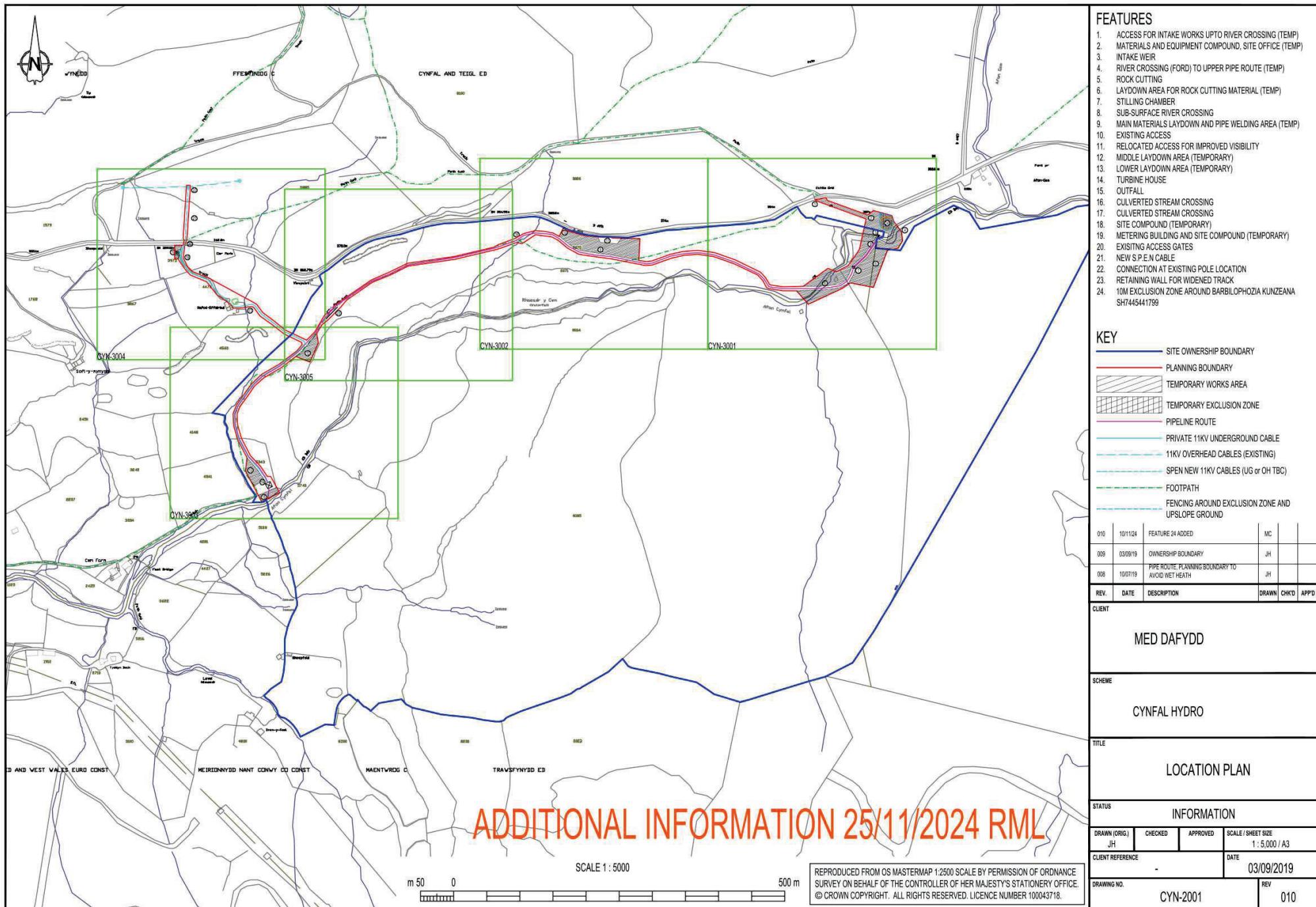
1. To ensure no pollution arises from this proposed development the applicant/developer shall at all times adhere to the standard pollution prevention guidelines as published by Natural Resources Wales in the following publications:
  - GPP 5: Works and maintenance in or near water
  - GPP 6: Working on construction and demolition sites

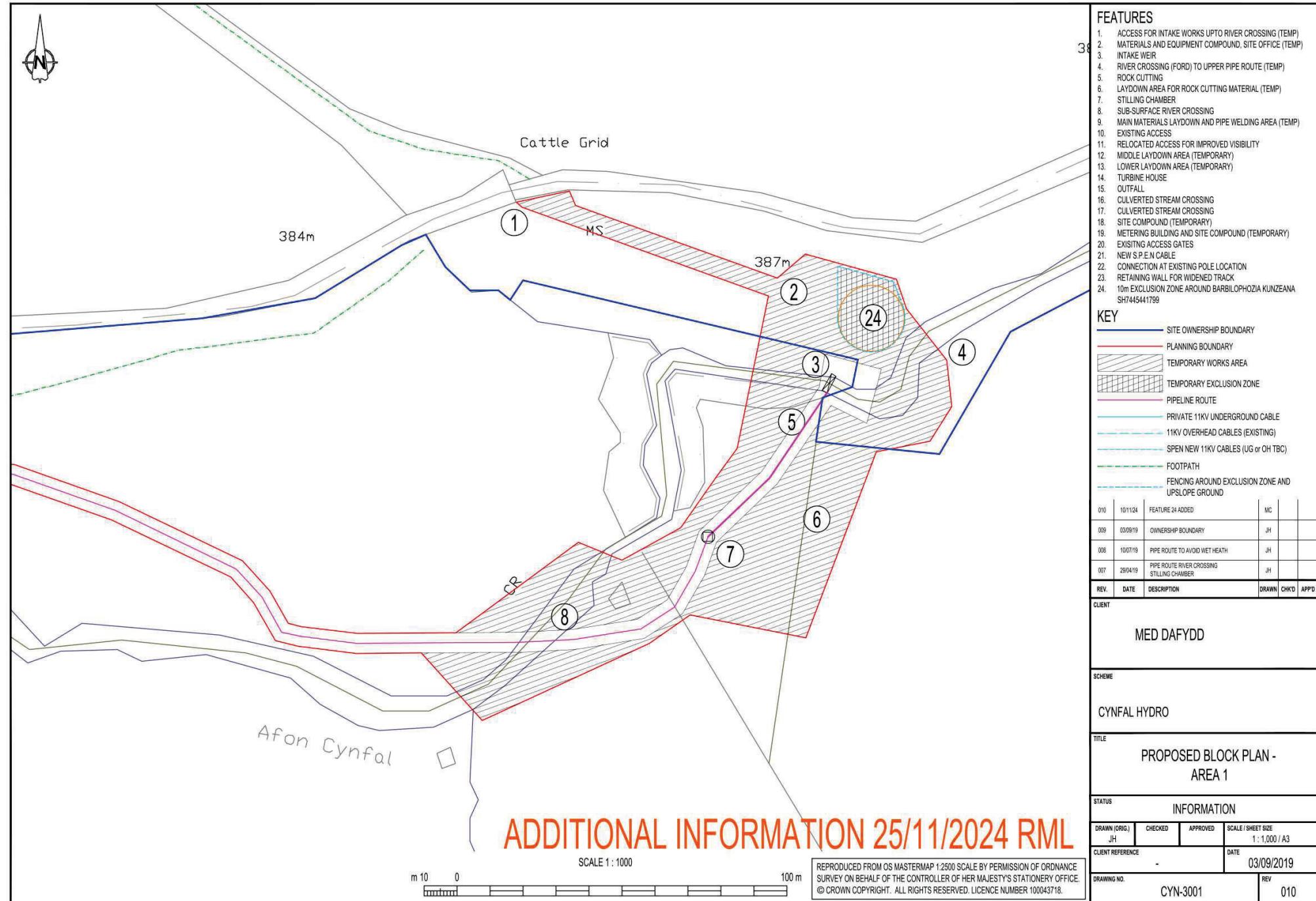
2. The applicant/agent will need to approach Gwynedd Council as the Lead Local Flood Authority to obtain consent for the construction of the weir under the Land Drainage Act 1991.
3. The applicant should be advised to apply in writing to the Street Works Manager for the necessary consent, as required under Section 171/ 184 of the Highways Act, 1980, to carry out work within the highway for the formation of both temporary and permanent accesses. Alternatively, please contact Gwynedd Council's Street Works Unit on 01766 771000 for the relevant application forms.
4. The Highway Authority shall not be responsible for any road surface water entering the site as a result of the development.
5. Public Footpath number 22 Community of Ffestiniog nearby the site shall be protected during and after this development. The applicant is advised to contact Gwynedd Council's Rights of Way Unit at Dolgellau on 01766 771000 in order to discuss any temporary diversions or closure required to undertake construction on near a public right of way

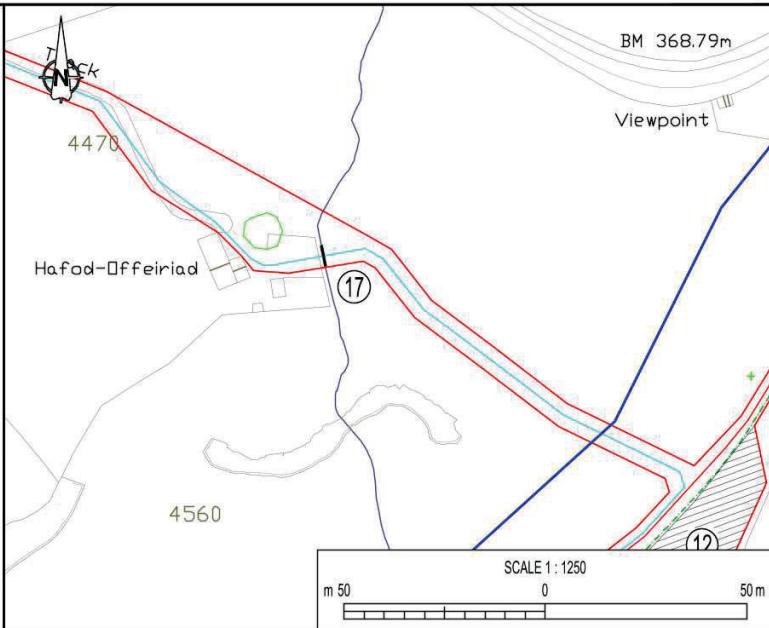
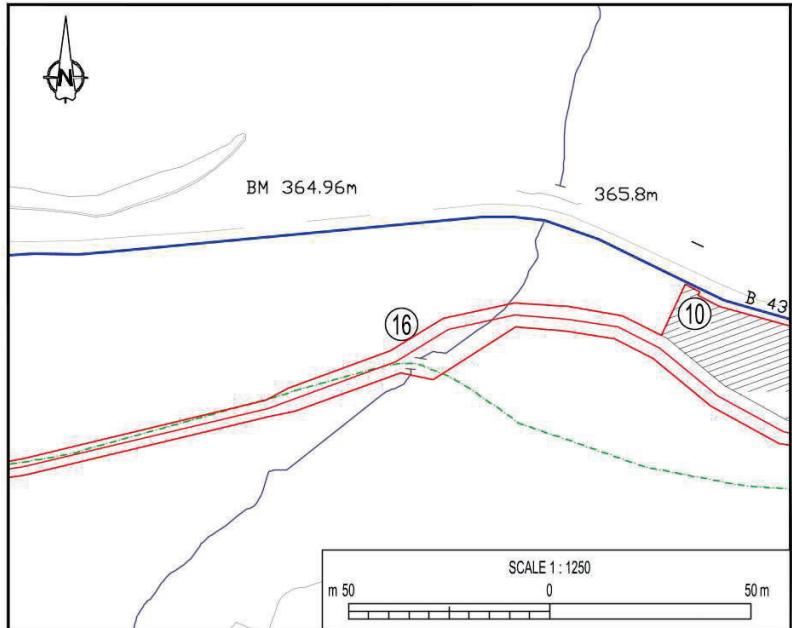










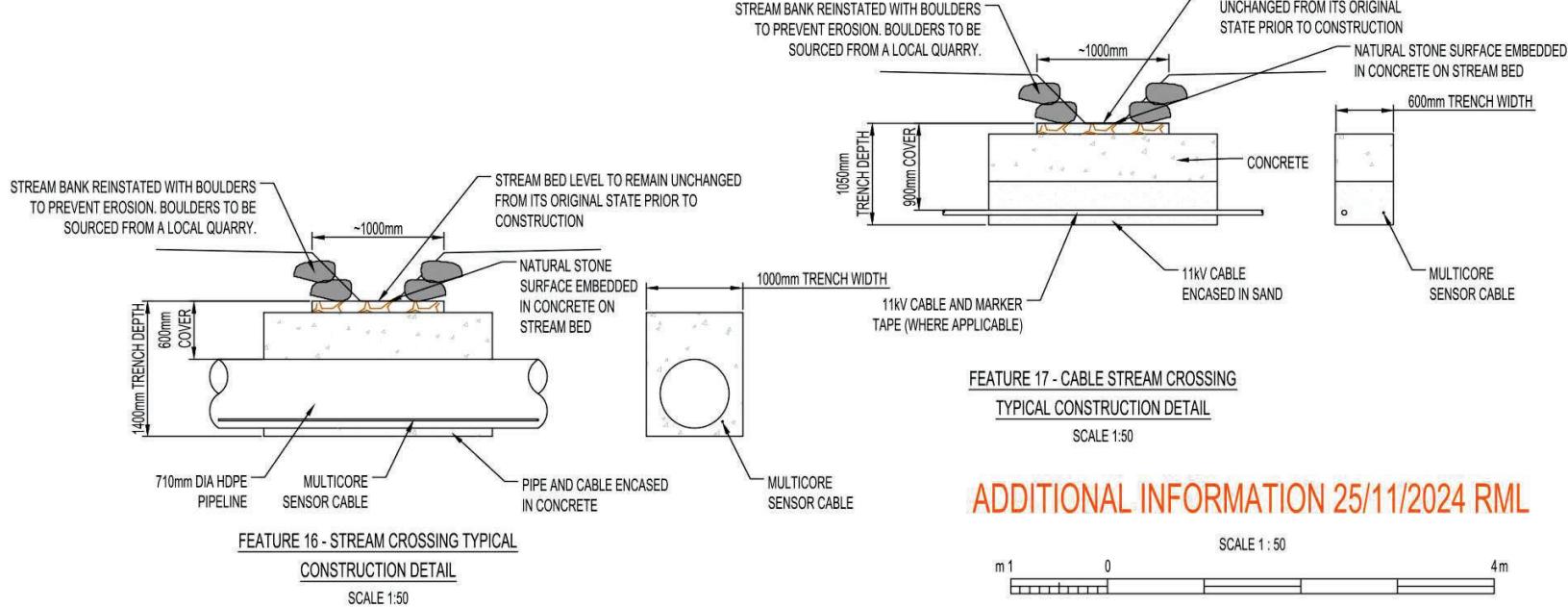


**NOTES**

- ALL DIMENSIONS IN MILLIMETRES AND ALL LEVELS IN METRES ABOVE ORDNANCE DATED UNLESS SHOWN OTHERWISE.
- FOR THE AVOIDANCE OF DOUBT ALL DIMENSIONS ARE APPROXIMATE AND FINAL BUILDING DIMENSIONS MAY VARY SLIGHTLY AS CONDITIONS DICTATE AND DEPENDING ON FINAL CONSTRUCTION DESIGN.
- GWYNEDD COUNCIL AS THE LEAD FLOOD AUTHORITY WILL BE CONSULTED PRIOR TO COMMENCEMENT TO OBTAIN CONSENT FOR THE CONSTRUCTION UNDER THE LAND DRAINAGE ACT 1991.
- ALL WORKS TO BE UNDERTAKEN IN ACCORDANCE WITH THE APPROVED CONSTRUCTION METHOD STATEMENT - SPECIFICALLY SECTION 8.11.
- ALL WORKS TO BE UNDERTAKEN IN ACCORDANCE WITH THE APPROVED CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP).
- ANY WORKS IN WATERCOURSE SHALL ONLY BE UNDERTAKEN DURING LOW FLOW CONDITIONS.
- WORKS WITHIN AND ADJACENT TO THE WATERCOURSE WILL BE MONITORED BY AN ENVIRONMENTAL CLERK OF WORKS (ECOW).

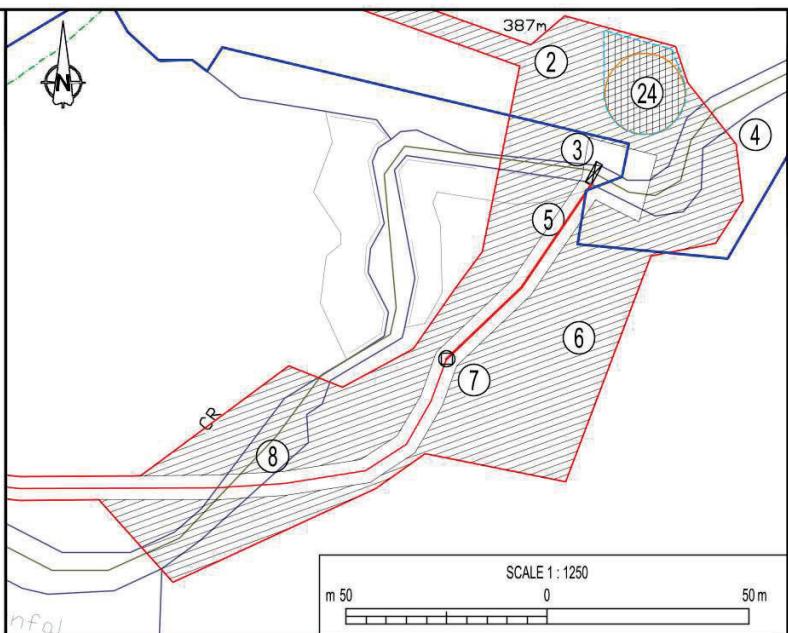
**KEY**

- SITE OWNERSHIP BOUNDARY
- PLANNING BOUNDARY
- TEMPORARY WORKS AREA
- TEMPORARY EXCLUSION ZONE
- Pipeline route
- PRIVATE 11KV UNDERGROUND CABLE
- 11KV OVERHEAD CABLES (EXISTING)
- SPEN NEW 11KV CABLES (UG OR OH TBC)
- FOOTPATH



ADDITIONAL INFORMATION 25/11/2024 RML

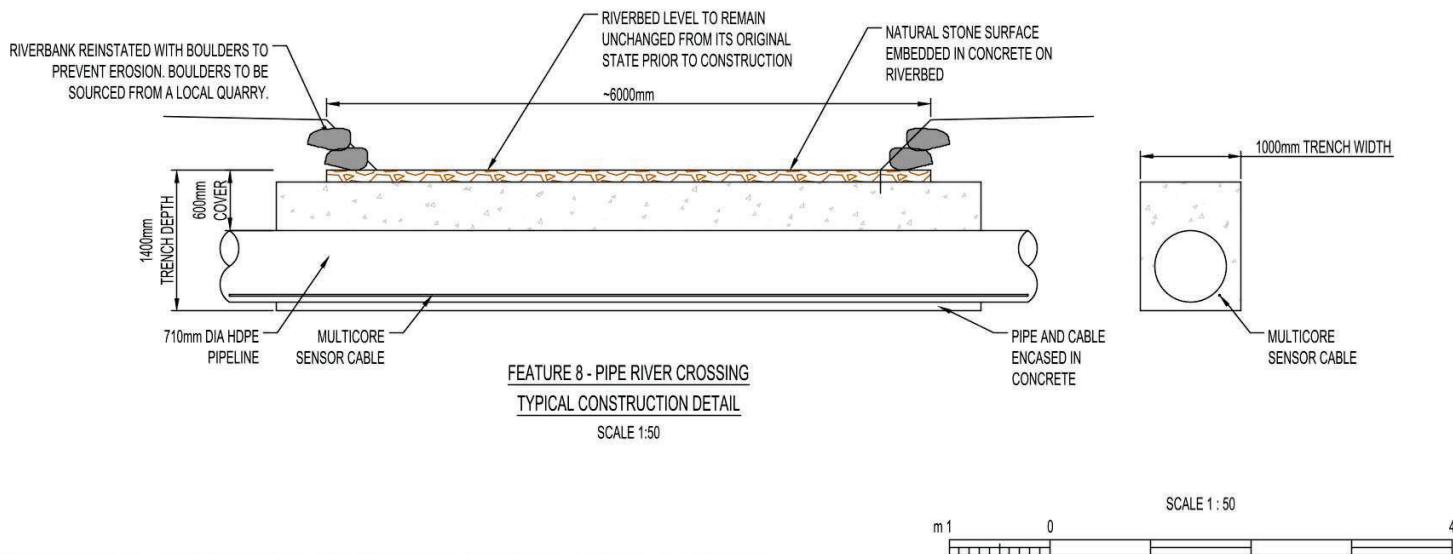
001	25/11/24	AMENDMENTS TO TEXT ADDITIONAL NOTES ADDED	MC	
REV.	DATE	DESCRIPTION	DSGN'D	CHK'D
<b>SCHEME</b>				
<b>CYNFAL HYDRO</b>				
<b>TITLE</b>				
<b>FEATURES 16 &amp; 17 - STREAM CROSSING</b>				
<b>STATUS</b>				
<b>PRELIMINARY</b>				
DRAWN MCC	CHECKED	APPROVED	SCALE / SHEET SIZE AS SHOWN @ A3	
CLIENT REFERENCE		DATE		10/11/2024
DRAWING NO. CYN-6009		REV		1



NOTES

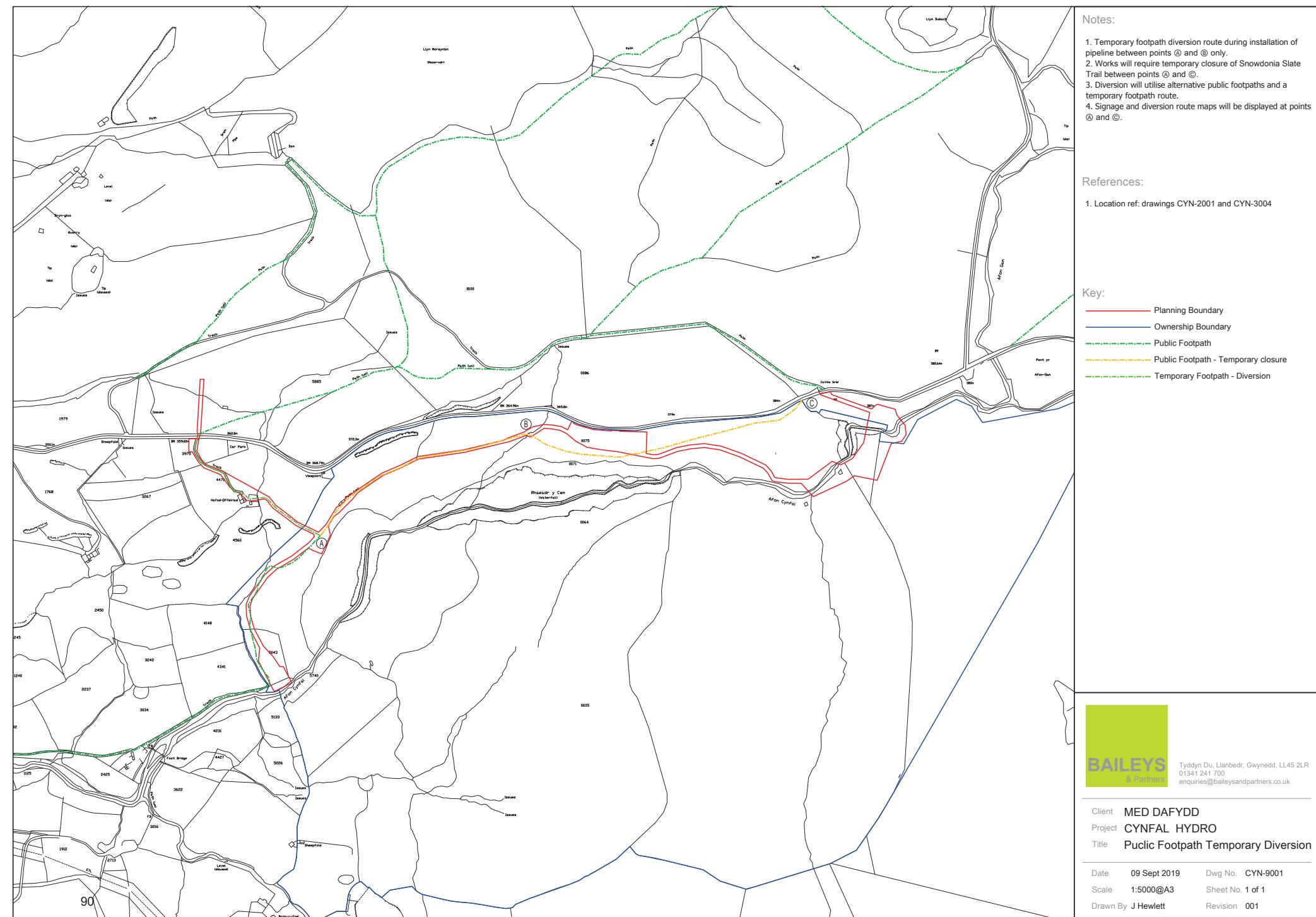
- ALL DIMENSIONS IN MILLIMETRES AND ALL LEVELS IN METRES ABOVE ORDNANCE DATUM UNLESS SHOWN OTHERWISE.
- FOR THE AVOIDANCE OF DOUBT ALL DIMENSIONS ARE APPROXIMATE AND FINAL BUILDING DIMENSIONS MAY VARY MARGINALLY AS CONDITIONS DICTATE AND DEPENDING ON FINAL CONSTRUCTION DESIGN.
- GWYNEDD COUNCIL AS THE LEAD FLOOD AUTHORITY WILL BE CONSULTED PRIOR TO COMMENCEMENT TO OBTAIN CONSENT FOR THE CONSTRUCTION UNDER THE LAND DRAINAGE ACT 1991.
- ALL WORKS TO BE UNDERTAKEN IN ACCORDANCE WITH THE APPROVED CONSTRUCTION METHOD STATEMENT - SPECIFICALLY SECTION 8.11.
- ALL WORKS TO BE UNDERTAKEN IN ACCORDANCE WITH THE APPROVED CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP).
- ANY WORKS IN WATERCOURSE SHALL ONLY BE UNDERTAKEN DURING LOW FLOW CONDITIONS.
- WORKS WITHIN AND ADJACENT TO THE WATERCOURSE WILL BE MONITORED BY AN ENVIRONMENTAL CLERK OF WORKS (ECOW).

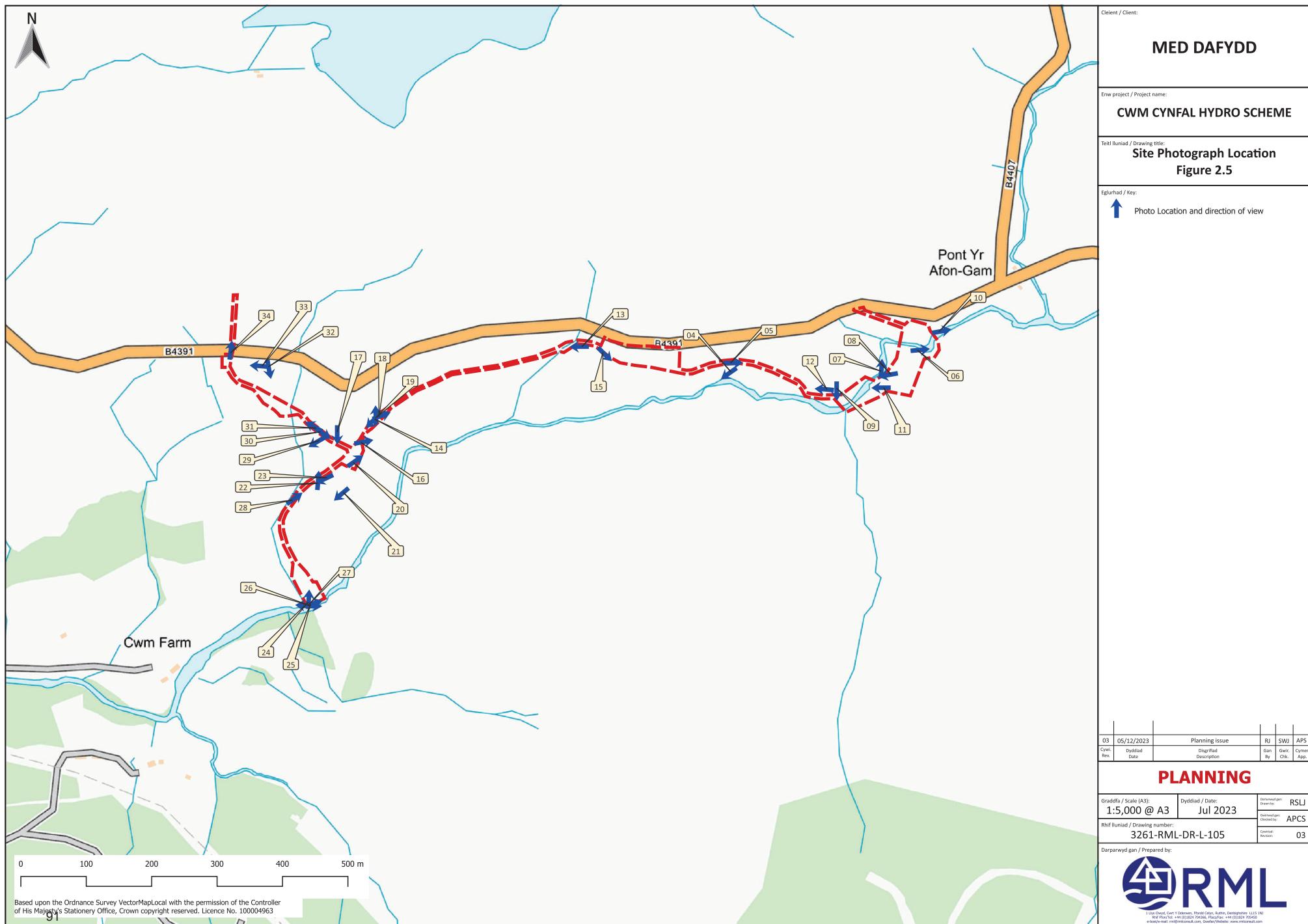
KEY
SITE OWNERSHIP BOUNDARY
PLANNING BOUNDARY
TEMPORARY WORKS AREA
TEMPORARY EXCLUSION ZONE
Pipeline route
PRIVATE 11kV UNDERGROUND CABLE
11kV OVERHEAD CABLES (EXISTING)
SPEN NEW 11kV CABLES (UG or OH TBC)
FOOTPATH



001	25/11/24	AMENDMENTS TO TEXT ADDITIONAL NOTES ADDED	MC	
REV.	DATE	DESCRIPTION	DSGN'D	CHK'D
SCHEME				
CYNFAL HYDRO				
TITLE				
FEATURE 8 - PIPE RIVER CROSSING				
STATUS				
PRELIMINARY				
DESIGNED	CHECKED	APPROVED	SCALE / SHEET SIZE AS SHOWN @ A3	
CLIENT REFERENCE	DATE 10/11/2024			
DRAWING NO.	CYN-6010	REV.	1	

ADDITIONAL INFORMATION 25/11/2024 RML







**Aerial photographs of the site and setting**

1. The Afon Cynfal upstream of the falls with the proposed weir and abstraction Point (C).
2. The middle section of the scheme showing the falls and the existing trackway down the valley lower section of the scheme.
3. The lower section of the scheme showing the lowest of the falls and the location of the turbine house and outfall.



4. View down Cwm Cynfal from above Rhaeadr y Cwm with the wooded slopes of Hafod-fawr to the far left and the coast at Porthmadog in the distance. The route of the pipeline extends along the trackway on the slope to the right.



5. View east along the Afon Cynfal from above Rhaeadr y Cwm, looking towards Pont yr Afon Gam



6. View of the selected abstraction point C



7. The river passes through a narrow gap between steep rock outcrops. This is abstraction point alternative B and would have required a weir of approximately 3.5m height.



8. Panoramic view of the site of the deep rock cutting to the right and the river crossing left of centre. The red dots indicate the location of pegs marking the pipeline route. Alternative river crossings, as a pipe bridge were considered within this view, roughly in the centre of the view and to the right of centre.



9. Location of abstraction Point A, the lowest of the three. The position can be seen in Photograph 11

10. The location of the proposed temporary river crossing just upstream of Abstraction Point C





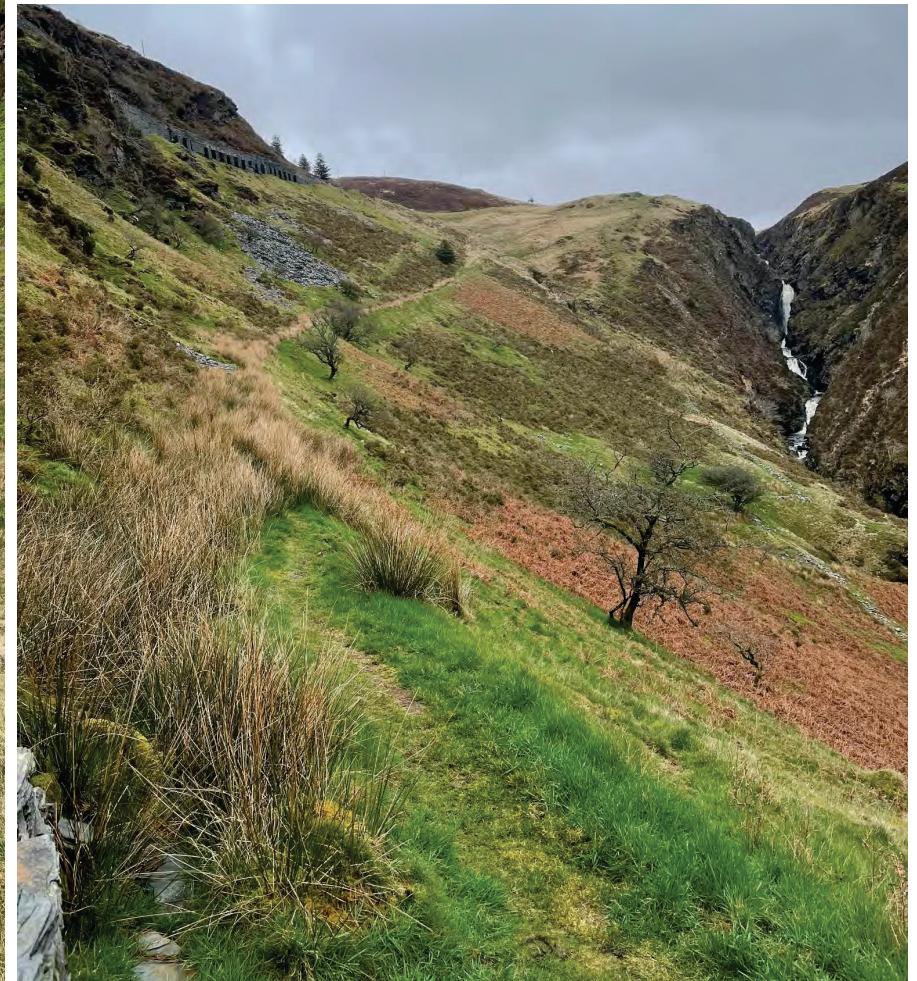
11. View west at the proposed river crossing with the pipeline extending along the north riverbank.  
Abstraction Point 'A' is in the middle distance, to the right of the ruined stone building.



12. View west from where the pipeline follows the riverside before climbing to cross a slightly elevated ridge



13. View west where the pipeline converges with the trackway (Footpath 22). The B4391 and its retaining structure can be seen clearly in the top right of the image. The dark green strip descending right to left across the middle of the image is a small watercourse that the pipeline must cross.



14. view east along the trackway (Footpath 22) through Cwm Cynfal with the waterfall to the right and the B4407 top left.



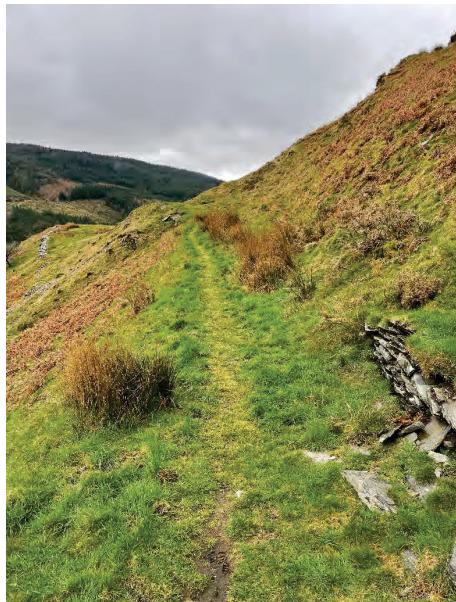
15 View south east where the pipeline crosses the elevated ridge



16 View east towards the waterfalls and the trackway (Footpath 22). In the foreground the pipeline would begin to descend to the turbine house by the river.



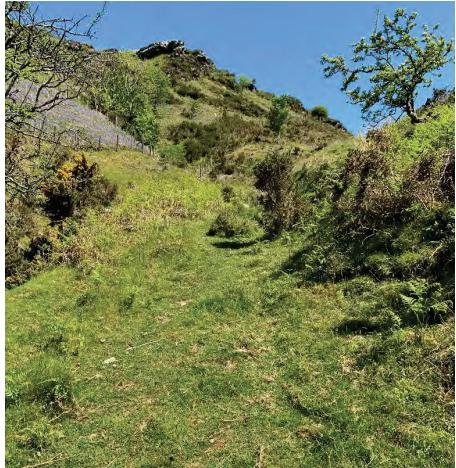
17 View south west into the lower valley with Cwm Farm in the centre of the view



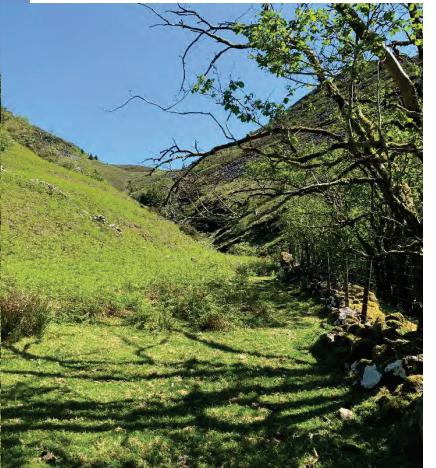
18 Views of the small stone building beside the trackway (left from the west, right from the east)



19. The trackway (Footpath 22) west of the ruined building.



20. Typical white water in the waterfalls (April 2023).



22 & 23. Two views showing the descent, following the trackway (Footpath 22).



26. Gate to track and Footpath 22 from Cwm Farm to the location of the Turbine House, with the riverbed (left).

24. View up the lower portion of the descent  
25. Location of the turbine house beside the river.



27. The Outfall location on the Afon Cynfal.



28. The valley slope and the Hafod-Offeiriad stream (left). The cable connection would climb this route.



29. View from the trackway towards Cwm Farm with the Hafod-Offeiriad stream to the right of the track.



30. The ruins of Hafod-Offeiriad from below. The buried cable would ascend the slope to the right of the trees.



31. The Cable would be buried under a track that passes to the left and up-slope side of the ruins of Hafod-Offeiriad



32 & 33 View west across high land to the south of the B4391. The buried cable would cross the view in the middle distance and cross the road to meet the grid connection which is visible as posts on the skyline.



34. The location of the rock cutting looking south with the water intake and weir to be located in the foreground. The coloured ribbons and the red dots show edges of the 5m wide cutting through the crest of the hill. On completion the cutting would be backfilled and the hill soils and vegetation reinstated.



35. The opening in the ground that may be the result of settlement of backfill within a former mine shaft



Notes:

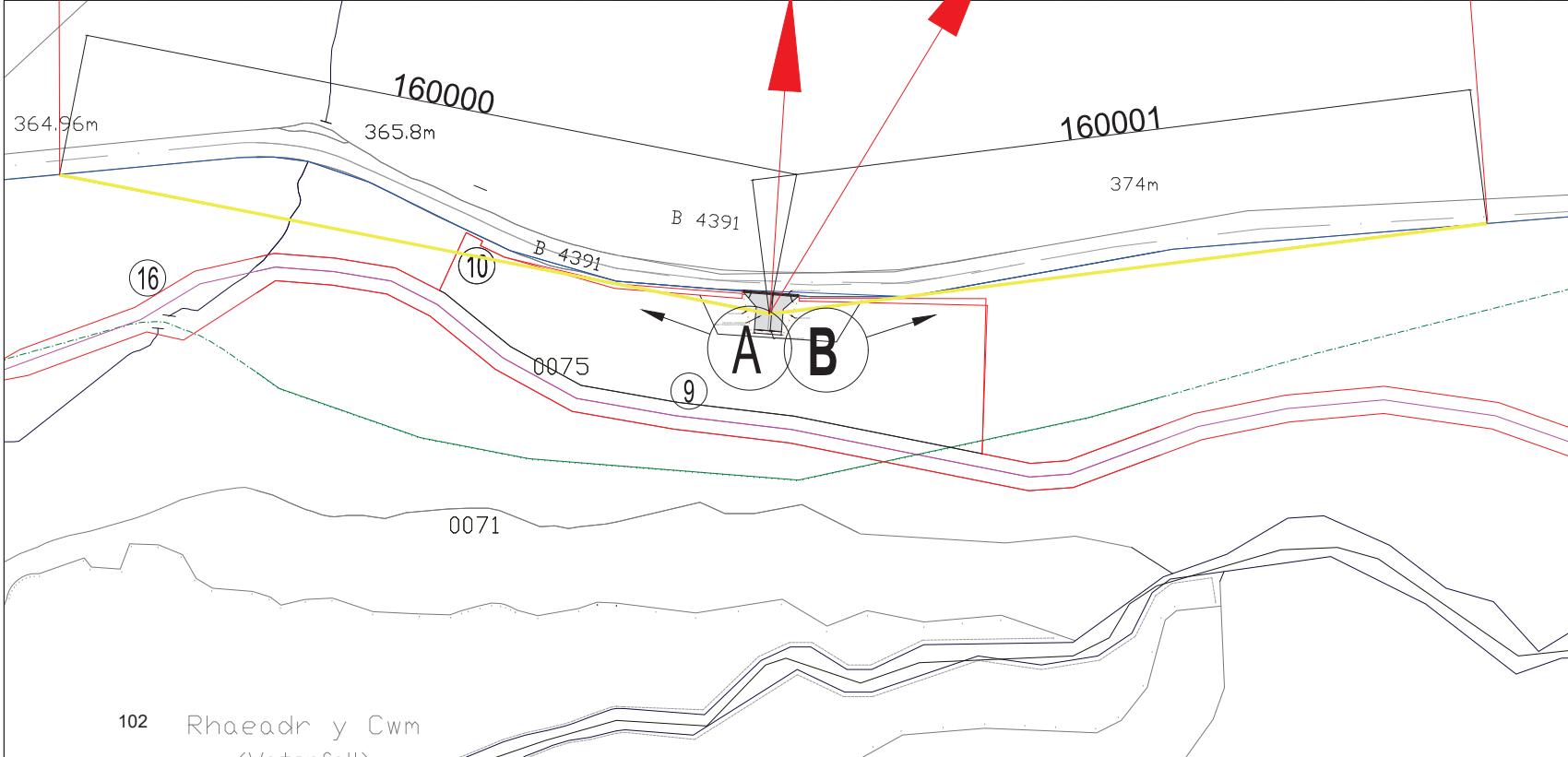
1. Elevations figures (ground levels) correspond to Ordnance Datum.
2. All dimensions in mm unless otherwise stated.
3. Site entrance hard standing in unsealed graded and compacted stone. Gradient <1:20 away from carriageway.
4. Gate to provide 4.8m clear opening.

References:

1. Site entrance NGR SH 74029 41777

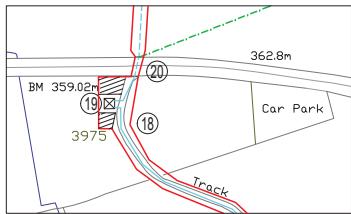
Key:

- Planning Boundary
- Ownership Boundary
- Fence



Client MED DAFYDD  
 Project CYNFAL HYDRO  
 Title Site Entrance - Main Visibility

Date 28/02/2024 Dwg No. CYN-VIS-0001  
 Scale NTS Sheet No. 1 of 1  
 Drawn By D Ellis Revision 001



Location Plan



View from carriageway looking South West  
(Google Street View 2019)

Notes:

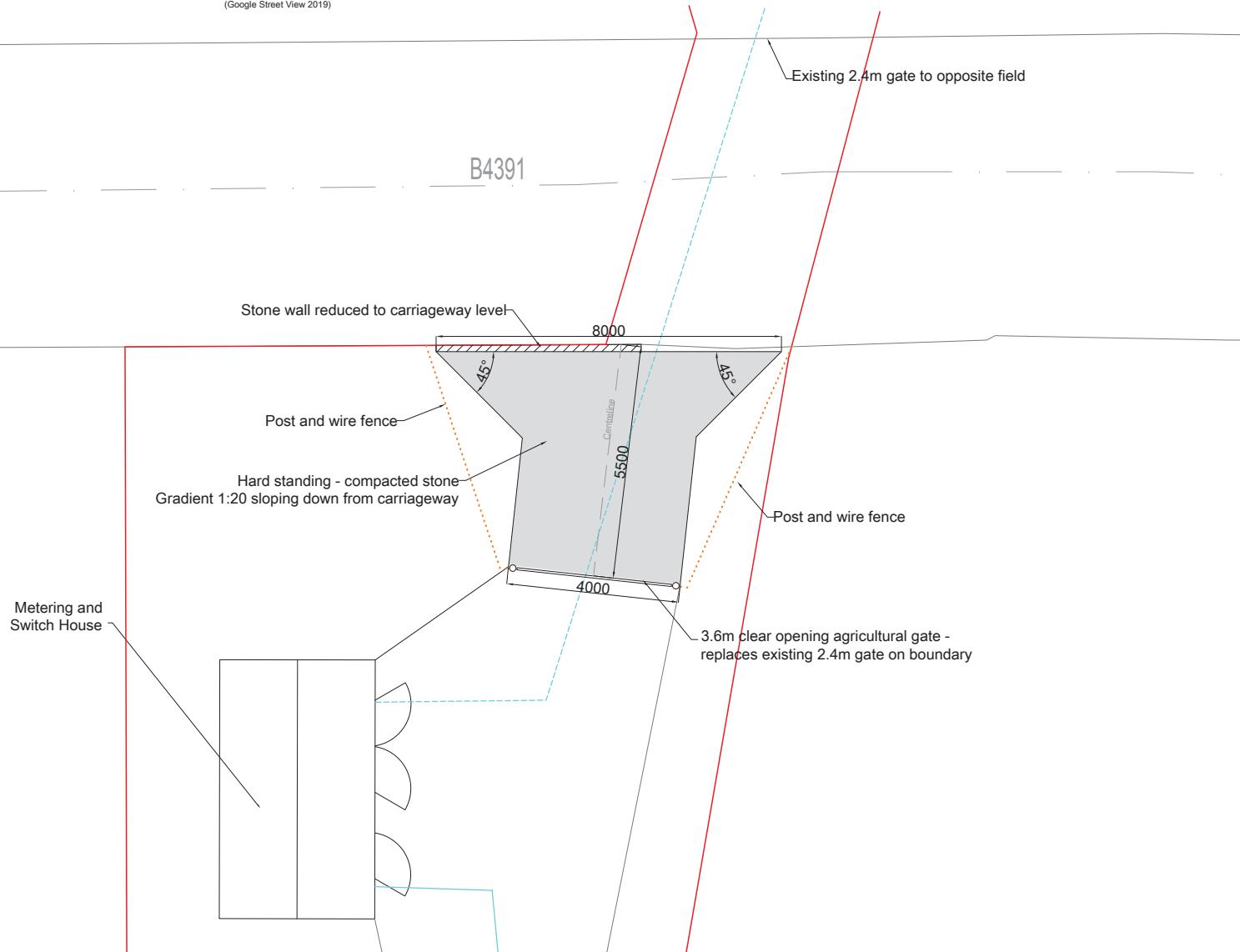
1. Elevations figures (ground levels) correspond to Ordnance Datum.
2. All dimensions in mm unless otherwise stated.
3. Site entrance hard standing in unsealed graded and compacted stone. Gradient <1:20 away from carriageway.
4. Gate to provide 3.6m clear opening.

References:

1. Site entrance NGR SH 73393 41769

Key:

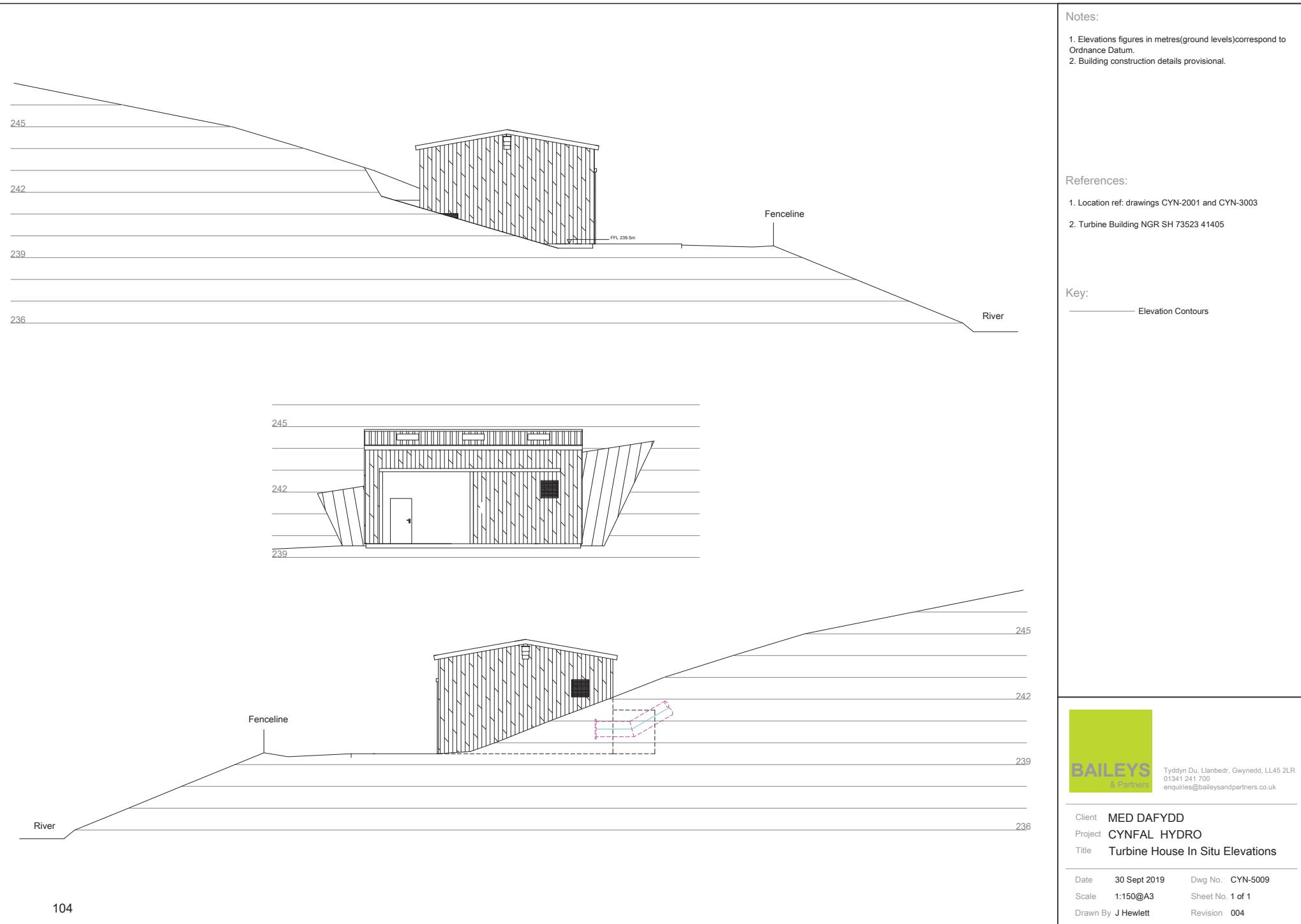
- Planning Boundary
- Ownership Boundary
- Underground cable
- Fence
- Hard standing

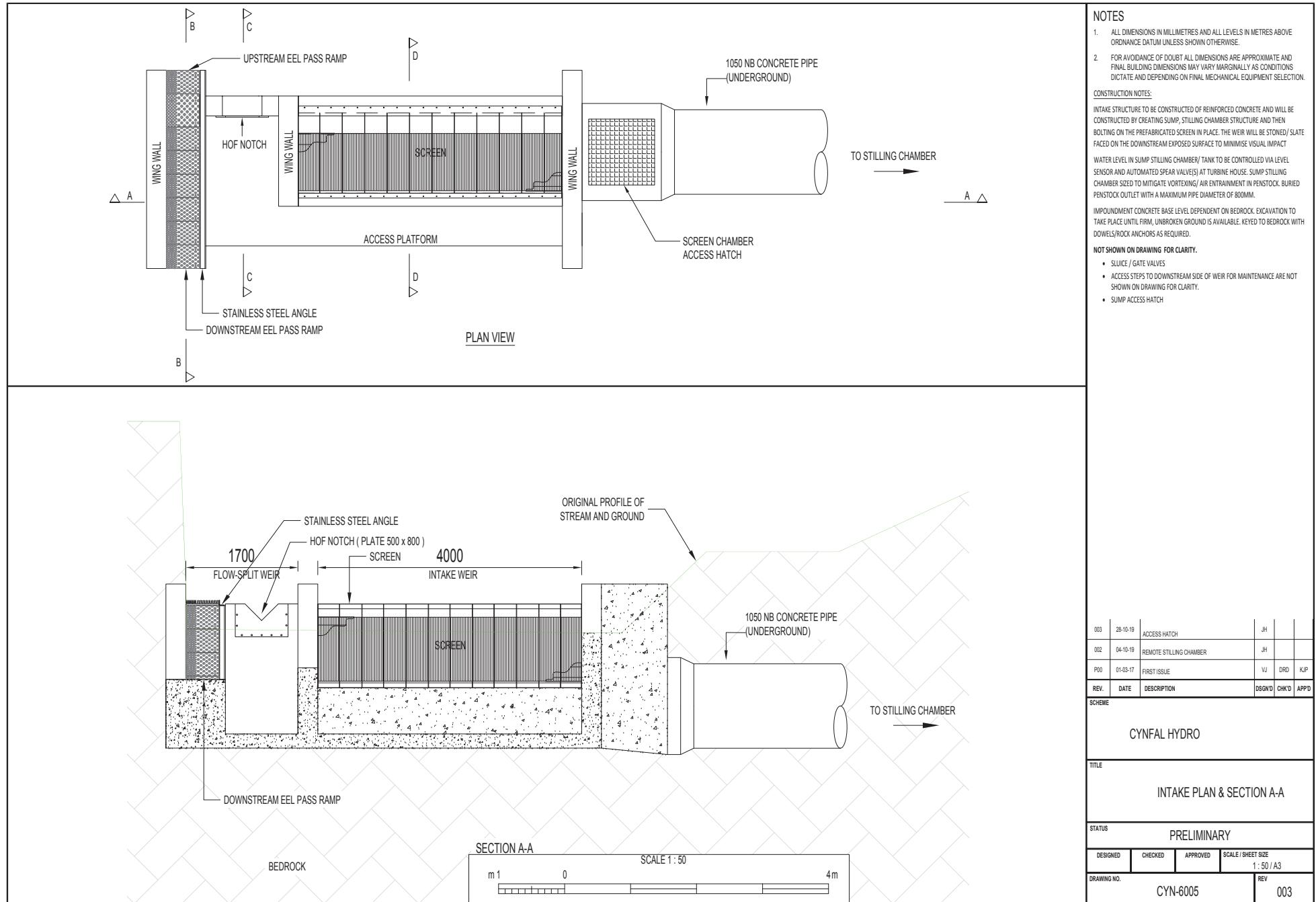


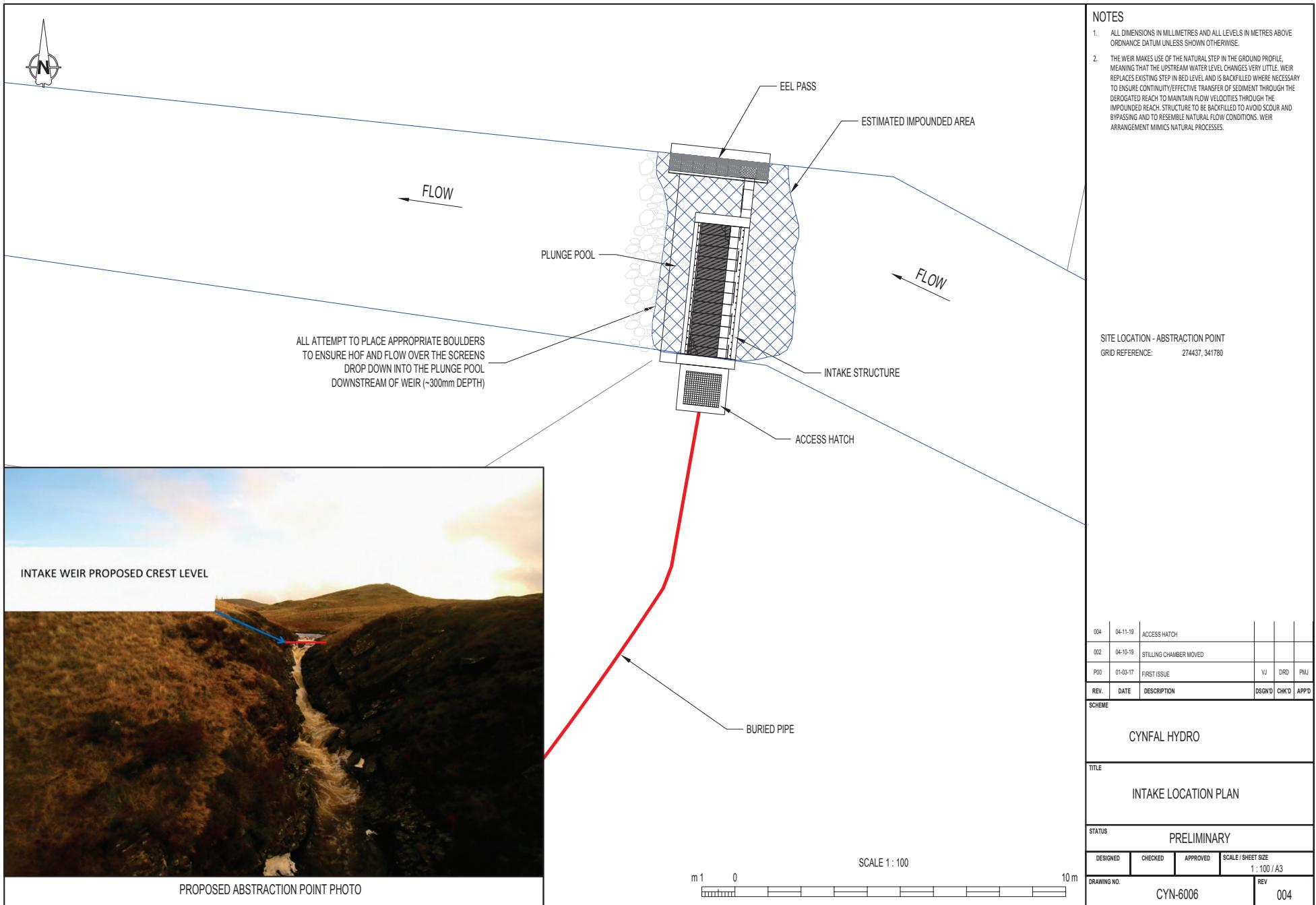
Tyddyn Du, Llanbedr, Gwynedd, LL45 2LR  
01341 241 700  
enquiries@baileysandpartners.co.uk

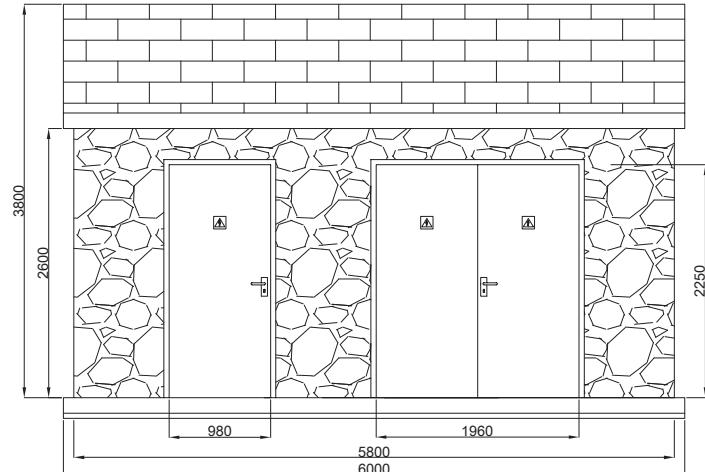
Client MED DAFYDD  
Project CYNFAL HYDRO  
Title Site Entrance - Metering House

Date 10 Sept 2019 Dwg No. CYN-8003  
Scale 1:100@A3 Sheet No. 1 of 1  
Drawn By J Hewlett Revision 001

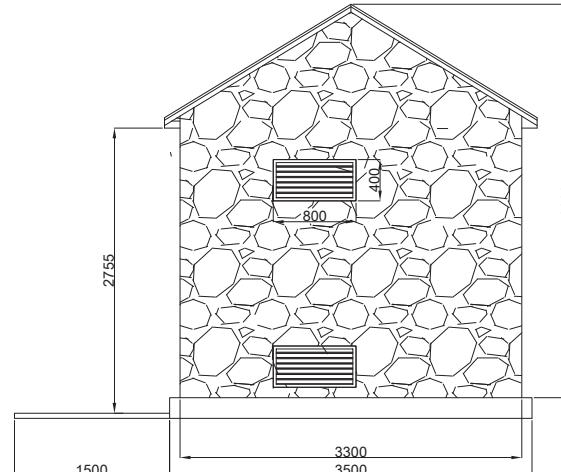




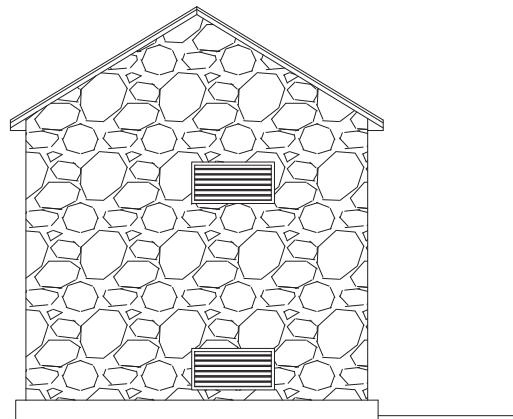




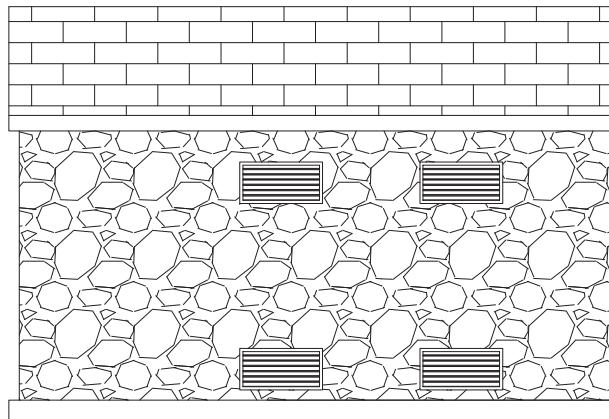
FRONT (EAST) ELEVATION



SIDE (NORTH) ELEVATION



SIDE (SOUTH) ELEVATION



REAR (WEST) ELEVATION

Notes:

1. Elevations figures correspond to Ordnance Datum.
2. All dimensions in mm unless otherwise stated.
3. Building in concrete block construction with local stone external wall cladding. Slate roof.
4. Doors solid timber.
5. Ventilation grills 800x400 min.
6. Layout details and dimensions are provisional and may be subject to variations in line with DNO installation requirements.

References:

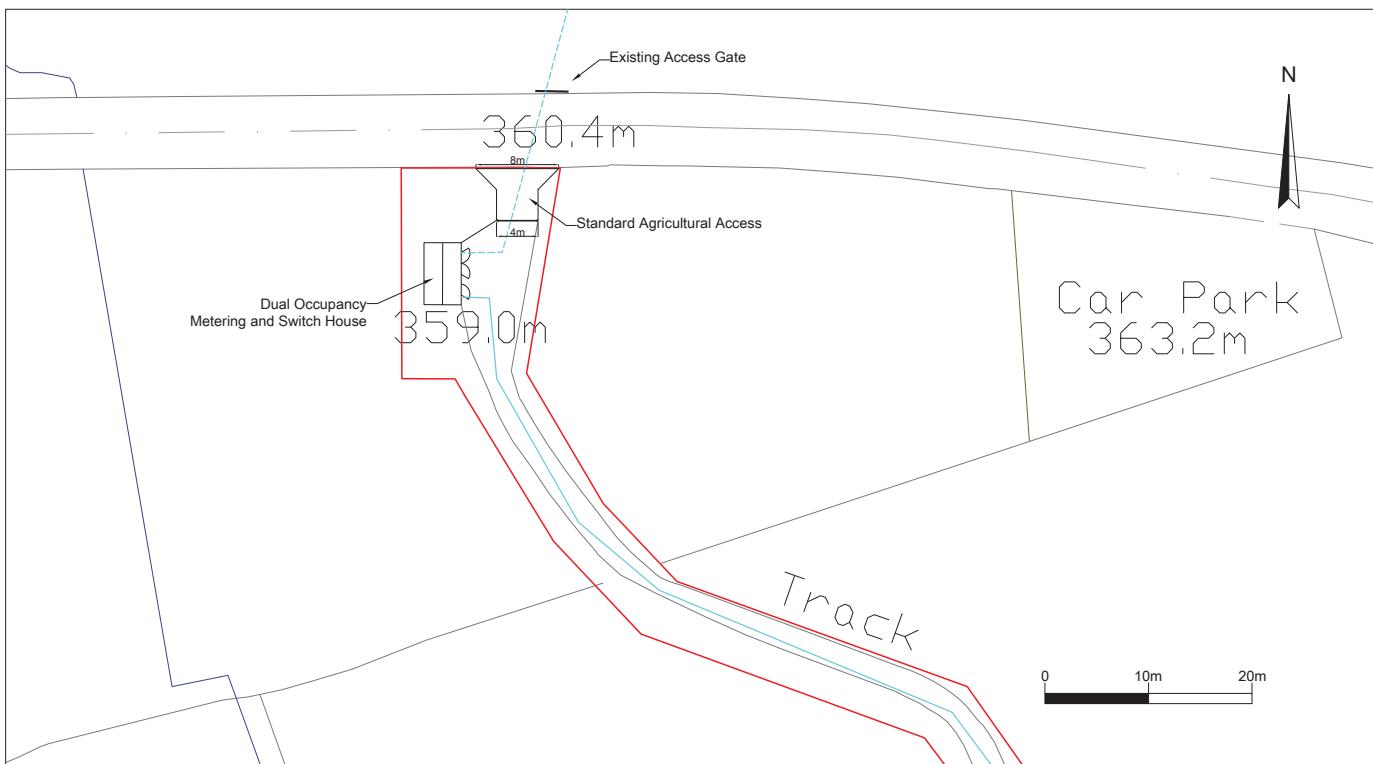
1. Location ref: drawings CYN-2001 and CYN-3004
2. Building NGR SH 73384 41760



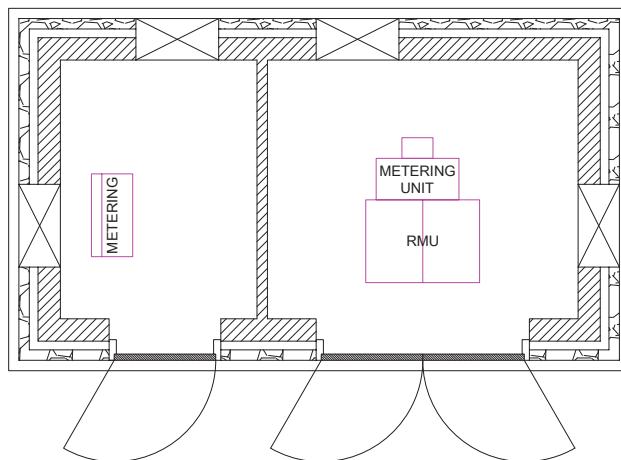
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Client MED DAFYDD  
Project CYNFAL HYDRO  
Title Metering Building

Date 05 Sept 2019 Dwg No. CYN-5003  
Scale 1:50@A3 Sheet No. 1 of 1  
Drawn By J Hewlett Revision 003



LOCATION PLAN - Scale 1:500



INTERNAL LAYOUT PLAN

Notes:

1. Elevations figures (ground levels) correspond to Ordnance Datum.
2. All dimensions in mm unless otherwise stated.
3. Extended hard standing and vehicle turning area in unsealed graded and compacted stone.
4. Layout details and dimensions are provisional and may be subject to variations in line with DNO installation requirements.
5. Access from road utilising existing gateway location (South side of road), upgraded to standard agricultural access. For construction and emergency use only.

References:

1. Location ref: drawings CYN-2001 and CYN-3004
2. Metering Building NGR SH 73384 41760
3. Standard Agricultural Access NGR SH 73394 41771

Key:

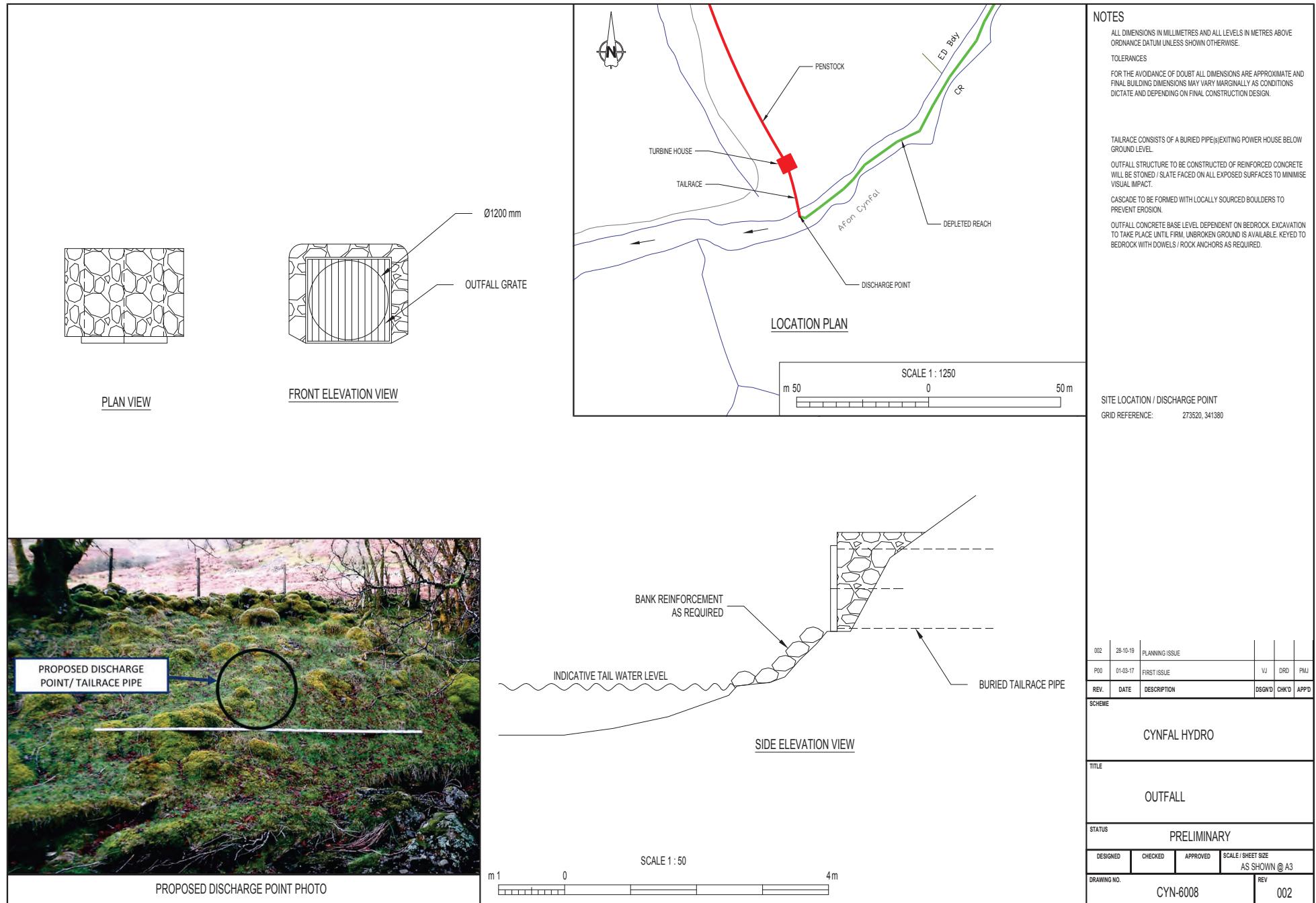
- Planning Boundary
- Private 11kV Underground Cable
- SPEN New 11kV Cables (DETAILS TBC)

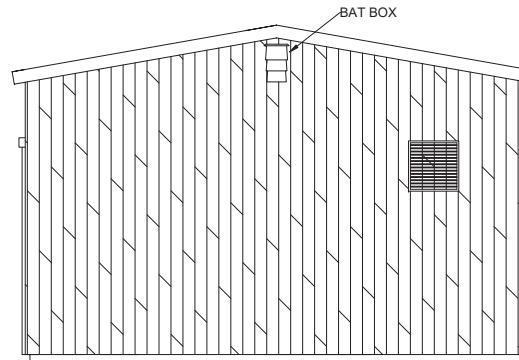
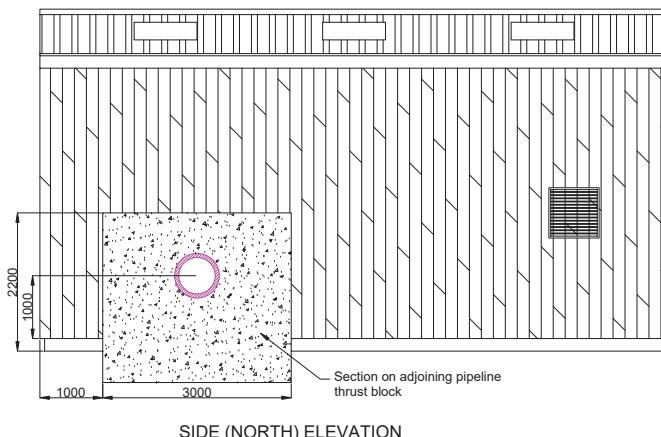
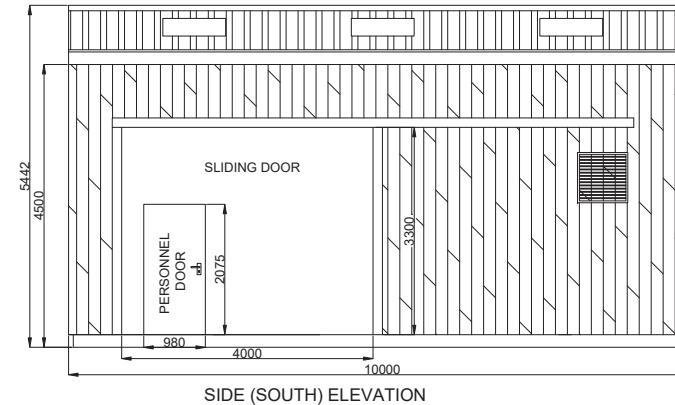
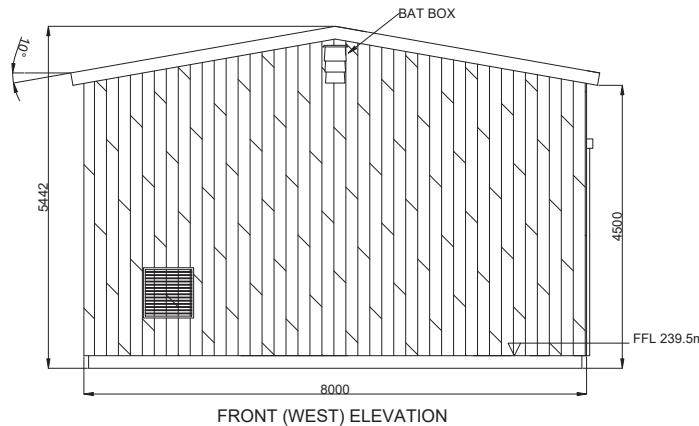


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Client MED DAFYDD  
Project CYNFAL HYDRO  
Title Metering Building Plans

Date 09 Sept 2019 Dwg No. CYN-5002  
Scale 1:50@A3 Sheet No. 1 of 1  
Drawn By J Hewlett Revision 004





Notes:

1. Elevations figures (ground levels) correspond to Ordnance Datum.
2. All dimensions in mm unless otherwise stated.
3. Turbine house building of steel frame construction with concrete block walls, externally clad in larch, box profile roof finished in a colour to be agreed by NRW and SNPA, and incorporating roof lights.
4. Sliding panel door with integral personnel door, powder coated steel with internal sound proofing.
5. All dimensions are provisional and may be subject to variations based on equipment manufacturer/supplier installation requirements.

References:

1. Location ref: drawings CYN-2001 and CYN-3003
2. Building NGR SH 73523 41405

Key:

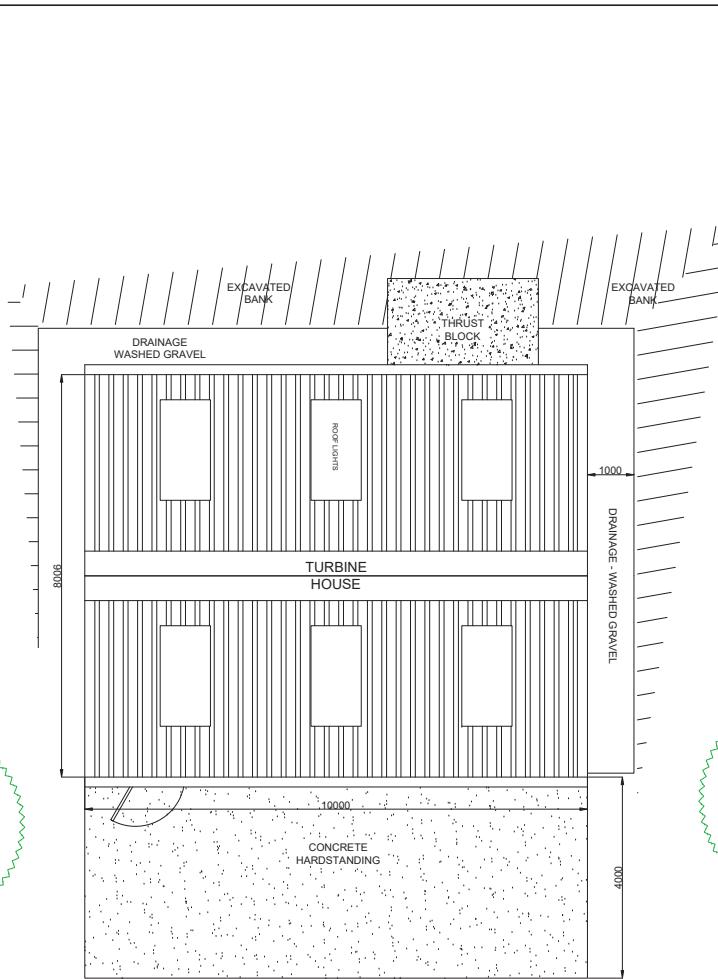
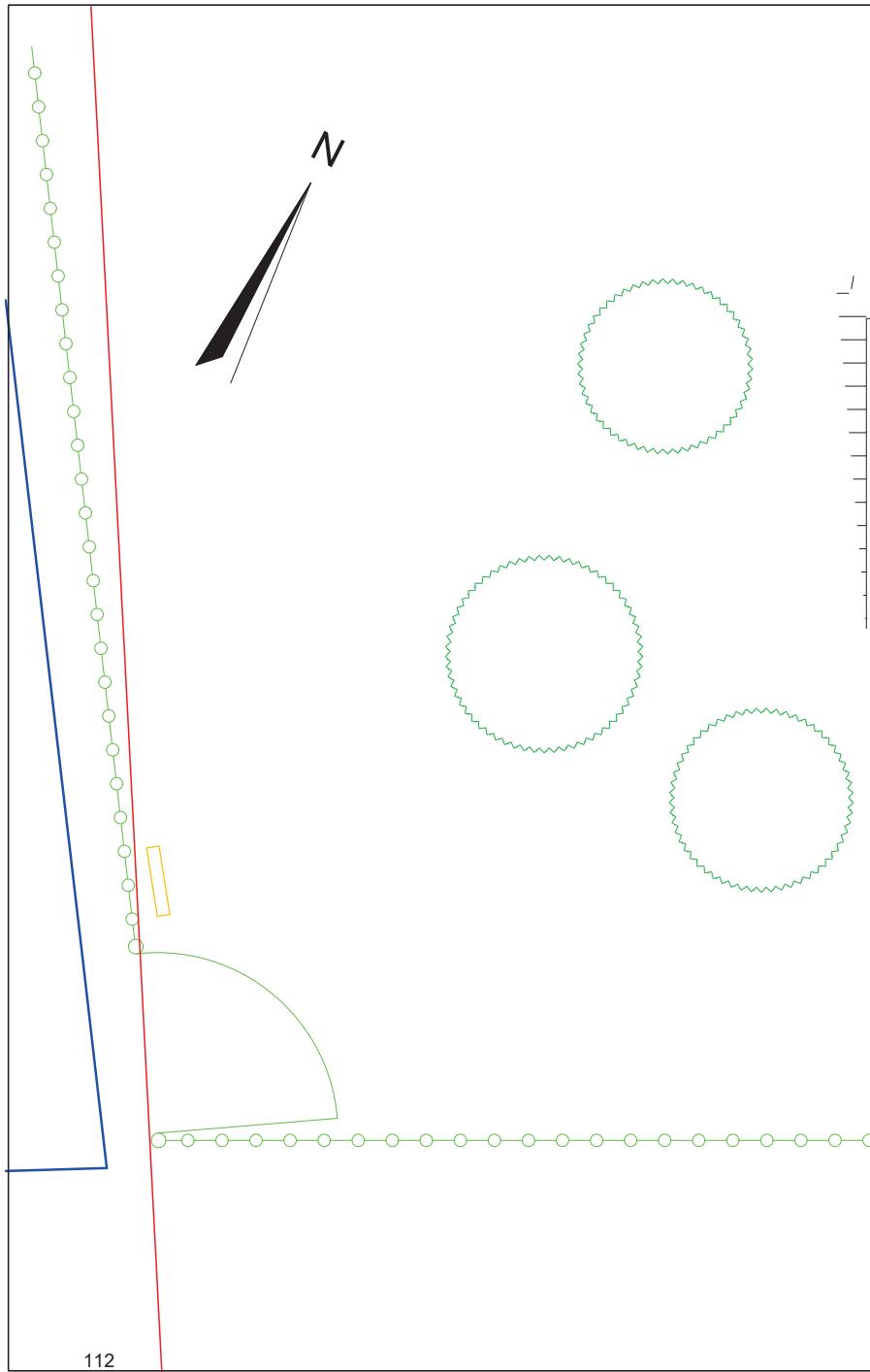


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Client MED DAFYDD  
Project CYNFAL HYDRO  
Title Turbine House - Building Elevations

Date 15 Mar 2024 Dwg No. CYN-5007  
Scale 1:100@A3 Sheet No. 1 of 1  
Drawn By J Hewlett Revision 006





#### Notes:

1. Elevations figures (ground levels) in metres correspond to Ordnance Datum.
2. All dimensions in mm unless otherwise stated.
3. Turbine house building of steel frame construction with concrete block walls, externally clad in larch, and box profile roof finished in a colour to be agreed by NRW and SNPA, and incorporating roof lights.
4. Substation located within turbine house building in dedicated room.

#### References:

1. Location ref: drawings CYN-2001 and CYN-3003
2. Building NGR SH 73523 41405

#### Key:

- Planning Boundary
- Ownership Boundary
- Fenceline (Existing)
- Screening trees
- Interpretation Panel



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Client MED DAFYDD  
Project CYNFAL HYDRO  
Title Turbine House - Site Layout

Date 15 Mar 2024 Dwg No. CYN-5005  
Scale 1:100@A3 Sheet No. 1 of 1  
Drawn By J Hewlett Revision 006

P L A N N I N G | L A N D S C A P E | E N V I R O N M E N T

## **CWM CYNFAL HYDRO SCHEME**



# **Environmental Statement NON-TECHNICAL SUMMARY**

for

**MED DAFYDD**

June 2024

3261

# CWM CYNFAL HYDRO SCHEME

## Environmental Statement

### NON-TECHNICAL SUMMARY

This is a Non-Technical Summary (NTS) for the proposed Cwm Cynfal hydrogeneration scheme. An Environmental Statement (ES) has been prepared to report on an Environmental Impact Assessment, in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, because the proposed Cwm Cynfal hydro scheme is located in a sensitive environment and would have sufficient generating capacity to require one.

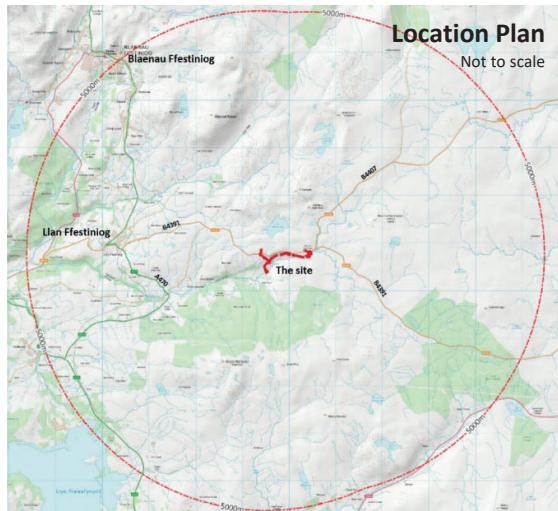
Copies of the full ES and this NTS are available as a free digital download on the planning authorities portal. A paper copy will be available to view at the library in Blaenau Ffestiniog.

Reference to the relevant chapters of the ES are provided in this NTS to allow the reader to find greater detail about the scheme. The ES contains a description the site and the proposals, the likely significant effects on the environment, any measures proposed to avoid, prevent, reduce or offset these effects, and descriptions of alternatives that have been considered. ES Chapters 1, 3 and 5 has more detail on the requirement for, and the process of EIA.

#### The hydrogeneration scheme

The Afon Cynfal flows through the steeply descending Cwm Cynfal Gorge approximately 3.8km east of Llan Ffestiniog. More detail on the location and setting is set out in the ES Figures 2.1 to 2.6.

The proposed hydroelectric scheme would generate up to 600kW of renewable electricity with a projected output of 2 million KWh per year, for export to the National Grid using water from the Afon Cynfal. The scheme would supply up to 700 homes with electricity and save up to 1,962 tonnes of CO2 emissions each year. The scheme is in line with Welsh Governments target of generating 70% of energy consumption from renewable energy sources by 2030. The applicants are a local family seeking to diversify and improve the viability of their



farm enterprise. An Energy Local Club is proposed for the scheme to enable clean energy generated by the scheme to supply the local community at a reduced rate. Strong local support for the energy club was evident during a drop in event for the proposed scheme held at Llan Ffestiniog. Refer to ES Chapters 2 for a description of the scheme and Chapter 4 for the Policy context.

The hydroelectric proposal requires water to be abstracted at the top of the gorge and carried in a buried pipe to a turbine at the bottom, where the water would be returned to the river. A cable would carry the electricity up the side of the valley to join the national grid network close beside the B4391.

A non-consuming abstraction licence for the hydro scheme has already been granted by NRW following consultation with SNPA to abstract water from the river Cynfal to generate electricity. Abstraction would only occur when there is sufficient water remaining in the river to maintain what NRW regard as an adequate flow, known as the Hands off Flow (HoF). When there is more than the HoF in the river, no more than 70% of the extra flow (over and above HoF) could be abstracted. The maximum volume that could be taken from the river would be 528litres per second. These requirements are described in more detail in the ES Section 2.3, and in the Flow Assessment in Appendix 13.

The Flow Assessment demonstrates how sufficient water would remain in the river to maintain the white-water cascades. On the 1st of April 2016 SNPA issued a letter of approval stating that it considered that under this regime of controlled abstraction, the impact of the depleted flow in the river would not adversely affect the visual impact of the falls to the detriment of the visitor experience.

The site is on remote upland grazing land, and partly within commonland, designated for Open Access, within Snowdonia National Park. A Public Right of Way (PRoW), part of the long-distance Snowdonia Slate Trail, traverses the steep south-facing slope of Cwm Cynfal on a trackway. The locality is a valued amenity viewing point and car park from which visitors can view the Rhaeadr y Cwm.

### **Statutory designations**

The site lies within Snowdonia National Park, within an Area of Natural Beauty and a Dark Skies Core Area, and at least part of it is either located within or close to other designations, including the Migneint-Arenig-Dduallt Special Area of Conservation (SAC), Special Protection Area (SPA), and Site of Special Scientific Interest (SSSI). More detail on designated sites is provided in the ES Chapters 9, 10 and 11. The views of statutory consultees regarding the effects on designated sites are set out in Chapter 6.

### **Environmental Impact Assessment (EIA)**

The EIA Regulations require a systematic assessment to consider environmental receptors effects of the scheme. The scope of the EIA has been agreed with the planning authority and in preparation of this ES the regulations and relevant EIA guidance has been followed. Each environmental topic has been considered by a suitably qualified and experienced specialist using an approved method for gathering environmental data through fieldwork or from published databases, and for assessing the adverse and beneficial effects of the proposed scheme on receptors. Chapter 5 describes the methods and processes required to prepare an EIA and ES.

### **Previous applications for the project and the Pre-Application Consultation**

The proposals have been developed to address concerns raised by the statutory consultees about a previous planning application for the site. The results of consultation at key stages during the development of the hydrogeneration scheme have involved Cadw, Natural Resources Wales (NRW), Gwynedd Council, Snowdonia National Park Authority (SPNA) and non-statutory consultees, interest groups and the public, through correspondence and meetings. A response to an EIA Scoping Opinion was received from the planning authority in 2020. A Pre-App Enquiry response was received by the planning authority in 2023.

In late 2023 a draft set of application documents was published under the Pre-Application Consultation (PAC) process. Comments were received from consultees, and these have been addressed in the latest draft ES. Detail of the consultations are included in the ES Chapter 6 and in the separate Pre-Application Consultation Report.

### **Alternatives Considered**

A hydro-electric power scheme can only be located where there is a sufficient supply of flowing water and an adequate fall in elevation to drive a turbine. These natural attributes occur at Cwm Cynfal. Designing a successful hydro scheme also requires careful consideration of alternatives to maximise the electricity generating potential in the most economical manner, whilst avoiding or minimising adverse effects on the environment. The alternatives that have been considered and the reasons given for them being chosen or rejected are described in the ES Chapter 3. The finely tuned design uses the full potential of the site, by maximising the fall of 140 metres of descent and minimising the length of pipe to 1,220 metres between the intake and turbine.

## **Construction**

Construction access to this linear scheme is restricted due to the steep terrain. Work to build structures and install pipes is expected to take between 8 and 10 months, with activity moving progressively from one end to the other. For reasons of public safety, Footpath no. 22 (Snowdonia/Eryri Slate Trail), will be diverted during construction.

The abstraction weir would be constructed from concrete at the top of the gorge and a buried pipeline would carry water down the north side of the valley to a turbine house and then return it to the river at the bottom of the gorge. The buried electricity cable would carry power from the turbine to a small metering house beside the B4391. From there the cable would join the national grid connection.

To build the intake and weir a temporary coffer dam would be required upstream of the water to divert river water into a temporary pipe around the works. This would allow excavation and construction to be completed in a dry riverbed. The trench for the buried pipeline would be excavated through soil with some lengths cut through rock. Several methods of excavating the rock are being considered and the correct methods would be selected as the rock is revealed to avoid unnecessary noise and vibration.

On completion of each part of the scheme any temporary works would be removed, excavations backfilled, and the original topsoil and turves replaced so that the landscape would be restored. Excavation for the pipeline down the valley would be completed in short lengths so that they could be excavated and restored, wherever possible in the same day. A Construction Environmental Management Plan (CEMP) has been prepared setting out measures to control silt run-off. These measures will be implemented during construction to avoid silt contamination.

Construction matters are addressed in Chapter 2 Section 2.4 and Chapter 3. A Construction Method Statement (CMS) and draft Construction Environmental Management Plan (CEMP) are provided in ES Appendix 16A and 16B.

## **Geology and Soils**

There is concern that construction of the scheme could disturb a mine adit 19m below the pipeline, could damage to the B4391 road above it, and would allow water to pass through historic mine remains and leach copper mine related contaminants from mine spoil. A geotechnical engineer has inspected the site, including the mining features, and his conclusions were that the mine adit has been cut through strong igneous rocks and is stable with no evidence of failure. Backfill soil in a surface depression, which is a suspected mine shaft of less than 1m diameter, has settled. If found to be a

shaft, the feature would be capped at rockhead to allow the pipeline to pass over it. This measure would enhance the safety of walkers using the adjacent footpath, protect the mine heritage and protect a bat roost in the adit, 19 metres below the trackway and possibly connected with the suspect shaft. Details of the bats are provided in ES Chapter 9. Chapter 7 includes details of Geology and Soils and refers to Appendix 4 the Geotechnical Report.

The inspection of the road and retaining structure did not reveal any evidence of instability. The assessment states that the pipeline trench is located a significant distance away from the road and the excavation of the pipeline trench would not affect the stability of the retaining structure or road.

The construction of the pipeline would not increase the risk of mobilising mine related contaminants in existing surface spoil heaps or in the mine and bedrock, because these are already exposed to rainfall. However, capping the mine shaft would reduce water penetrating down to the mine workings through fissures in the rock

### Water Environment

The proposed scheme straddles the transition between the approximately 9.5km<sup>2</sup> of upland catchment of the Afon Cynfal, and the lowland valley making a steep descent in dramatic white-water cascades through a deeply incised gorge.

NRW have concerns about flood risk from the Afon Cynfal and so a Flood Consequences Assessment (FCA) has been completed and is referenced in Chapter 8 Water Environment and included in Appendix 5. The FCA concluded that the site falls partly within the Flood Zone C2, however all key land-based and above ground infrastructure such as the Turbine House and temporary compound areas are located outside of the 0.1% AEP

flood extent. The Turbine House is situated approximately 1.2m above the flood extent and so further mitigation is not considered necessary. Hydraulic modelling of the river channel has demonstrated that the design of the weir will not increase flood risk on properties upstream. The Hydraulic Modelling Technical Note is referenced in Chapter 8 and included in Appendix 17.



The sequence of waterfalls in Cwm Cynfal

NRW also identified a risk of leachate from disturbed mine spoil, and construction phase silt, causing pollution in the Afon Cynfal. The geotechnical study shows that most precipitation reaches the river as surface water because the surface of the local igneous bedrock is not permeable, but surface water can already flow through exposed mine spoil. The other route for water is through the existing voids and fissures created by the mine adits and shafts. Excavation of the pipeline trench could temporarily open new entry points for rainfall to the mine, but these would not be significant compared to existing water inflows into the shaft, or from existing fissures or surface run-off. The proposed capping of the mine shaft would reduce the capacity for water to enter the mine workings. Therefore, the proposed scheme would not increase the amount of existing leachate reaching the river, but capping the mine shaft should reduce water penetrating the mine. This matter is addressed in Appendix 4.

Construction works would require excavation, exposing areas of soil. Measures would be put in place to avoid the soil from being washed into the river. Similarly, the pouring of concrete would be contained to prevent cement washout flowing into the river during construction of the intake weir. The Construction Method Statement (CMS) and Construction Environmental Management Plan (CEMP), available in the ES Appendix 16A and 16B, set out the mitigation measures that would be implemented to minimise the duration of exposure of bare soil, and to prevent soil and cement washout. These measures would include a temporary coffer dam constructed across the river, with river water pumped around the works to ensure silt and cement wash will be contained. Any water that meets wet (unhardened) concrete will be treated as contaminated and removed so that it cannot flow into the river. Cut off drains and silt barriers will be applied to the construction area to contain surface water and separate suspended silt. Excavations will be kept open for the minimum duration and the original stripped turf will be placed over the backfill to protect the loose surface. With these measures the risk of silt pollution would be substantially reduced and is unlikely to result in significant adverse effects on the river.

### **Ecology and Nature Conservation**

The site, lying between the B4391 and the Afon Cynfal, consists of several upland habitats and the scheme is adjacent or within the Migneint-Arenig-Dduallt Special Area of Conservation SAC/SPA/SSSI. The proposed river crossings, temporary access, compound sites, coffer dam and stilling chamber, will be within the boundary of these designated sites. Habitats which are a feature of interest that occur within the boundary of the SAC will not be directly affected. With implementation of proposed mitigation, the scheme will not adversely affect the conservation objectives or the features of interest

of the designated sites (SAC/SPA/SSSI) nor delay or interrupt progress towards achieving these in the long term.

Territories of Peregrine, Hen Harrier or Merlin were not identified within the site or within 500m buffer zone and no effects on the conservation objectives of the qualifying bird species of the SPA are expected. The scheme does not directly affect the habitats upon which these species rely, and as alternative habitat is widespread, no adverse effects upon the conservation objectives for these species are envisaged.



Adverse effects on protected otters and bats because of the construction or operation of the scheme are not predicted to occur. Access for wildlife along the Afon Cynfal would be maintained, and no bat roosts would be destroyed. Pre-construction checks would be undertaken as well as pollution control measures to ensure that the otter and bat population would be maintained at a Favourable Conservation Status. Where the mitigation described in Chapter 12 is adhered to, no significant residual effects upon those identified valuable ecological receptors is envisaged. Refer to Chapter 9 Ecology and Nature Conservation and Appendices 6 to 11.

### **Landscape and Visual Impact**

The National Park landscape is highly valued and is susceptible to change. The findings of a Landscape and Visual Appraisal (LVIA) for the scheme, prepared by a qualified specialist, was submitted as part of a previous planning application and has already been accepted by NRW and SNPA. Following a review to ensure it is still accurate, it has been resubmitted. The LVIA indicated that the landscape in the setting of the scheme is also highly sensitive. Visitors who use the viewpoint and the Slate Trail are highly sensitive visual receptors. Motorists travelling on the B4391 and using the car park are slightly less sensitive.

The LVIA shows that disturbance to the existing grassland/heathland vegetation during construction would be a minor change with a temporary, short term, adverse effect on the landscape limited to a very localised area, but no trees or features of value would be lost. The LVIA also concluded that the 8 to 10 months of construction, there would cause some temporary, short-term, major-moderate adverse effects on views from the viewpoint and from areas accessible to walkers that overlook the scheme. Refer to Chapter 10 and Appendix 12 and 13.

Proposed landscape mitigation would include a temporary site fence around the construction area and vehicular access points to protect trees and other vegetation. The design of structures, such as the weir, would include concrete dyed with naturalistic colours to adjust to the tone and colour of bedrock. The advice of a stonemason would be sought to integrate stonework into the landscape. Restoration would be completed progressively as the scheme is constructed. The rock excavation through the raised landform would be restored to as natural a state as possible re-using existing soils and turf. New tree planting would be completed in the first planting season following completion.



View west down Cwm Cynfal from above Rhaeadr y Cwm with the wooded slopes of Hafod-fawr to the left and the coast at Porthmadog in the distance.

The long-term effects of change to the landscape would be negligible. The vegetation disturbed during the construction phase would be reinstated in the short term, with the proposed additional tree planting would be a beneficial effect. The proposed visible, permanent structures are sensitively placed in the landscape and are designed in scale and appearance to be in keeping with the surrounding landscape. Visual effects of the completed scheme would only be experienced in their immediate vicinity. The LVIA concludes that once vegetation along the route of the pipeline and cables is reinstated there would be a minor to negligible adverse effect on views from the immediate vicinity.

The sequence of cascades through Cwm Cynfal are a culturally important natural picturesque feature of the landscape. Because the falls are a popular and valued feature of the national park, a Flow Assessment, included in Appendix 13 of the ES, has been prepared to demonstrate that abstracting water for the hydro scheme would not adversely affect the waterfall's natural variability in flow and would allow the waterfall to be experienced as a notable natural feature of the view. This was an important factor for NRW and SNPA and was a consideration in the approval of the abstraction licence.

### **Cultural Heritage**

Cwm Cynfal is a location of considerable historic interest. There are 24 known nationally and regionally important archaeological features located within 50m of the site. These include a grade II listed milestone on the B4391 as well as undesignated heritage assets, namely, historic field boundaries, ruined structures, trackways, former metal mining adits, shafts, and spoil. An archaeological assessment showed that the scheme would impact on 8 features. Recent alterations to the extent of

working areas have avoided a direct physical impact on the listed Aber Migneint Milestone. The route of the proposed pipeline has been altered to avoid breaching the regionally important Pont yr Afon Gam / Rhaeadr y Cwm Prehistoric Hut Circle. Recommendations have subsequently been adopted for the pipe to be routed to the south to avoid this feature. Buried prehistoric remains could lie adjacent to the Prehistoric Hut Circle and so carefully managed construction activity would be required in this area. Refer to Chapter 11 Cultural Heritage and Appendix 14 for the Archaeological Assessment and Appendix 15 for the Heritage Impact Assessment.

Three sections of post-medieval field wall would also be breached, and it has been agreed that these structures would be reinstated on completion of the works. A watching brief is required for approximately 370m of the pipeline route, during the breach of a suspected medieval trackway and a possible prehistoric or medieval hollow-way and for the cable route north of the B4391 due to the potential for buried medieval remains of the suspected medieval Sofl y Mynydd field bank III.

Mitigation and protection measures would be included in construction. These would include demarcation of archaeological features by an archaeologist so that damage can be avoided when works commence. The pipeline follows the Cwm Cynfal trackway close to which are located Cwm Cynfal Mine and a possible quarry scoop and surface shaft extending from the subterranean workings. The copper mine has now been investigated and works to protect it are proposed.

## **Conclusion**

Because the scheme is in a highly valued and sensitive setting care has been taken to ensure that the scheme integrates with the setting with minimal adverse effects on water quality, nature conservation, designated sites, visual qualities of the landscape and the waterfalls, archaeology sites and heritage value of the setting. Habitat reinstatement works will be carefully completed following all temporary construction works, as will the final access improvements works and attention to design and materials workmanship. All works will be controlled and reviewed, in consultation with relevant statutory consultees, with a final Construction Environmental Management Plan (CEMP).

The proposal represents a unique opportunity to provide clean, renewable energy which respects the special qualities of the designated national park. The scheme complements both national and local requirements in achieving decarbonisation and climate-resilience, contributing towards strong ecosystems, and improving the health and well-being of our communities. The Local Energy Club will be beneficial to local communities.

## **WSP Consultee Inputs**

### **NP5/59/495C**

#### **A Record of a Habitat Regulations Assessment**

##### **Proposed Hydro-electric Generation Scheme at Land Near Pont yr Afon Gam, Llan Ffestiniog**

##### **Summary**

Having carried out a Habitat Regulations Assessment (HRA) 'screening' of the project, the Authority can conclude that likely significant effects could not be ruled out (alone) upon the integrity of the Migneint–Arenig–Dduallt Special Area of Conservation (SAC) and Special Protection Area (SPA) and Meirionnydd Oakwoods and Bats Sites SAC.

Consequently, the Authority was required to undertake an appropriate assessment to determine the impact on the integrity of this designated site; a competent authority may only agree to the project if it can ascertain that it will not adversely affect the integrity of the sites.

Following the appropriate assessment, the Authority was able to ascertain, beyond reasonable scientific doubt, that an adverse effect on the integrity of the SACs and SPA could be mitigated. This positive outcome was dependent on the adherence to detailed pollution prevention measures, and reasonable avoidance measures in respect of breeding birds and bats.

Cyfoeth Naturiol Cymru/Natural Resources Wales (CNC/ NRW) has been consulted and account taken of its advice. It is considered that the proposal may affect the SACs and SPA (a Likely Significant effect) and CNC/NRW have identified pollution as a potential impact pathway to features of the designated sites (Migneint-Arenig-Dduallt SAC and SPA), disturbance of territories of qualifying bird species (Migneint-Arenig-Dduallt SPA) and disturbance of lesser horseshoe bat *Rhinolophus hipposideros* potentially associated with the Meirionnydd Oakwoods and Bat Sites SAC. The consultation response advises that this would be sufficiently addressed by adherence to detailed pollution prevention measures and reasonable avoidance measures in respect of breeding birds and bats, and the application may be determined accordingly.

##### **Introduction**

Ecological assessment and mitigation reports have been submitted in support of this application. These have been specifically noted as follows:

- Cwm Cynfal Hydro Scheme Environmental Statement (ES) Volume 1. Richards, Moorehead & Laing. June 2024.
- Cwm Cynfal Hydro Electric Scheme Shadow Habitat Regulations Assessment – Screening Report. Richards, Moorhead & Laing. November 2023.
- Cwm Cynfal Hydro Electric Scheme Green Infrastructure Statement. Richards, Moorhead & Laing. April 2024.
- ES Appendix 6 Cwm Cynfal HEP Ecological Surveys. Gritten Ecology. July 2018.
- ES Appendix 7 Ecological Technical Note – Bat Survey. Richards, Moorhead & Laing. November 2023.
- ES Appendix 8 Cwm Cynfal, Gwynedd Breeding Bird Survey Report. Biome Consulting. August 2023.
- ES Appendix 9A Bryophyte survey and assessment of a proposed HEP scheme at Afon Cynfal, Llan Ffestiniog. Ecostudy. November 2013.
- ES Appendix 9B Afon Cynfal HEP: bryophyte survey and assessment. Dr Des Callaghan. September 2015.
- ES Appendix 9C Afon Cynfal HEP: bryophyte survey and assessment. Dr Des Callaghan. July 2023.

- ES Appendix 9D Cwm Cynfal HEP: response to comments from NRW regarding bryophytes. Dr Des Callaghan. December 2023.
- ES Appendix 16A Construction Method Statement Cwm Cynfal Hydro Scheme. Baileys and Partners. September 2023.
- ES Appendix 16B Cwm Cynfal Hydro Generation Scheme Construction Environmental Management Plan (CEMP). Richards, Moorehead& Laing. December 2023.

## **Screening**

### **Likely significant effect test**

Drawing on the information provided, it is considered that likely significant effects cannot be ruled out for the project alone.

The potential impact pathway for effects on Migneint-Arenig-Dduallt SAC has been identified as pollution affecting the qualifying features of the SAC, in the absence of mitigation.

For Migneint-Arenig-Dduallt SPA, the potential impact pathways for effects have been identified as disturbance during construction (from noise and increased activity if works are undertaken during the bird breeding season) of the qualifying bird species, in the absence of mitigation, and pollution affecting the habitats on which the qualifying features rely, in the absence of mitigation.

The potential impact pathway for effects on Meirionnydd Oakwoods and Bat Sites SAC has been identified as disturbance during construction (in the form of noise and vibration) of lesser horseshoe bat, which due to the proximity of the Site to the SAC may be associated with the SAC bat populations.

As mitigation measures are identified as required by CNC/NRW and the submitted shadow HRA and ES, appropriate assessment is required.

### **Appropriate Assessment & Integrity Test**

The conclusion of the appropriate assessment is presented in the 'Integrity test' below.

The screening assessment has already described how the proposed development could result in pathways via pollution and disturbance during construction that could undermine the conservation objectives of the SACs and SPA, of which the scale and magnitude of the impact is sufficient enough to make this an adverse effect.

In this case, CNC/NRW have indicated that these pathways may not result in an adverse effect if the developer adheres to the following:

#### ***Pollution***

*'...further [to the submitted Construction Method Statement] pollution prevention measures are needed which should be set out in a CEMP to be approved by the Local Planning Authority (LPA), in consultation with NRW, as a condition of any planning permission'.*

With suggested wording for a condition:

#### **'Condition: CEMP'**

- *No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the LPA. The CEMP should include:*
  - *Construction methods: details of materials, how waste generated will be managed;*
  - *General Site Management: details of the construction programme including timetable; details of site clearance; details of site construction drainage, containments areas,*

*appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.*

- Species protection: Details of avoidance and mitigation measures (including with respect to bats, otters and Schedule 1 birds), details of bat monitoring, details of ecological compliance audit.*
- Habitats protection: Details of measures for habitat restoration during the works.*
- Invasive species: Details of measures to control and eradicate any invasive species on site.*
- Soil Management: details of topsoil strip, storage and amelioration for re-use.*
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.*
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration activities (informed by blasting strategy if required), for example acoustic barriers; details of dust control measures; measures to control light spill.*
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management;*
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities,*
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.*
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details*
- Environmental clerk of works to ensure construction compliance with approved plans and environmental regulations. The CEMP shall be implemented as approved during the site preparation and construction phases of the development.*

*Justification:* A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.'

Furthermore, CNC/NRW stipulated that:

*'In the preparation of the CEMP, we advise the applicant considers the following points in relation to pollution prevention and to protect sensitive habitats on site:*

- Photos provided in both the geomorphology assessment and the landscape and visual impact assessment show the intake site as being in a secluded gorge with steep sides. Accessing and managing any possible pollution during construction may prove challenging without working in accordance with GPP5. The Meirionnydd area has experienced numerous pollution events related to the construction of hydro schemes, primarily with trenching and the laying of pipes and tracks. The Afon Cynfal has good overall WFD status but is classified as high status for fish and it is therefore important that no pollution from silt or cement should enter the river system. No silt, cement or dirty should be allowed to run-off into any surface water system.*
- It is possible that the coffer dam of 0.5 m detailed in section 8.7 of the Construction Method Statement will not be high enough to cope with a rainfall event, should it happen. Despite the method statement's clear indication that the intake construction will only be possible in dry weather, summertime weather patterns are too unpredictable to ensure that there won't be any precipitation while work is underway, which would cause river levels to rise rapidly and eventually topple the cofferdam.*
- Soil stockpiles should not be stored within 10m of the watercourse and should not be located on any steep slopes.*

- *The appointed contractor for the work should provide 24 hour emergency contact details to NRW's Dwyfor and Meirionnydd Senior Environment Officer at timamgylcheddwyforacmeirionnydd@cyfoethnaturiolcymru.gov.uk prior to the commencement of work on site. The contact details would be retained during the construction period and then deleted. The details would be added to a spreadsheet used by duty pollution incident officers and only used if a pollution complaint is received about the site.'*

#### **SPA birds**

*'We advise that detailed mitigation measures should be clearly set out in the CEMP (see Condition 1 above) and should include further detail regarding the following points:*

- *Works should ideally be completed outside the bird nesting season (1 March to 31 August), although it should be noted that the nesting period may extend beyond these dates.*
- *Should an occupied bird nest or a nest in the process of being constructed be encountered during works, clearance must cease in this area and should only re-commence once the birds have fledged, or the nest is abandoned.*
- *If works must be undertaken during the nesting season, surveys to identify any nests which may be impacted will be required prior to any works in habitats with the potential to support nesting birds. This survey should be undertaken by a suitably experienced person. Again, should an occupied nest or nest under construction be found, works must cease in this area until the birds have fledged or the nest has been abandoned.*
- *Habitats adjacent to the site are suitable for breeding Schedule 1 birds/SPA and SSSI qualifying features (notably merlin, hen harrier and peregrine). If works are completed during the breeding season, surveys of all areas where disturbance could occur will be required to ensure any occupied territories (if present) are not impacted.'*

#### **Bats**

*'We advise that detailed reasonable avoidance measures, along with details of construction methods (including with respect to any blasting) should be clearly set out in the CEMP (see condition 1 above). The CEMP should also include details of bat monitoring to evidence that bats have not been affected.'*

To allow a positive outcome, all the mitigation points and advice detailed above must be adhered to and should be secured by condition (as per the suggested wording from CNC/NRW).

**Consequently, with the mitigation proposed above, it is considered that the Authority would be able to conclude that an adverse effect on the integrity of Migneint-Arenig-Ddualt SAC and SPA and Meirionnydd Oakwoods and Bat Sites SAC can be avoided and/or mitigated.**

- *The applicant's attention is drawn to comments from CNC/NRW relating to SSSIs, abstraction and impoundment licences, fluvial geomorphology, flood risk, protected landscape, land contamination, protected species and fisheries but note that these are provided outside of HRA considerations.*
- *Further recommendations within the ES and associated appendices are made in respect of protecting ecological sites, habitats and species. However, these are outside HRA considerations.*
- *This consultation comment is provided on behalf of the National Park Authority in the capacity of Ecological Consultee and should not be considered as the opinion of any other organisation.*

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**From:** North Planning <>  
**Sent:** 29 October 2025 07:50  
**To:** Cynllunio Planning  
**Subject:** NP5/59/495C - Land Near Pont yr Afon Gam, Llan Ffestiniog (Major) v5 - NRW  
Response NRW:07744079

Annwyl Aled

Diolch am ymgynghori â Cyfoeth Naturiol Cymru (CNC) ar eich Asesiad Rheoliadau Cynefinoedd ar gyfer y datblygiad uchod, a gawsom ar 08/10/2025.

Dylid ystyried ein hymateb fel cynrychiolaeth ffurfiol CNC, fel y corff cadwraeth natur priodol, i'ch asesiad priodol (AP) (NP5/59/495C A Record of a Habitat Regulations Assessment) o dan Reoliad 63 o Reoliadau Cadwraeth Cynefinoedd a Rhywogaethau 2017, fel y'i diwygiwyd.

O ystyried y mesurau lliniaru a fanylir, rydym yn cytuno â'ch casgliad bod y datblygiad yn annhebygol o gael effaith andwyol ar uniondeb y SAC/SPA.

Os oes gennych unrhyw ymholiadau, peidiwch ag oedi cyn cysylltu â mi.

Cofion Cynnes

Dear Aled

Thank you for consulting Natural Resources Wales (NRW) on your Habitats Regulations Assessment for the above development, which we received on 08/10/2025.

Our response should be taken as NRW's formal representation, as the appropriate nature conservation body, to your appropriate assessment (AA) NP5/59/495C A Record of a Habitat Regulations Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended.

In consideration of the mitigation measures detailed we agree with your conclusion that the development is unlikely to have an adverse effect upon the integrity of the SAC/SPA.

If you have any queries please do not hesitate to contact me.

Kind regards  
Rhys Jones

Tîm Cynllunio Datblygu / Development Planning Team  
Cyfoeth Naturiol Cymru / Natural Resources Wales

Ffôn / Tel: 0300 065 4603  
[www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk) / [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

**Yn falch o arwain y ffordd at ddyfodol gwell i Gymru trwy reoli'r amgylchedd ac adnoddau naturiol yn gynaliadwy / Proud to be leading the way to a better future for Wales by managing the environment and natural resources sustainably.**

**Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi / Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.**

CYF: Cynllun arfaethedig Hydro trydan Cwm Cynfal

Annwyl Parc Genedlaethol Eryri,

Yn gyntaf, hoffem fanteisio ar y cyfle hwn i ddiolch i Awdurdod Cynllunio Parc Cenedlaethol Eryri (PCE) am eu cefnogaeth barhaus yn ystod taith ein teulu i gael caniatâd cynllunio ar gyfer cynllun hydro trydan ar ein tir yng Nghwm Cynfal, Llan Ffestiniog. Rydym wedi buddsoddi swm sylweddol o amser ac arian personol ac rydym yn wirioneddol angerddol y gall y cynllun arfaethedig integreiddio i'r amgylchedd tra hefyd yn diogelu'r holl nodweddion naturiol ac adeiledig, o'r adeiladu hyd at y cam gweithredu.

Fel y gwyddoch, cafodd ein cais cynllunio diweddaraf yn 2019 ei dynnu'n ôl. Yn seiliedig ar y cyngor arbenigol a oedd ar gael i ni ar y pryd ynghyd â chyngor cyn ymgeisio gan PCE, roeddem yn wirioneddol grediniol ein bod wedi darparu gwybodaeth addas a digonal ar gyfer y cais cynllunio. Fodd bynnag, roeddem yn llwyr werthfawrogi gofynion PCE i ni gynnal asesiad effaith amgylcheddol (AEA) llawn ac felly rydym wedi comisiynu Richards, Moorehead & Laing Ltd (RML) o Rhuthun i ddatblygu AEA cynhwysfawr ar gyfer y cais cynllunio hwn.

Mae'r dogfennau AEA llawn ac atodiadau yn cynnwys swm sylweddol o wybodaeth sy'n ystyried yn drylwyr pob agwedd ar y cynllun trwy arolygon arbenigol ac adroddiadau a wneir gan arbenigwyr yn eu meysydd i'w cynnwys yn ein cais cynllunio diweddaraf. Mae'n galonogol i ni fod yr holl dystiolaeth ffeithiol ychwanegol a gyflwynwyd yn yr AEA yn ailadrodd rhinweddau'r datblygiad ac wedi rhoi'r hyder inni symud ymlaen â'r cynllun.

Ers ein cais blaenorol, rydym wedi gallu cadarnhau hyfywedd clwb Ynni Lleol ar gyfer y cynllun arfaethedig a fydd yn galluogi'r pŵer a gynhyrchrir i gael ei ddefnyddio'n lleol am gost is i'r gymuned. Byddai'n wych gweld adnoddau naturiol lleol yn cael eu defnyddio er budd y gymuned leol.

Rydym yn cydnabod bod yr Asesiad o'r Effaith ar Gydraddoldeb llawn a'r adroddiadau cysylltiedig yn becyn dogfen sylweddol ei faint gyda dros fil o dudalennau o wybodaeth i gefnogi ein cais ac wrth gwrs yn mynd i gymryd llawer o amser i unrhyw un ei adolygu, ei grynhau a'i gwblhau'n gywir cyn rhoi adborth dilys. Er mwyn cynorthwyo'r broses ymgynghori ymhellach, fe wnaethom gynnal digwyddiad galw heibio lleol yn Neuadd Bentref Llan Ffestiniog ar gyfer y gymuned leol i'n galluogi i egluro'r cynllun ymhellach a photensial y cynllun ynni lleol. Cawsom ein calonogi bod y gefnogaeth leol yn gryf gyda chefnogaeth bellach gan y cynrychiolwyr etholedig a Chyngor Tref Ffestiniog.

O ystyried yr angen presennol am arallgyfeirio yn y sector amaethyddol, bydd y cynllun arfaethedig hwn yn rhoi sicrwydd i genedlaethau'r dyfodol yn ogystal â chaniatáu i ni fel teulu chwarae rhan wrth fynd i'r afael â'r argyfwng hinsawdd presennol drwy gynhyrchu trydan o ffynhonnell adnewyddadwy i'r gymuned leol ei ddefnyddio. Mae'r cynllun arfaethedig hefyd yn cyd-fynd â bwriad Llywodraeth Cymru o ran cyflawni allyriadau sero net er budd cenedlaethau'r dyfodol.

Diolch yn Fawr

*Mr. Elis Dafydd*

*Mr. Moi Dafydd*

*Mr. Dafydd Elis*

16<sup>th</sup> July 2024

REF: Proposed Cwm Cynfal Hydro Electric Scheme.

Dear Eryri National Park,

Firstly, we would like to take this opportunity to thank Eryri National Park planning authority (ENP) for their ongoing support during our family's journey to obtain planning permission for a hydroelectric scheme on our land at in Cwm Cynfal, Llan Ffestiniog. We have invested a substantial amount of personal time and money and are truly passionate that the proposed scheme can integrate into the environment whilst also safeguarding all natural and built features, from construction through to operational stage.

As you're aware, our most recent planning application in 2019 was subsequently withdrawn. Based on the specialist advice available to us at the time along with pre application advice by ENP, we genuinely believed we had provided suitable and sufficient information for the planning application. However, we fully appreciate ENP's requirement for us to undertake a full environmental impact assessment (EIA) and as such have commissioned Richards, Moorehead & Laing Ltd (RML) of Ruthin to develop a comprehensive EIA for this planning application.

The full EIA documents and appendices include a substantial amount of information which thoroughly consider all aspects of the scheme through specialist surveys and reports undertaken by experts in their fields for inclusion in our latest planning application. It's reassuring for us that all the additional factual evidence presented in the EIA reiterates the merits of the development and has given us the confidence to move forward with the scheme.

Since our previous application, we have been able to confirm the viability of an Energy Local club for the proposed scheme which will enable the generated power to be utilised locally at a reduced cost to the community. It would be great to see local natural resources being utilised to benefit the local community.

We acknowledge the full EIA and associated reports are a substantial sized document pack with over a thousand pages of information to support our application which can imagine is extremely time consuming for anyone to review, digest and accurately conclude prior to providing genuine feedback. To further aid the consultation process, we hosted a local drop in event at Llan Ffestiniog Village Hall for the local community to allow us to further explain the scheme and the potential of the local energy scheme. We were encouraged that local support was strong with further support received from the elected representatives and the Ffestiniog Town Council.

Given the current need for diversification in the agricultural sector, this proposed scheme will provide security for future generations as well as allowing us as a family to play a part in tackling the current climate crisis by generating electricity from a renewable source for the local community to use. The proposed scheme also aligns with the goals of the Welsh Government in achieving net zero emissions for the benefit of future generations.

Diolch yn Fawr

*Mr. Elis Dafydd*

*Mr. Moi Dafydd*

*Mr. Dafydd Elis*



Cymdeithas Eryri  
Snowdonia Society



Ymddiriedolaeth Natur  
**Gogledd Cymru**  
North Wales  
Wildlife Trust

Llythyr ar y cyd oddi wrth Ymddiriedolaeth Natur Gogledd Cymru a Chymdeithas Eryri

At: Aled Lloyd, Swyddog achos  
Awdurdod Parc Cenedlaethol Eryri

a [cynllunio@eryri.llyw.cymru](mailto:cynllunio@eryri.llyw.cymru)  
CC Jonathan.Cawley

20 Medi 2024

Annwyl Mr Lloyd

**Cais Rhif: NP5/59/495C**

Cynnig: Cynllun cynhyrchu trydan dŵr i gynhyrchu hyd at (600kW) yn Afon Cynfal, i gynnwys llwybr pibelli, cored mewnif, pwll echdynnu, llifddor o dan y ddaear (tua 1.2km), adeilad tybin, adeilad mesuryddion, newidiadau i'r fynedfa bresennol ac ail-adeiladu. - lleoli mynedfa priffordd bresennol, ardaloedd gosod i lawr, compownd adeiladu dros dro, gwyriad llwybr troed dros dro a chysylltiad pŵer trydan uwchben ac o dan y ddaear i'r grid cenedlaethol (tua 600m) (Ailgyflwyno)

Safle: Tir Ger Pont yr Afon Gam, Llan Ffestiniog

**GWRTHWYNEBIAD I'R CAIS**

**Cyflwyniad a chrynodeb o'r seiliau dros y gwrthwylnebiad**

Mae Cymdeithas Eryri wedi gweithio ers 1967 i warchod a gwella rhinweddau arbennig Eryri er budd pawb sy'n byw ac yn gweithio yn y Parc Cenedlaethol neu'n ymweld ag o.

Gweledigaeth Ymddiriedolaeth Natur Gogledd Cymru yw 'byd naturiol ffyniannus, gyda bywyd gwylt a chynefinoedd naturiol sy'n chwarae rhan werthfawr wrth fynd i'r afael ag argyfngau hinsawdd a natur a phobl wedi'u grymuso i weithredu dros natur'. Mae'n ymgyrchu dros warchod bywyd gwylt ac yn buddsoddi yn y dyfodol

drwy helpu pobl o bob oed i gael mwy o werthfawrogiad a dealltwriaeth o fywyd gwylt. Mae'n gofalu am 35 o warchodfeydd natur sy'n ymestyn dros 750 hectar.

Yn wyneb yr Argyfwng Hinsawdd a'r angen i gyrraedd 'Sero Net' mae'r ddau fudiad, mewn egwyddor, yn gefnogol iawn i ddatblygiadau ynni adnewyddadwy. Mae hyn yn cynnwys cynlluniau trydan dŵr bach sydd wedi'u dylunio'n dda mewn tirweddau dynodedig gan gynnwys Parc Cenedlaethol Eryri. Rydym yn ymwybodol o nifer o gynlluniau llwyddiannus yn Eryri.

Serch hynny, mae Cwm Cynfal yn lle sydd wedi ysbyrdoli storïwyr, artistiaid a beirdd ers dros fileniwm. Wedi ei leoli'n ddwfn mewn ceunant mae o'n un o raeadrau mwyaf mawreddog Eryri sydd, ar hyn o bryd, heb ei ddifetha o gwbl. Anfarwolwyd ei llifeiriant niwlog yn llun dyfrliw eiconig y peintiwr tirwedd Fictoraidd David Cox ym 1836, a arddangoswyd yn yr Amgueddfa Brydeinig.

Rhaid asesu pob cynnig ynni dŵr yn ôl ei rinweddau ei hun ac yng ngoleuni'r amgylchiadau penodol. Cymerodd y Gymdeithas ddiddordeb agos yn y ceisiadau blaenorol a thebyg ar gyfer cynllun trydan dŵr ar Afon Cynfal a dynnwyd yn ôl yn y pen draw yn 1995 (NP5/59/495), a wrthodwyd yn 2018 (NP5/59/495A) ac a dynnwyd yn ôl yn 2020 (NP5/59/495B).

Fe wnaethom ysgrifennu at yr ymgeisydd ar 23 Tachwedd 2023 mewn ymateb i ymgynghoriad cyn ymgeisio ar y cynnig presennol, i egluro ein pryderon a oedd yn dod i'r amlwg yn seiliedig ar y wybodaeth a oedd ar gael bryd hynny. Mae'r llythyr hwnnw ynglwm wrth fy e-bost eglurhaol er gwybodaeth.

Rydym bellach wedi ystyried yr holl ddogfennau ategol ar gyfer y cais presennol. Rydym yn bryderus o ddarllen ar y ffurflen gais fod yr ENPA, mewn ymateb i gais am gyngor cyn ymgeisio, wedi nodi ym mis Ebrill 2023:

*The principle of the scheme considered acceptable [our emphasis] on the basis of additional information which provides more detail and evidence than the previous application which was 'withdrawn'.*

Ar 14 Awst 2024, cadarnhaodd ENPA mewn e-bost:

*The Authority provided advice in relation to the proposal which was dated 25<sup>th</sup> April 2023. The advice was mainly based on the submission of surveys and updated surveys following the withdrawal of the previous application.*

Esbennir sail ein pryder a'r goblygiadau gweithdrefnol posibl yn Atodiad 1 i'r llythyr hwn.

Rydym drwy hyn yn cofrestru gwrthwynebiad ffurfiol y ddau fudiad. Mae ein rhesymau llawn wedi'u nodi yn Atodiadau 2 i 6, wedi'u crynhoi fel a ganlyn:

- Mae effaith weledol tynnu dŵr ar y rhaeadrau wedi'i thanddatgan oherwydd methodoleg asesu annigonol. Hepgorwyd effeithiau acwstig ac effeithiau synhwyraidd eraill o'r ystyriaeth, yn ogystal â chyfleoedd yn y dyfodol i hyrwyddo'r safle ar gyfer hamdden yn unol â pholisi - cyfle a fyddai'n lleihau pe bai'r rhaeadr yn dod yn brofiad synhwyraidd cyffredinol llai trawiadol. Dylai APCE dynnu'n ôl y safbwyt a gyrhaeddodd ar y materion hyn yn 2016 a mynd ati gyda meddwl ffres ac agored (Atodiad 2).
- Roedd bryoffytaw (llysiau'r afu a mwsoglau) a oedd yn bresennol ar hyd y ceunant yn rheswm allweddol dros ddynodiad SoDdGA. Mae cryn ansicrwydd ynglych a fydd lefel arfaethedig y tynnu dŵr yn niweidio

bryoffyt, felly dylid defnyddio'r Egwyddor Ragofalus, yn unol â'r 'Egwyddorion Cynllunio Allweddol' ar dudalen 17 [Polisi Cynllunio Cymru 12](#), sy'n datgan :

... a thrwy ddilyn yr egwyddor rhagofalus, sicrheir mesurau cost-effeithiol i rwystro difrod amgylcheddol.

- Mae hyn yn arbennig o wir yng ngoleuni adroddiad a gyhoeddwyd gan CNC yn gynharach eleni am safleoedd bryoffyt sy'n dirywio ar hyd ceunant Bontddu yn dilyn cynllun trydan dŵr yno (gweler Atodiad 3).
- Yn groes i honiad yr ymgeisydd ar sail tystiolaeth simsian, ni fydd y cynllun yn darparu Buddiannau Net ar gyfer Bioamrywiaeth (NBB). Mae hyn yn unig yn sail dros wrthod (Atodiad 4).
- Nid oes gan APCE ddigon o wybodaeth i fod yn hyderus na fydd y groesfan bibell yn achosi difrod erydu lleol sylweddol a llygredd gwaddod i'r cwrs dŵr a SoDdGA i lawr yr afon, yn groes i nifer o bolisiau cynllun datblygu perthnasol (Atodiad 5).
- Nid yw'r cynnig ar gyfer 'clwb ynni lleol' i ddarparu trydan rhatach i'r gymuned leol wedi'i sicrhau drwy rwymedigaeth cynllunio neu ddulliau cyfreithiol eraill. Mae'n rhy gymhleth i gael ei sicrhau gan amod cynllunio. Felly nid yw'r cynnig hwn yn ystyriaeth berthnasol ddilys wrth benderfynu ar y cais. Mae'n bosibl bod llawer o ymgynghoreion lleol yn ystod y cam ymgynghori cyn ymgeisio wedi cael eu camarwain (yn anfwriadol yn ddiau), sy'n ei gwneud yn amhriodol rhoi llawer o bwys ar yr ymatebion hynny (Atodiad 6).

Am y rhesymau uchod rydym o'r farn bod y cynnig yn gwrthdaro â nifer o bolisiau perthnasol ym [Mholisi Cynllunio Cymru12](#), [Cynllun Datblygu Eryri statudol](#) (gan gynnwys yn ei 'haen uchaf' -) a [Chynllun Eryri](#) – Cynllun Rheolaeth y Parc Cenedlaethol.

Rydym yn cydnabod bod ansicrwydd yngylch difrifoldeb y niwed unigol y byddai'r datblygiad yn ei achosi. Fodd bynnag, rydym o'r farn y gallai rhai o'r effeithiau niweidiol fod yn arwyddocaol am y rhesymau manwl a nodir yn yr atodiadau. Byddai'n anghywir dod i'r casgliad nad yw'r un o'r effeithiau niweidiol yn debygol o fod yn sylweddol.

Er ein bod yn cefnogi'n gryf yr angen i ddatgarboneiddio'r economi, rhaid pwysa a mesur unrhyw fanteision o ran ynni adnewyddadwy yn ofalus yn erbyn y niwed amgylcheddol. Cymharol ychydig o drydan fyddai'r cynllun hwn yn ei gynhyrchu. Byddai ei gapasiti o 600kW - er engraifft - dim ond tua 8% o ddim ond un o'r tyrbinau 7.2MW yn fferm wynt arfaethedig Y Bryn rhwng Maesteg a Phort Talbot.

Yn unol â hynny, rydym o'r farn bod y manteision o ran ynni adnewyddadwy - er eu bod yn haeddu pwysau sylweddol - yn cael eu gwrthbwys o'n bendant gan y pwysau mawr y dylid ei roi ar y posibilrwydd cryf o niwed sylweddol o ran dibenion parciau cenedlaethol statudol a pholisiau cenedlaethol cyfatebol, gan gynnwys ar SoDdGA. Gofynnwn felly i'r cais gael ei **wrthod**.

Mae'r ddua fudiad yn cytuno â'r llythyrau oddi wrth Plantlife, Buglife a Save our Rivers. At hynny, rydym wedi archwilio adroddiad ymgynghoriad cyn-ymgeisio'r ymgeisydd ddiwedd y llynedd. Er ei bod yn anodd tynnu'r ffigurau o'r adroddiad hwnnw, cymerodd 359 o unigolion neu sefydliadau ran. Nododd 276 nad oeddent

yn cefnogi'r cais. Roedd 181 o'r gwrthwynebwyr yn lleol i Barc Cenedlaethol Eryri, Gwynedd neu Ogledd Cymru. Dim ond 3 nododd eu bod yn cefnogi'r datblygiad.

Yn wyneb pwysigrwydd y cais hwn o ran pwrpas elusennol y ddau fudiad, fe hoffai Rory Francis annerch y Pwyllgor Cynllunio yn bersonol pan gaiff ei ystyried. Dylech drin y llythyr hwn fel fy nghais ffurfiol i siarad, yn unol â [chyfarwyddyd](#) APCE ar annerch y Pwyllgor.

Yr eiddoch yn gywir

Adrian Lloyd Jones  
Pennaeth Tirwedd Byw - Ymddiriedolaeth Natur Gogledd Cymru

01248 351541 | 07764 897412

Rory Francis  
Cyfarwyddwr - Cymdeithas Eryri  
0

A joint letter from the North Wales Wildlife Trust and Cymdeithas Eryri Snowdonia Society

To: Aled Lloyd, case officer  
Eryri National Park Authority

By email to: Aled.Lloyd

CC [Jonathan.Cawley](#)

20 September 2024

Dear Mr Lloyd

**Application Ref: NP5/59/495C**

**Proposal: Hydro-electric generation scheme to generate up to (600kW) at Afon Cynfal, to include pipe route, intake weir, extraction pond, below ground**

**penstock (circa 1.2km), turbine building, metering building, alterations to existing access and re-positioning of an existing highway access, laydown areas, temporary construction compound, temporary footpath diversion and above and below ground electric power connection to national grid (circa 600m) (Re-submission)**

**Site: Land Near Pont yr Afon Gam, Llan Ffestiniog**

**OBJECTION TO THE APPLICATION**

**Introduction and summary of grounds for objection**

Cymdeithas Eryri - Snowdonia Society has worked since 1967 to protect and enhance the special qualities of Eryri in the interest of all who live and work in or visit the National Park.

The North Wales Wildlife Trust's vision is of 'a thriving natural world, with wildlife and natural habitats playing a valued role in addressing the climate and nature emergencies and people empowered to take action for nature'. Its campaigns for the protection of wildlife and invests in the future by helping people of all ages to gain a greater appreciation and understanding of wildlife. It cares for 35 nature reserves spanning over 750 hectares.

In view of the Climate Emergency and need to reach 'Net Zero' the both of our organisations are, in principle, strongly supportive of renewable energy developments. This includes small and well-designed hydro-electric schemes in designated landscapes including Eryri National Park. We are aware of several successful schemes in Eryri.

However, Cwm Cynfal is a place that has inspired storytellers, artists and poets for over a millennium. Set deep within the gorge is one of Eryri's most majestic and, at present, completely unspoilt waterfalls. Its mist-shrouded torrent was immortalised in the Victorian landscape painter David Cox's iconic watercolour of 1836, displayed in the British Museum.

Each hydro proposal must be assessed on its own merits and in light of the particular circumstances. The Society took a close interest in the previous and similar applications for a hydro-electric scheme on Afon Cynfal that were eventually withdrawn in 1995 (NP5/59/495), refused in 2018 (NP5/59/495A) and withdrawn in 2020 (NP5/59/495B).

We wrote to the applicant on 23 November 2023 in response to a pre-application consultation on the current proposal, to explain our emerging concerns based on the information available then. That letter is attached to my covering email for information.

We have now considered all the supporting documentation for the current application. We are concerned to read on the application form that, in response to a request for pre-application advice, the ENPA stated in April 2023:

***The principle of the scheme considered acceptable*** [our emphasis] *on the basis of additional information which provides more detail and evidence than the previous application which was 'withdrawn'.*

On 14 August 2024 ENPA confirmed in an email that:

*The Authority provided advice in relation to the proposal which was dated 25<sup>th</sup> April 2023. The advice was mainly based on the submission of surveys and updated surveys following the withdrawal of the previous application.*

The basis for our concern and the possible procedural ramifications are explained in Annex 1 to this letter.

Both organisations hereby register our formal objection. Our full reasons are set out in Appendices 2 to 6, summarised as follows:

- The visual impact of water abstraction on the waterfalls has been understated due to inadequate assessment methodology. Acoustic and other sensory impacts were omitted from consideration, as has future opportunity to promote the site for recreation in line with policy – an opportunity that would be diminished if the waterfall becomes a less impressive overall sensory experience. ENPA should retract the position it reached on these matters in 2016 and approach them with a fresh and open mind (Annex 2).
- Bryophytes (liverworts and mosses) present along the gorge were a key reason for SSSI designation. There is considerable uncertainty about whether the proposed level of water abstraction will harm bryophytes, so the Precautionary Principle should be engaged, in line with the 'Key Planning Principles' on page 17 of Planning Policy Wales 12 (Feb 2024, [PPW](#)), which states:

*... applying the precautionary principle ensures cost effective measures to prevent environmental damage.*
- This is particularly so in light of a report issued by NRW earlier this year about declining bryophyte colonies along the Bontddu gorge following a hydro-electric scheme there (see Annex 3).
- Contrary to the applicant's assertion based on flimsy evidence, the scheme will not deliver a Net Benefit for Biodiversity (NBB). This alone is grounds for refusal (Annex 4).
- ENPA has insufficient information to be confident that the pipe crossing will not create significant localised erosion damage and sediment pollution of the water course and downstream SSSI, contrary to several relevant development plan policies (Annex 5).
- The proposal for a 'local energy club' to provide cheaper electricity for the local community is not secured by a planning obligation or other legally binding means. It is too complex to be secured by a planning condition. Hence this proposal is not a valid material consideration in determining the application. Many local consultees at pre-application consultation stage may have been (doubtless inadvertently) misled, rendering it inappropriate to give much weight to those responses (Annex 6).

For the above reasons we consider the proposal conflicts with several relevant policies in [PPW12](#), the statutory Eryri Development Plan (including in its 'top tier' - [Future Wales the National Plan 2040](#)) and [Cynllun Eryri](#) - the National Park Management Plan.

We acknowledge there is uncertainty about the severity of the individual harms that the development would cause. However, we consider that several of the harms may be significant for the detailed reasons set out in the annexes. It would be wrong to conclude that none of the harms are likely to be significant.

Though we strongly support the need to decarbonise the economy, any renewable energy benefits must be carefully weighed against the environmental harms. This scheme would produce relatively little electricity. Its 600kW capacity would be - for example - only about 8% of just one of the 7.2MW turbines at the proposed Y Bryn windfarm between Maesteg and Port Talbot.

Accordingly, we consider that the renewable energy benefits - though meriting significant weight - are decisively outweighed by the great weight that should be placed to the strong possibility of substantial harms in terms of statutory national park purposes and corresponding national policies, including on SSSIs. We therefore request that the application is **refused**.

Both our organisations agree with the representations of Plantlife, Buglife and Save our Rivers. Moreover, we have examined the report of the applicant's pre-application consultation at the end of last year. Though the figures are difficult to extract from that report, 359 individuals or organisations took part. 276 noted that they did not support the application. 181 of those opposed were local to the Eryri National Park, Gwynedd or North Wales. Only 3 noted that they supported the development.

In view of the importance of this application in terms of our purpose, we would like Rory Francis to address the Planning Committee in person when it is considered. Please treat this letter as my formal request to speak, in line with ENPA's [guidance](#) on addressing the Committee.

Yours sincerely

Adrian Lloyd Jones

Head of Living Landscapes - North Wales Wildlife Trust

Rory Francis

Cyfarwyddwr - Cymdeithas Eryri  
Director - Snowdonia Society  
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**Annex 1: Pre-application advice from the ENPA that the principle of the scheme is considered acceptable**

### Information relevant to our concern

The application form states that, in response to a request for pre-application advice, ENPA's advice included that:

***The principle of the scheme [is] considered acceptable* [our emphasis] *on the basis of additional information which provides more detail and evidence than the previous application which was 'withdrawn'.***

The form stated that advice was given in April 2023.

On 14 August 2024 ENPA confirmed to us by email that:

***The Authority provided advice in relation to the proposal which was dated 25<sup>th</sup> April 2023. The advice was mainly based on the submission of surveys and updated surveys following the withdrawal of the previous application* [our emphasis].**

In April 2023, ENPA would indeed have had a substantial body of environmental information. In addition to other documentation submitted with previous but withdrawn or refused applications, by April 2023 the ENPA had the following important evidence:

**Table A**

Current application document number	Document	Date of issue or, where known, date when draft was first sent to applicant
E60 & 61	Bryophyte assessment and update	2013 & 2015
C17	Pipe bridge drawing	February 2016 (Updated November 2018)
E38	Flow Study (updated in 2018)	2018
E57	Ecological Surveys	July 2018
E39	Archaeological Assessment	January 2019
N/A	Breeding bird survey	The original survey in 2019
N/A	Bat survey	The original survey in December 2020
E33	Landscape and visual assessment	September 2019

The ENPA's 'Scoping Response' in September 2020 to the applicant's EIA Scoping Assessment stated:

***The purpose of this Scoping Opinion is for the Authority to provide the Applicant with an outline of the main issues upon which the Environmental Statement (ES) should focus.***

However, in April 2023 ENPA did **not** have the benefit of the following environmental reports & surveys, as they were produced later.

**Table B**

Current application document number	Document	Date of issue or, where known, earlier date when draft was first sent to applicant - who might have shared it with ENPA at that stage
E72 & E42	Heritage Impact Assessment	July 2023
E66	Environmental Statement (main report)	August 2023
C4 et al	Turbine House layout & other diagrams	December 2023
E59	Breeding bird survey (updated)	Summer 2023
E58	Bat survey (updated)	Updated summer 2023
E62 & E63	Bryophytes – second update & annex	July 2023 & December 2023
E31	Habitats Regulations Screening Assessment	November 2023
E66	Green Infrastructure Statement	April 2024
DDM	Design & Access Statement	April 2024

Grounds for concerns about ENPA procedure & planning judgement

The applicant's covering letter to ENPA in July 2024 stated:

*As you're aware, our most recent planning application in 2019 was subsequently withdrawn. Based on the specialist advice available to us at the time along with pre application advice by ENP, we genuinely believed we had provided suitable and sufficient information for the planning application. However, we fully appreciate ENP's requirement for us to undertake a full environmental impact assessment (EIA) [our emphasis] ....*

What concerns us is that ENPA stated the principle of the scheme was acceptable as early as April 2023 (not 2024), when it did not have any of the vital information in Table B, particularly the full Environmental Statement.

We appreciate that Section 6.3 of the Wales [Development Management Manual](#) on pre-application advice from the local planning authority to an applicant states:

*6.3.21 Any assessment of the proposed development by the case officer should be made without prejudice to the formal determination of any subsequent planning application.*

ENPA may have told the applicant in April 2023 that its assessment of the acceptability of the scheme might change in light of further information, correction of errors in earlier information, emerging new national planning policies, planning committee members' changing judgements on the weighting of material considerations (mindful of predetermination) etc, etc.

However, in giving pre-application advice, it is perfectly reasonable for a local planning authority to decline to commit to opining on whether the principle of a proposal is acceptable or not – especially if there is still insufficient information about environmental impacts.

The ENPA telling the applicant that the principle of the scheme was considered acceptable would have raised expectations for planning approval.

We consider that ENPA made an error of judgement in advising the applicant, as they did so without the benefit of vital environmental information, notably:

- The main body of the Environmental Statement
- The Green Infrastructure Statement (which covers measures to achieve Net Benefit for Biodiversity – see our objection in Annex 3)
- The 'Shadow' Habitats Regulations Screening Assessment
- Updated species assessments for bryophytes, birds and bats (i.e. the latest information)
- Design and Access Statement

Particularly surprising in view of the site's SAC and SPA designation, is that ENPA opined before seeing the HRA screening assessment.

Moreover, ENPA knew from opposition to previous applications that this renewed application would be controversial – and that representations would be likely to come from several interested third sector organisations with considerable ecological and other relevant technical expertise who would wish to interrogate the appellant's evidence. Cymdeithas Eryri is left feeling a second-class consultee compared with the applicant's consultants and statutory consultees.

We think there is an appearance of ENPA putting itself under inappropriate pressure to grant permission because it has, in our view prematurely, indicated the development is acceptable in principle despite insufficient information.

## Annex 2: Landscape impacts - waterfall and related recreation & tourism policy matters

### Information relevant to objection

The landscape and visual impact of the scheme is at Appendix 12 of the ES (*Landscape and Visual Impact Assessment* (LVIA) - document E33, with illustrations and reference docs in 34 - 37).

Most of the LVIA follows well established methodology and its conclusions seem reasonable to us **other than** regarding the waterfalls, considered here, and the pipeline crossing of the river (Annex 5).

Assessment of effects on the waterfall is included only in summary at LVIA para 8.15:

*For a full evaluation of the effects on the waterfall, see document: 'Flow/photo survey for Rhaeadr y Cwm, Cwm Cynfal - Evaluating the effect of the proposed hydroelectric scheme on the amenity value of Rhaeadr y Cwm, Cwm Cynfal' produced by others. In summary the proposed hydro scheme would have an **insignificant effect** [our emphasis] on the visual amenity of Rhaeadr y Cwm since there is no effect on the shape and characteristic of the waterfall and only a small difference in the intensity of white water occasionally.*

Paragraph 9.3 summarising the long-term landscape effects, and 9.6 summarising visual impact, do not specifically mention the waterfall.

The referenced document '*Evaluating the effect of the proposed hydroelectric scheme on the amenity value of Rhaeadr y Cwm*' is Appendix 13 to the ES, dated February 2016 and updated 2018 (Doc E38). This is in fact authored by the current applicants, MED Dafydd after advice from NRW hydrology specialists, not by a qualified landscape architect.

The ES advances no additional evidence to support the conclusions in document E38.

The E38 assessment is cogently written but based only on 8 photos taken from a single roadside viewing point on the B4391, between 400 and 500m distance from the sequence of waterfalls. Each photo shows the waterfalls at a different water flow rate, roughly estimated by a formula linking measured flow on a comparable nearby river with modelled flow on Afon Cynfal.

The report states:

*It can be seen from the photos that once there is a reasonable flow in the river, there is only a small change in the amount of white water visible on the waterfall. The amount of white water visible is not proportional to the volume of water. The deep and narrow channel formation means that there is no significant change in the shape and characteristic of the waterfall regardless of the flow.*

Elsewhere, the report concludes:

*There is a change in the intensity of the white water in the waterfall at low flows, however since the hydro scheme will not operate at low flows, it will not affect the*

*intensity of white water at these low flows. There is a slight reduction in the amount of white water when the hydro scheme is operating at moderate flows; however this does not have a drastic effect on the overall appearance of the waterfall as the intensity of the white water is not proportional to the flow in the river. At high flows, since there is an abundant amount of white water, the change in intensity of the white water wouldn't be detectable.*

More specifically, we would summarise the findings as:

- During low flows, very little if any water would be abstracted, resulting little or no impact on the appearance of white water down the falls.
- During moderate flows, the amount of visible white water slightly decreases, but does not affect '*the overall shape or characteristic of the waterfall*' and there is '*only a small difference in the intensity of white water occasionally*'.
- During high flows (i.e. when the waterfall is in 'spate' after heavy rainfall), there is an '*undetectable*' visual change as the flow increases further. As the maximum abstraction will be 528 l/s, this will have an undetectable visual effect on the waterfall when natural flow rates are high, above say 2,000 l/s.

#### Grounds of objection

No information is available about the proportion of days each year when flows are 'low', 'moderate' and 'high'. However it seems reasonable to assume there will be a high proportion of days when the flow is 'moderate', i.e. other than during periods of drought or sustained wet weather.

We disagree with the E38 conclusion, based on a comparison of photos 3 and 4, that at moderate flows '*the amount of white water has slightly decreased* [due to the quantum abstracted], *but it hasn't affected the overall shape or characteristic of the waterfall*'. Likewise we disagree with the statement in the ES summary that '*the Flow Assessment demonstrates how sufficient water would remain in the river to maintain the white-water cascades.*'

Close inspection of the photos shows 'whiter', i.e. more visually impressive water in photo 4 (estimated 474 l/s natural flow) compared with photo 3 (estimated flow 160 l/s – being similar to the flow that would be left in the river after abstraction if natural flow is about 474 l/s.). The photos provide only flimsy evidence, taken far away from the falls. As we point out below, decision-making should assume many more visitors to the site in the future than at present, with many of them arriving on foot, and that they will wish to enjoy a close-to experience of the falls from nearby safe vantage points on Public Access Land. Close up video footage by an independent cameraman should have been commissioned, shot at a range of estimated flow conditions (i.e. using the same correlations as for the photos). Without this, a fully informed judgement of impact cannot be made.

But our objection goes much further. E38 does not address acoustic considerations or the sensory impact of spray & mist in varying light, wind and humidity conditions.

People enjoy waterfalls not only for the sight of turbulent falling water, but also and equally for the impressive range of noise and atmospheric effects. Poetry itself is not a material planning consideration, but great poetry about waterfalls confirms that noise and other physical attributes besides water 'shape' are key to the overall sense of wonder that waterfalls engender, and so are also highly material in this case.

Consider the following lines of poetry:

*Nant y Mynydd groyw loyw  
Yn ymdroelli tua'r pant  
Rhwng y brwyn yn sisial ganu  
O na bawn i fel y nant*

*John Ceiriog Hughes*

*With what deep murmurs through time's silent stealth  
Doth thy transparent, cool, and wat'ry wealth  
Here flowing fall ...*

*From 'The Waterfall' by Welsh poet Henry Vaughan*

*Always in that valley in Wales I hear the noise  
Of waters falling.*

*Welsh poet Vernon Phillips Watkins*

*A hundred waterfalls, whose voices come  
But as the murmuring surge.*

*John Keats*

*... the solid roar...  
Of thunderous waterfalls and torrents hoarse,  
Pouring a constant bulk, uncertain where.*

*Also Keats*

*... which the waterfalls  
Illumining, with sound that never fails ...*

*Percy Shelley*

*Through sounds of foaming waterfalls ...*

*Lord Byron*

Once waterfall noise and other sensory effects besides water flow 'shape' are accepted as important aesthetic factors, then another serious flaw in the E38 analysis arises. This is because visitors are able to get much closer to the

waterfalls than the distant road vantage point from where the photos are taken, and indeed closer than anywhere on the route of footpath PRoW 20. Visitors can go anywhere that is safe on the Open Access Land that includes and surrounds the waterfall. There are several places where it is safe to get close to the falls.

It stands to reason that a reduction in flow due to abstraction in the 'moderate flow' scenario of, for example, photo 4 (from 474 to 174 l/s) – a **63% reduction in waterfall flow** – will result in a substantial diminution in pleasing perceptions of noises and sensations arising from spray and humidity changes when experienced at close quarters. The same or even high percentage, up to just short of 70%, will be true across a range of 'moderate' flows'.<sup>1</sup>

It is true that few people currently take the initiative to traverse PRoW 20 and even fewer get closer to the waterfalls by descending on safe areas of Open Access Land. Moreover, parking at the roadside viewpoint is (rightly) limited to a handful of cars.

However, an important planning consideration is the potential for more people to enjoy the waterfall at close quarters. Anecdotally, we know that popular social media such as Instagram can lead to a substantial increase in visitors at streamside locations - such as the waterfalls and pools close to the Watkin Path on Yr Wyddfa. The same could happen at Cwm Cynfal, though of course unmanaged access of this type could become problematic. This leads to an important consideration.

ENPA may not have any plans at present to encourage and manage increased visitors to Cwm Cynfal. But that is not the point. ENPA could decide to do so in future, when resources and other priorities permit. That **potential** to do so is a key planning consideration, particularly as it fits with the thrust of policy to manage visitors to Eryri more sustainably in future. In particular:

- Even during periods of only moderate water flow, waterfalls are an important wet weather attraction - as shown by Aber Falls and Dolgoch Falls.
- Waterfalls are an attraction throughout the year, helping to spread visitors to periods outside the main visitor season, in line with policy in *Cynllun Eryri*.
- ENPA need not (and should not) increase parking at or near the B4391 viewpoint. Rather, in line with sustainable transport policy, the aim should be to ensure sufficient parking in Llan Ffestiniog and to waymark and promote a footpath route along attractive rights of way between the village and the waterfalls. The obvious route could incorporate other features of interest and would be a family-friendly ramble of just 2 to 3 miles each way through a

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<sup>1</sup> Doc E38 states the 'Hands off Flow' is only 45 l/s. 70% of flow above that level would be abstracted, up to a maximum abstraction of 528 l/s. So, for example, when natural flow would be 800 l/s, the abstraction would be  $[800 - 45] \times 0.7 = 528$  l/s. This is 66% of total flow. When natural flow would be even higher, at say 1,000 l/s, the percentage abstraction would still be over half of total natural flow (53%) despite the 528 l/s cap.

landscape that is just as renowned in Welsh literature<sup>2</sup> as the literary associations that the ENPA has already championed at nearby Yr Ysgwrn. Such a path would fit well with supporting local tourism-related business in small settlements and spreading visitor numbers away from pressured 'honey pot' locations - also in line with *Cynllun Eryri*.

For reasons above, a substantial increase in visitors to the falls should be welcomed and encouraged. Having set out above why the scheme would damage the sensory attractiveness of the waterfalls for an individual visitor, we underline that the harm becomes multiplied in proportion to the number of visitors in future.

Para 6.3.6. of PPW12 states:

*In National Parks, planning authorities should give **great weight** [our emphasis] to the statutory purposes of National Parks, which are to conserve and enhance their natural beauty, wildlife and cultural heritage, and to **promote** [our emphasis] opportunities for public understanding and enjoyment of their special qualities.*

We consider that promoting the public enjoyment of features such as Cwm Cynfal waterfalls exemplifies how ENPA can aspire to fulfil the statutory purposes. Accordingly, substantial harm to the attractiveness of the waterfalls when experienced safely at close quarters by an increasing number of visitors should be given great weight **against** the planning application.

We make two related observations arising from para 1 of document E38, which states:

*... Having received a response to our pre-application (Ref: WA0650001021) for a water abstraction licence from Natural Resources Wales (NRW), one of their requirements before we submit a formal application is that we conduct a flow/photo survey to submit to the Snowdonia National Park Authority (SNPA) to confirm an abstraction regime which is acceptable to SNPA, NRW and ourselves.*

*After receiving an approval letter from SNPA on 1st April 2016 stating that it considered that under controlled abstraction the impact of the depleted flow **will not adversely affect the visual impact of the falls to the detriment of the visitor experience** [our emphasis], NRW issued an abstraction licence (WA/065/0001/0020) and impoundment licence (WA/065/0001/0021) on 28th September 2017.*

The above extract implies that NRW only issued abstraction and impoundment licences in 2017 following ENPA's 'approval letter' opining no adverse effect on visual amenity to the detriment of the visitor experience. We are astonished that

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<sup>2</sup> A promoted walking route could include listed Cwm Farmhouse and two landmarks explicitly mentioned in the **Mabinogion** - Bryn Cyfergyr (now the site of listed farmhouse Bryn Cyfergyd) and Llyn Morwynion, where Blodeuwedd's maidens drowned.

ENPA took this view, it seems in light of no more than the sparse evidence in E38 and - for our reasons given above - without adequately thinking through the totality of harm to amenity and recreation opportunity. We therefore ask ENPA to disavow the above quoted text highlighted in bold. In consequence, we also ask that no positive weight is given to NRW having issued an abstraction licence.

### Annex 3: Bryophytes (mosses and lichens)

#### Information relevant to objection

The presence of many 'Atlantic' bryophytes, including rare and declining species, is one of the key features that led to designation of the waterfalls as part of the wider SSSI. Their conservation is therefore of paramount importance. Most of these species are concentrated along the waterfalls and their rocky margins, especially on steep, shady north facing slopes.

'Hydro-electric power schemes are identified as a 'Key Management Issue' in Section 4.12 of the citation notes for the Migneint - Arenig - Dduallt SSSI. These notes state that:

*'Hydro-electric power schemes are identified as a 'Key Management Issue' in Section 4.12 of the citation notes for the Migneint - Arenig - Dduallt SSSI. These notes state that 'Steep rocky gullies containing fast flowing streams are often targeted for potential hydro-electric power schemes. As this habitat is often important for Atlantic and nationally scarce species of moss and liverwort there can be a conflict of interests. By altering the flow and splash pattern of the stream, hydroelectric power schemes may alter the humidity and the delicate micro-climate which could have a negative impact upon these species. Such proposals should be resisted unless it can be shown that they are of no threat to this special assemblage of mosses and liverworts.'*

The applicant's bryophyte survey was done in 2013 (E60), updated in 2015 (E61) and again in 2023 (E62 & 63 – the latter addressing concerns raised by NRW). These documents repeatedly emphasise the:

- Inaccessibility and therefore difficulty surveying the whole ravine
- Lack of robust research evidence on the impact of hydro-schemes
- Uncertainty about the impact of water abstraction on gorge/waterfall bryophytes for several interacting reasons.

In evidence of this we include the following quotes from E60 – 61. Bold type sections are our emphasis:

*Whilst the pipeline route and non-ravine sections of the river were easily covered, most of the river channel and adjacent rock faces within the main ravine are inaccessible. Since this is the best part of the site for bryophytes, it is possible that a number of species evaded detection and are missing from the inventory.*

*The bryophyte flora seen along the river channel itself during the present survey was of relatively limited interest, though much of the channel within the main ravine is inaccessible.*

*However, large parts of the river channel of the main ravine are inaccessible and it is possible that species of conservation concern occur in close association*

*with the main river hydrology, where they would be susceptible to the effects of the proposed HEP development.*

*The proposed scheme is unlikely to have any significant impact on any bryophyte features of significant conservation interest within areas that could be accessed during the survey. [but] **Significant lengths of good riverine habitat for bryophytes within the main ravine of Raeadr y Cwm are not accessible for surveying.***

*Demars & Britton (2011) reviewed the literature with regards to the impact of HEP schemes on bryophytes and found nothing of much relevance in the context of small-scale schemes such as the present proposal. Since that publication, nothing further has arisen within the peer-reviewed scientific literature. Evidence within the unpublished literature is very limited and is not considered here because it has not been subject to scientific peer-review. Prediction of effects of small-scale HEP schemes on bryophyte populations is therefore **limited to educated guesswork.** The situation is complicated by the fact that bryophytes often occupy a dynamic patchwork of habitat patches whose distribution is dictated by many interacting variables.*

*A 2 km length of the Afon Cynfal will have a depleted flow when the proposed HEP scheme is in operation. During the lowest water levels, below Q95, the flow will not be affected and during the highest flows the effect will be negligible. Some possible effects on colonies of bryophytes from reduced flows include: (i) an increase in the frequency, length and severity of desiccation events; and (ii) a reduction in the frequency, length and severity of disturbance events. Such impacts, if they occur, could cause a reduction in the population of a particular species along the depleted stream length, or even its complete loss. Attempting to predict what may happen to any particular species is clearly very difficult, but in general there will be a higher risk to those that are tied most closely to the river hydrology.*

*Within the depleted length of the Afon Cynfal a nationally important oceanic bryophyte assemblage occurs, concentrated deep within the main ravine. Whilst it is **very difficult to judge**, negative effects on the two main species of conservation interest, *Molendoa warburgii* and *Paraleptodontium recurvifolium*, seem unlikely.*

The 2023 update to the bryophyte assessment (E62) does not amend or withdraw any of the above texts from the 2013 and 2015 documents, and adds:

*There will be no direct impacts from the proposed HEP scheme on the assemblage of oceanic ravine bryophytes because the component species are largely confined to the main ravine, well away from the proposed construction activities. Due to a lack of scientific evidence, it is not possible to predict with any certainty what indirect impacts may occur on species from the assemblage due to reduced flows along the depleted reach. **Species most closely tied ecologically to the river hydrology may be at most risk**, for example including *Heterocladium wulfsbergii* and *Rhynchostegium alopecuroides*. Species that are disconnected from the river hydrology and which inhabit seepages on adjacent slopes are unlikely to be affected, for example including *Campylopus setifolius* and *Chionoloma recurvifolium*.*

*Assuming ... mitigation measures are incorporated into the scheme, the only possible adverse residual effect concerns the possibility of indirect effects from reduced flows on some of the species that comprise the oceanic ravine bryophyte assemblage. Two of the most important species from this assemblage, Campylopus setifolius and Chionoloma recurvifolium, will not be affected because they occupy bankside seepages that are hydrologically disconnected from the river.*

**Residual effects on many of the other species from the assemblage are impossible to predict with any certainty due to a lack of scientific evidence.**

Document E63 addresses specific issues raised by NRW.

NRW noted that:

*The operational phase involves the abstraction of flow from the Afon Cynfal which would result in a depleted reach for an approximate length of 1.2 km within the river. We consider the SAC feature of interest in this stretch to be the Old Sessile Oakwoods habitat: with an open canopy of birch and the typical Hyperoceanic/Atlantic bryophyte assemblage associated with this habitat.*

The applicant's consultant replied that:

*In fact, there are no vegetation communities dominated by trees. Some scattered trees occur on the steepest slopes, such as birch and rowan, but these are growing within non-woodland vegetation communities ...*

NRW also noted that:

*Abstraction of water from the river, resulting in a depleted reach, has the potential to reduce humidity levels which could consequently impact on desiccation-sensitive bryophytes in the vicinity of the river. We consider that further information and/or clarification should be provided to demonstrate whether the Atlantic Woodland bryophytes identified during the surveys ... are actually associated with mist zones and hence whether they could be affected by reduced flows in Cwm Cynfal, or whether they are genuinely only being buffered from desiccation by seepage and the depth of the ravine.*

The applicant's consultant replied in detail, concluding:

*Given the lack of a woodland canopy, which is often an important aspect of the habitat occupied by these species at other sites, it appears that local topography is particularly important for maintaining a sufficiently humid microclimate for these species in Cwm Cynfal. This is because at the base of the main ravine and in the vicinity of the north-facing rockfaces favoured by the more sensitive species, both solar radiation and air turbulence will be greatly reduced, compared to the free-air macroclimate. Air temperature is a major determinant of humidity, and the cooler air at the base of the ravine will require less water vapour to maintain the same relative humidity. Free moisture available to be absorbed into the air will be provided mostly by the river and direct rainfall. It is therefore my opinion that mist zones do not have any substantial influence at this site on the survival of desiccation-sensitive bryophytes.*

Bryophytes are an issue of particular interest to Plantlife, which has also objected to this scheme. They have greater expertise in this field than we do and we understand that their concerns closely mirror ours.

### Grounds of objection

The Pre-Application Consultation report (E75) repeatedly (e.g. on pages 36 and 40) states that the evidence submitted by the applicants on bryophytes:

*'... concludes no evidence to confirm a negative impact on the bryophytes ...'*

We consider this double negative is economical with the truth. The reports cited above (E60 to E62) include texts we have highlighted above to show considerable scientific uncertainty and a conclusion - variously worded and in our words - that there is at least a distinct possibility of the scheme resulting in permanent harm to rare bryophytes in proximity to the waterfalls.

The applicant's consultant recommends monitoring:

*Given the bryological significance of the site, if the proposed scheme is given approval a suitable monitoring scheme should be put in place that is able to determine effects on the populations of key bryophyte species. Such a scheme should be agreed with NRW and the first monitoring visit conducted before any works on the scheme proceed.*

We welcome the consultant's recommendation that monitoring be done - and we would expect a planning condition or obligation to secure this. Such monitoring could provide valuable evidence for future hydro applications elsewhere. However, if the hydro scheme is constructed and operated, then nothing can be done to remediate any significant harm to bryophytes unless NRW were to commit ahead of permission being granted that they would be prepared to amend the abstraction licence and only permit lower level of abstraction. That could threaten the financial viability of the scheme.

We recognise that the results of post-implementation bryophyte monitoring surveys at other hydro schemes cannot be not directly applied to the unique circumstances at Cwm Cynfal. However, in March 2024 NRW published an evidence report on population trends in hyper-oceanic liverworts in the Bontddu Gorge following a hydro-electric power development there. Bontddu is just 21 miles from Cwm Cynfal. The report's author, Dr Des Callaghan, is the same expert who prepared the reports for the Cwm Cynfal application. He surveyed the Bontddu Gorge before the hydro scheme was built in 2013 and again in 2017 and 2023. His report found a significant change between 2013 and 2023, **with four of the five species having undergone a decline of up to -43%, and a combined all species index showing a decline of -17%**. We consider this report underlines and reinforces the distinct possibility of harm to bryophytes at Cwm Cynfal. The report adds substantial weight to this concern in ENPA's planning decision and strengthens the case for ENPA to follow the Precautionary Principle.

We are dissatisfied with some of NRW's advice on this case. Their first query in E63 indicates a lack of expert focus, as they appear to have misunderstood the type of habitat in which the waterfalls are located. More important, we are astonished that soon after the Bontddu report, they did not contact ENPA again and:

- Outline the environmental similarities and differences between the cases

- Urge ENPA to revisit the advice on bryophytes given when the Bontddu case was determined and whether that advice was, with hindsight, overly-optimistic
- Underline that considerable doubt must now exist about the impacts on bryophytes at Cwm Cynfal
- Advise on what bearing the Precautionary Principle should have in this case.

It is, of course, still open to ENPA to ask for this advice and if necessary to defer determination.

In conclusion, para .4.6.6 of PPW12 was recently strengthened and now states:

*Statutorily designated sites **must** [our emphasis] be protected from damage and deterioration, with their important features conserved and enhanced by appropriate management. The contribution of the designated site to wider resilient ecological networks should be recognised and captured as part of a strategic approach to planning policy **and decision making** [our emphasis, meaning in development management as well as in policy making].*

Para 6.3.6. of PPW12 states:

*In National Parks, planning authorities should give **great weight** [our emphasis] to the statutory purposes of National Parks, which are to conserve and enhance their natural beauty, **wildlife** and cultural heritage, and ...*

In light of the considerable technical uncertainty, the new evidence from Bontddu and the applicability of the Precautionary Principle in this case in line with PPW12, we urge ENPA to place great weight on ensuring no harm to the bryophyte community identified in the SSSI citation.

#### Annex 4: Net Benefit for Biodiversity

##### Information relevant to objection

Welsh Government planning policy requires development to provide a **net** benefit for biodiversity (NBB), i.e. a **better** outcome than if the site were left undeveloped.

The applicant's Green Infrastructure Assessment (GIA: Docs E67 – 71) recognises the recently updated policy set out in a document issued by Welsh Government in October 2023: [Addressing the Nature Emergency through the Planning System: Updated National Planning Policy for Chapter 6 of Planning Policy Wales](#). This requires that all development must achieve NBB, and that design must follow the 'DECCA framework'. See GIA sections 2.6 & 2.7, also para 5.1.3.

GIA section 2.4 mentions the Eryri Local Development Plan, which was adopted before the updated PPW12 policy on NBB was published. However the GIA omits to mention that in February 2021 Welsh Government published what is now the national tier of the statutory development plan for all planning authorities including ENPA, entitled [Future Wales, The National Plan 2040](#) (NP 2040). Policy 9 entitled '*Resilient Ecological Networks and Green Infrastructure*' includes the following (bold is our emphasis), which aligns closely with PPW12:

*'... action towards securing the maintenance and **enhancement** of biodiversity (to provide a **net benefit**), the resilience of ecosystems and green infrastructure assets **must** be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.'*

Thus the policy requirement for all development - including hydro electric schemes - to secure NBB carries the statutory force of up to date development plan policy for Eryri.

In 2019, Welsh Government's published the [Chief Planning Officer's letter](#) on *Securing Biodiversity Enhancements*. This states:

*'The attributes of ecosystem resilience should be used to assess the current resilience of a site, and this must be maintained and **enhanced** [our emphasis] post development. If this cannot be achieved, permission for the development should be refused.'*

##### Grounds of objection

The GIA contains long extracts from relevant policy & guidance, together with a great deal of environmental information published elsewhere about the site and its context. However, analysis and actual evidence that NBB will be achieved is very sparse. Table 2 on pages 20 - 22 and Table 3 on pages 24 - 25 list measures mainly to ensure - as far as possible - no harm to existing features. That falls short of achieving a net benefit.

Para 5.1.4 states the scheme has been designed taking into account the 'Step-wise' approach. However, Table 3 on alignment of the scheme with the Step-wise Approach misunderstands and misapplies Figure 12 on page 17 of updated PPW12 Chapter 6. This says that for designated sites including SSSIs, interaction with the Step-wise approach is to be **avoided**. The point is that any harm from development to the ecological features that gave rise to site designation is unacceptable. So NBB must be achieved only by additional positive measures, without any 'offsetting compensation' for harm to irreplaceable features.

Para 5.1.4 also states that the addition of bat boxes and an eel pass enhance the local biodiversity. And Table 3 mentions a measure claimed to 'compensate' (erroneously, as the Step-wise approach is to be avoided), being the planting of 4 locally indigenous alder trees near to the turbine house (shown on C4 layout plan). However, none of these three modest measures are what they are purported to be:

- Two bat boxes on the turbine house are no more than a precautionary mitigation measure in view of local bat records. They may help to prevent further damage to biodiversity that exists now. But they are not biodiversity 'enhancements' as claimed at 6.1.3, as they do not contribute to any 'net benefit' that would increase overall ecosystem resilience.
- The eel pass is also no more than a mitigation measure, aimed to conserve any eel stocks that may still be present in the river system. Likewise, they may help to prevent further damage to biodiversity but do not contribute to any 'net benefit' that increases overall ecosystem resilience.
- The four alder trees look like a landscaping measure to help integrate the turbine house into the setting (hence the proposed planting of 'semi-standard' size trees, but note - these often do not grow vigorously because of root/shoot imbalance). In ecological terms, their contribution is marginal and does no more than mitigate for the permanent loss of soil & vegetation arising from construction of the building, its access track and also the track to the weir. These few trees make at most a trivial contribution to overall ecological resilience, unrelated to the ecological features that the waterfall is mainly designated for.

Para 6.1.2 says:

*The baseline biodiversity is high and therefore [there is] limited possibility of enhancing the area with green infrastructure.*

That second part of that assertion is fundamentally incorrect. The gorge and its margins are a degraded former woodland habitat. NRW explained this in Document E63:

*Historic OS maps of the area dating back to 1875–1887 show no evidence of woodland habitat in this area, suggesting it was cleared well over 100 years ago. Woodland has not since re-established because regeneration of trees is largely prevented by sheep grazing.*

In SSSI parlance, land within the applicant's ownership bordering the gorge is in 'unfavourable' condition due to the grazing pressure and also, on inaccessible rock faces, because of the start of seeding by invasive Sitka spruce – a process that will accelerate if left unchecked.

The applicant could have agreed to a substantive measure to genuinely enhance biodiversity and arguably result in NBB despite the uncertainty and concern about harm to bryophytes. An obvious measure would be fencing-off of substantive gorge-side areas to encourage natural colonisation of native tree and shrub species – leading eventually to what NRW described in document E63 as:

*'... the SAC feature of interest ... the Old Sessile Oakwoods habitat: with an open canopy of birch and the typical Hyperoceanic/Atlantic bryophyte assemblage associated with this habitat'*

In terms of wider ecosystem resilience, such an increase in that habitat would serve to extend the remnant Celtic Rainforest woodlands along the Cynfal river system, centred on the nearby [Ceunant Cynfal National Nature Reserve](#).

Any fencing would need to be routed to respect historic landscape features, perhaps by following existing old field boundaries.

However, ENPA must determine the application on the basis of what has actually been proposed, with no positive weight whatsoever attaching to missed opportunities such as that outlined above.

Far from providing **Net** benefit for biodiversity, the scheme will at best 'break even' in terms of net benefit – and only if it turns out there will be no harm to bryophytes or due to the design of pipeline crossing of the river (see Annex 5). More likely, having regard to the outcome at Bontddu there will be at least some harm to bryophytes and other aspects of river ecology - contrary to policy.

Overall and in terms of PPW12, the enhancement of biodiversity to provide a net benefit and increased ecosystem resilience have not been demonstrated as part of development through '*innovative, nature-based approaches to site planning*'.

In line with the Chief Planner's letter, as the current ecological resilience of this designated site would not be enhanced, permission for development should be **refused**.

## Annex 5: Environmental risk inherent in design of pipeline river crossing

### Information relevant to objection

The previous proposal for the pipe to cross the river via a visually intrusive bridge has been abandoned. The current proposal is to excavate / 'peck' / blast the river bed and bury the pipe under the river bed, explained at 3.4.3 of the ES (E66):

*A decision was made to amend the design and to bury the pipe under the river bed rather than using a bridge. It is recognised that the cost of avoiding the pipe bridge is disturbance of the riverbed, but by minimising the duration of disturbance and effective construction stage mitigation adverse effects could be reduced.*

The focus of mitigation is the construction phase, with further detail in the Construction Management Statement. However, the information provided does not address the longer-term performance of the pipe crossing, including mitigation of apparently unforeseen consequences with potential for significant environmental damage.

### Grounds of objection

We are aware that Save our Rivers' (SoR) objection to the application expresses concern about the post-construction phase impact of the pipe river crossing. We defer to SoR's considerable technical expertise in this matter and do not repeat the detail of their objection.

They conclude that there is significant risk of one or more of the following:

- the pipeline being uncovered via erosion after construction
- the river diverting into the pipeline trench
- the river eroding ground above where the pipe crosses.

We agree with SoR's concern and think the ENPA has insufficient information to be confident that the pipe crossing will not create significant localised erosion damage and sediment pollution of the water course and downstream SSSI, contrary to the several relevant development plan policies.

The Precautionary Principle applies in view of the SSSI status of the site and the potential for visual eyesores.

We are surprised that NRW has not engaged with this matter.

## Annex 6: Proposal for an Energy Local Club and the benefits arising

### Information relevant to objection

The applicant's covering letter (E73) states the following (bold is our emphasis):

*Since our previous application, we have been able to confirm the viability of an Energy Local club for the proposed scheme which will enable the generated power to be utilised locally at a reduced cost to the community. It would be great to see local natural resources being utilised to benefit the local community. ...*

*To further aid the consultation process, we hosted a local drop in event at Llan Ffestiniog Village Hall for the local community to allow us to further explain the scheme and the potential of the local energy scheme. We were encouraged that local support was strong with further support received from the elected representatives and the Ffestiniog Town Council. ...*

*Given the current need for diversification in the agricultural sector, this proposed scheme will provide security for future generations as well as allowing us as a family to play a part in tackling the current climate crisis by generating electricity from a renewable source for the local community to use ...*

The applicant's reference to 'confirming the viability' stems from application document E73 entitled 'Energy Local Ffestiniog Modelling Report', dated Dec 2023 and prepared by Energy Local. The document explains how 700 or more local households could join an 'Energy Local Club' which would enable them to access a secure source of local energy at reduced cost compared with purchasing energy from commercial suppliers. E73 states:

*Energy Local enables a local group of households to form themselves into a new type of organisation, an Energy Local Club (ELC), with the demand consumers and the generators as members, facilitating local balancing. Everyone in the Club must switch to the same supplier. The supplier provides all the billing and licensed responsibilities. All members need half-hourly metering. Every half hour, this system attributes local generation to members using power as it is generated. By establishing an internal price for locally used power the generator can earn more and customers receive more affordable power.*

In a recent press [article](#) where the local MP expresses her support for the scheme, the applicant is quoted as saying:

*The proposed hydro scheme will [our emphasis] form part of Energy Local, a community interest company based in North Wales that aims to create fair and more sustainable energy systems for communities across the United Kingdom.*

The ES non-technical summary states:

*The Local Energy Club will be beneficial to local communities.*

Welsh Government policy is supportive of such schemes, notably in PPW12 at

paragraphs 5.9.24 – 28 entitled 'Local Involvement and Community Benefit'.

Indeed we are supportive, in principle. However, para 5.9.28 states:

*The Welsh Government supports commercial developers working together with community based organisations to take forward projects on a shared ownership basis. We also support the principle of securing financial contributions for host communities through voluntary arrangements. Such arrangements must not impact on the decision-making process and should not be treated as a material consideration, unless it meets the tests set out in Circular 13/97: Planning Obligations. [our emphasis]*

### Grounds of objection

We do not doubt the applicant's sincerity or current intention to implement a scheme such as that explained in E73. However, intentions can and do change for many reasons not material to a planning application - including changing pecuniary interests. This is why, for example, the provision of a proportion of a housing scheme being 'affordable' units does not rest on the applicant simply saying they intend to make this happen. Rather, grant of planning permission is dependent on the signing of a legally robust Planning Obligation document that 'runs with the land' and will secure the relevant planning benefits.

PPW12 para 5.9.28 makes clear that similar arrangements must be in place regarding '*financial contributions for host communities through voluntary arrangements*' such as are promoted by Energy Local.

It would seem impracticable to secure such arrangements by ENPA imposing a planning condition - which is presumably why PPW12 does not mention conditions.

The application documents do not include a draft Planning Obligation document for the ENPA's consideration. It might be possible to produce one, but the applicant has not done so. Accordingly, no planning weight should be ascribed to the applicant's current intention to implement a Local Energy scheme. A local planning authority could find itself in legal jeopardy were it to do so.

We are concerned that, doubtless unintentionally, the applicant has misled many local consultees into thinking that the hydro-scheme will necessarily deliver financial benefit for the members of the local community, and that this may have influenced their expressions of support for the application. This renders it inappropriate to give much weight to those responses.

END OF SUBMISSION

**Snowdonia National Park Authority   Date: 21-January-2026**  
**– Planning & Access Committee**

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**Application Number:** NP5/59/814A

**Date Application Registered:** 11/11/2025

**Community:** Ffestiniog Town Council

**Grid Reference:** 272796 342472

**Case Officer:** Mr. Aled Lloyd

**Location:**

Garreg Lwyd, Bont Newydd, Ffestiniog.  
LL41 4PT

**Applicant:**

Mrs. Ali Crothwaite,  
Garreg Lwyd,  
Bont Newydd,  
Ffestiniog,  
Gwynedd. LL41 4PT

**Description:**

Change of use from C5 dwellinghouse to  
dwellinghouse (C5) and commercial short-  
term letting accommodation (C6)

**Summary of Recommendation**

To GRANT permission subject to conditions

- Commencement within 5 years
- In accordance with the submitted plans
- Use of Welsh (or bilingual) signage / advertising

**Reason(s) Application Reported to Committee  
Scheme of Delegation**

Objection by Ffestiniog Town Council, contrary to officer recommendation

**Land Designations / Constraints**

Traditional building of character  
Open Countryside

**Site Description**

The development site lies in the open countryside and is approximately 1.8 miles from the village of Ffestiniog. It is accessible via an unnamed road off the B4391.

Surrounding the site is a recognised area of natural beauty and it is within 15m of the Migneint-Arenig-Ddualt SAC/SPA. It is also within close proximity to a dark skies core zone.

### **Proposed Development**

The proposal is for the Change of use from C5 dwellinghouse to dwellinghouse (C5) and commercial short-term letting accommodation (C6)

### **Consultations**

<b>Consultees:</b>	<b>Responses:</b>
Ffestiniog Town Council	Objection - The Councillors have discussed this and wish to submit an objection, on the basis that there is a general lack of housing for local people, and that there are too many holiday homes in the area.
Local Member	I do not agree with giving the right to this change. There are already too many holiday homes here, causing a shortage of housing for local people.

### **Responses to Publicity:**

The application has been publicized by means of a site notice. At the time of writing this report, no observations have been received.

### **Relevant Planning Policies – Eryri Local Development Plan (2016 – 2031)**

<b>Policy No.</b>	<b>Policy</b>
SP A	National Park Purposes and Sustainable Development
DP 1	General Development Principles
DP 7	Listed and Traditional Buildings
SP G	Housing
SPG 2	General Development
SPG 16	Managing the Use of dwellings as holiday homes
DP 18	The Welsh Language and the Social & Cultural Fabric of Communities

### **Supplementary Planning Guidance:**

SPG 2	General Development Considerations
SPG 16	Managing the Use of dwellings as holiday homes

### **National Policy:**

Planning Policy Wales, edition 12
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## **1. Background**

1.1 The dwelling subject to the application was subject to an application for the *“Demolition of garage, erection of single storey rear extension, conversion of attached store to office, and associated works.”* which was approved in January 2025

## **2.0 Principle of Development**

2.1 Section 38 of The Planning Compulsory Purchase Act 2004 require that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises Future Wales 2040 and the adopted Eryri Local Development Plan 2016-2031 and within which the following policies are of relevance:

2.2 The application was subject to pre-application advise, in which officers advised that in view of the number of second homes in the Ffestiniog community is currently 8.0% this change of use will not result in a significant loss of permanent housing, nor would there be any implications in regard to provision of a contribution or loss to the affordable/local occupancy housing stock.

In view of the above and provided that the proposal complies to Development Policy 1, the Change of use from C5 to combined C5 and C6 would be acceptable.

2.3 Each application is considered on its own merits and in this instance case officer consider that there are material planning considerations to support the change of use being proposed.

2.4 The full assessment of the policy is detailed in this report.

## **3. Assessment**

### **3.1 Planning History**

3.2 Conditional Planning permission reference NP5/59/814 was granted on the 15/01/25 for the *Demolition of garage, erection of single storey rear extension, conversion of attached store to office, and associated works*

3.3 This application proposes a Change of use from C5 dwellinghouse (used otherwise than as sole or main residences) to a mixed use of dwellinghouse (C5) and commercial short-term letting accommodation (C6).

3.4 A statement submitted in support of the application by the agent states the dwelling has been a second home for the same family for over 6 decades. The new family owner seeks to use the property for short term holiday letting during

periods when the family are not visiting in order to supplement the upkeep of the dwelling.

- .3.5 The Welsh Government amended The Town and Country Planning (Use Classes) Order 1987 (the UCO to create new use classes for 'Dwellinghouses, used as sole or main residences' (Class C3), 'Dwellinghouses, used otherwise than as sole or main residences' (Class C5) and 'Short-term Lets' (Class C6) in 2022. The GPDO was also to allow permitted changes between the new use classes, C3, C5 and C6, unless those rights were then disapplied within a specific area by an Article 4 Direction made by a local planning authority on the basis of robust local evidence.
- .3.6 An Article 4 Direction came into force on the 1<sup>st</sup> June 2025 within the Eryri National Park. The intention of the Article 4 direction is to meet the objectives of the ELDP. It can be summarised as seeking to protect and support the special qualities of the Park, support sustainable local communities and help maintain the language and cultural characteristic of the communities of the Park.
- .3.7 The purpose of the Article 4 Direction is to better manage Eryri's housing stock, prevent any further reduction of the existing housing stock available to local communities, ensure that the amenities of the residents are protected and to protect communities that offer opportunities for people to live and work in them. Planning Policy Wales (paragraph 4.2.5) supports the use of a cap or ceiling on numbers where there is evidence of localised issues such as the prevalence of second homes and short term lets. The purpose of Strategic Policy G is to provide permanent homes for local communities. Strategic Policy A seeks to ensure sustainable development whilst conserving and enhancing the National Park's 'Special Qualities'; these include a robust sense of community cohesion, belonging and vibrancy which combine to give a strong 'sense of place'.
- .3.8 In areas that have a high percentage of second homes and short-term let accommodation, the aim is to prevent further increases and to stabilise the numbers by not permitting further changes of use of existing housing stock from main homes. Based on a review of evidence and data, the point at where intervention is required is set at 15% of the total housing stock. To ensure balanced and sustainable communities in accordance with policies Strategic Policy G and Strategic Policy A, there is a presumption against the provision of additional second homes (C5) and short-term lets (C6) where the total exceeds 15% of the total housing stock
- .3.9 The number of second homes in the Ffestiniog community is low at 8%, and this change of use will not result in any loss of permanent housing (C3 use) as it is already in C5 use, nor would there be any implications in regard to provision of a contribution or loss to the affordable/local occupancy housing stock. It should also be remembered that a permitted development right back to C3 use would also remain thus ensuring the use could revert back to C3 use in the future.

- 3.10 Officers acknowledge the objection of both Ffestiniog Town Council and the local member. However, in view of the above and in consideration that there has been a provision on new affordable housing within Llan Ffestiniog, it would be unreasonable to justify a refusal in this instance.
- 3.11 ELDP policy DP1: General development principles has also been considered with this application. Policy DP1 poses 16 criteria, all of which must be satisfied for a proposal to be considered in conformity with policy. It should be acknowledged that short term holiday lets and second homes can impact the amenity of communities. That said, it is acknowledged that the dwelling is already used as a second home. Short term holiday lets can have amenity impacts that differ from permanent housing stock (C3) given the nature of the use e.g. change overs, movements to and from properties that differ to C3 uses and at times increased parking needs. The application site is located in open countryside with sufficient parking and therefore it is not considered that the combined use will unacceptably impact public amenity.
- 3.12 The policy criteria has been assessed and there is no conflict identified with any of the stated criteria. Similarly, there would be no harm to the special qualities of the National Park. Consequently, officers are of the opinion that this proposal is not in conflict with this policy. In view of the above officers are of the opinion that this application can be supported

### **Language Considerations**

- 3.13 Policy DP 18: The Welsh Language and the Social & Cultural Fabric of Communities encourages 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.
- 3.14 Given that the proposal will introduce a commercial nature to the use of the site, it is considered reasonable to impose a condition to ensure that information and advertising is in Welsh or bilingual to ensure compliance with policy DP 18 and to help protect the social and cultural fabric of communities.

### **4. Conclusion**

- 4.1 On balance officers are of the opinion that this proposal to Change of use from C5 dwellinghouse (used otherwise than as sole or main residences) to a mixed use of dwellinghouse (C5) and commercial short-term letting accommodation (C6), poses no conflict with policy and would not result in any harm to the character or housing mix of the area.

### **RECOMMENDATION: To GRANT permission subject to the following conditions:**

1. The development hereby permitted shall be commenced before the expiration of FIVE years from the date of this decision.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

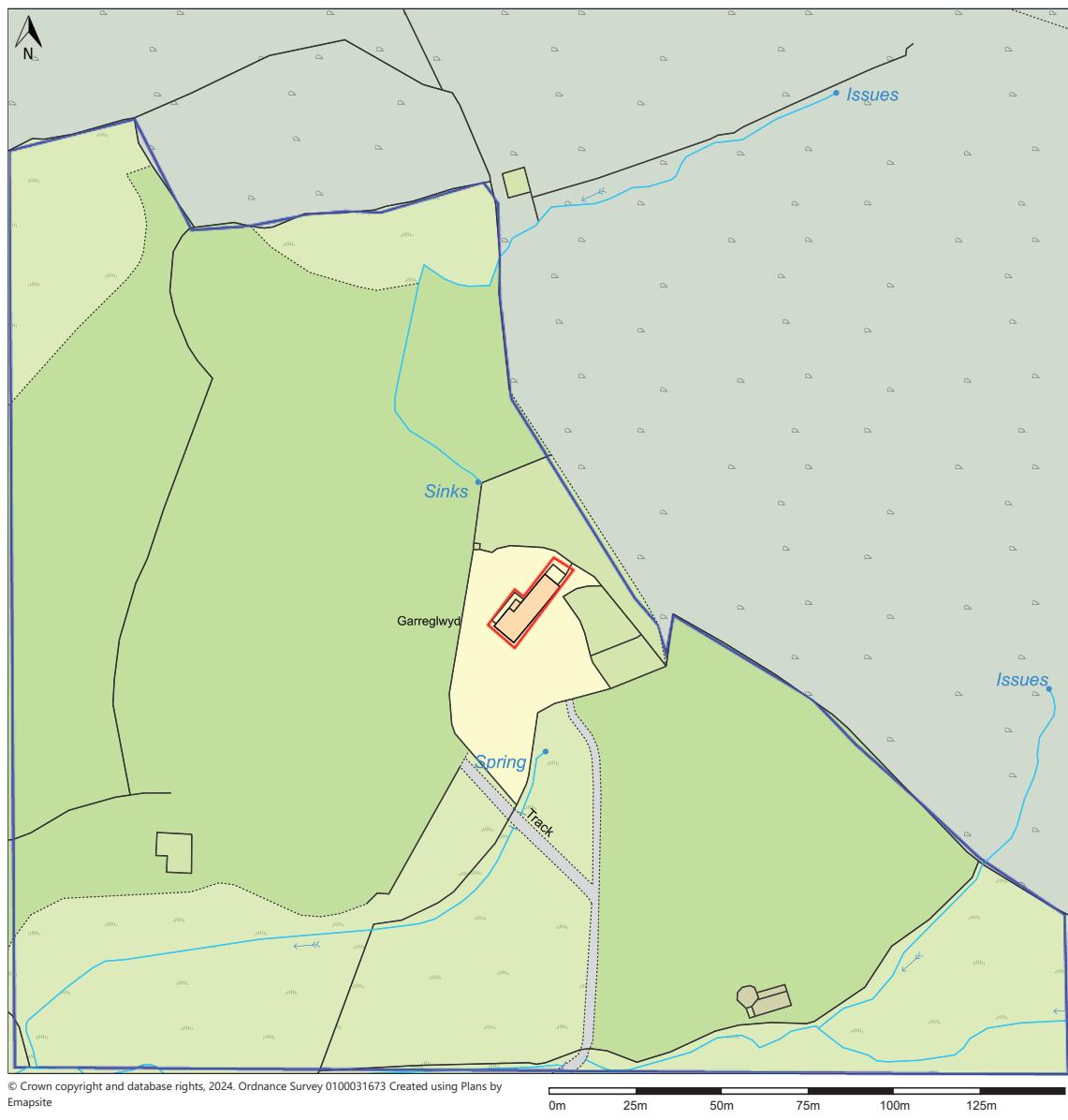
- Location plan,
- Approved Floor Plan 1
- Approved Floor Plan 2

3. Any signs or advertising (including booklets & webpages) or information booklets within the premises, informing and promoting the development both within and outside the site must be Welsh or bilingual with priority for the Welsh language.

Reasons:

1. To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. To define the permission and for the avoidance of doubt
3. In order to conform with policy SP A & DP 18 of the Eryri Local Development Plan.

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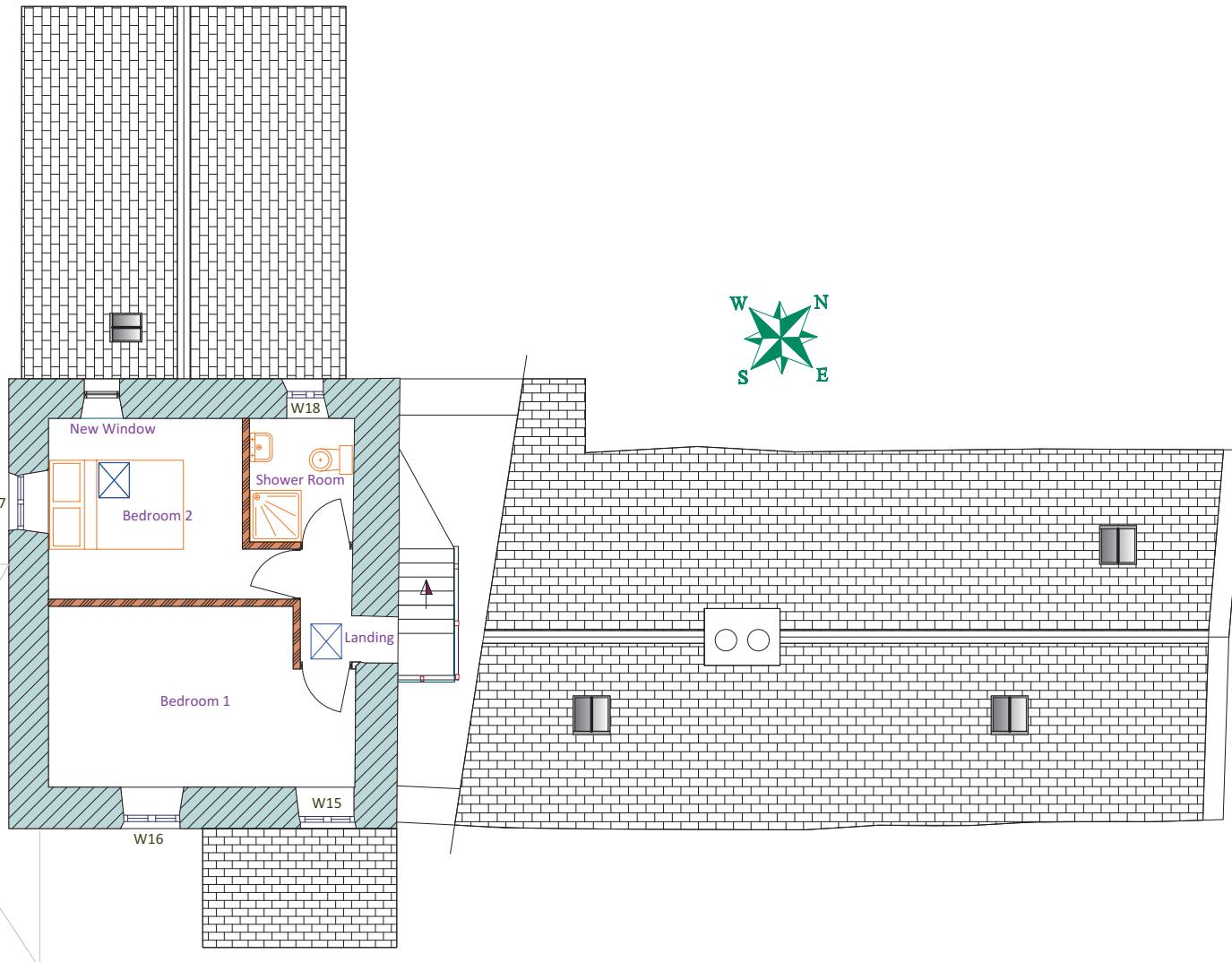
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Project : Garreg Lwyd  
Renovations & Alterations

Title : First Floor Proposed

Drawing : 9824P rev A

Scale : 1:50 @ A2

Date : October 2024

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<b>MEETING</b>	Planning and Access Committee
<b>DATE</b>	January 21, 2026
<b>TITLE</b>	<b>AN UPDATE ON COMPLIANCE CASELOAD AND PERFORMANCE</b>
<b>REPORT BY</b>	Principal Planning Officer (Compliance)
<b>PURPOSE</b>	To update Members in respect to Compliance caseload and performance

### 1.0 **Background**

- 1.1 In June, Members noted a report relating to the performance and function of the Authority's compliance service, with an ongoing assessment of performance to be reported at the January 2026 Committee.
- 1.2 This report will aim to brief Members on the current situation with the compliance function and will also provide an update in respect to longstanding, notable compliance cases.

### 2.0 **Current Resource Situation**

- 2.1 At the end of August 2025, an officer returned from maternity leave and the team is now at full capacity. Consultants Prospero still have a handful of cases they are progressing but no new caseload is being given to them.
- 2.2 During November and December 2025 the compliance section has assisted Development Management with progressing planning applications and pre-applications. The Principal Planning Officer has also assisted with managerial duties. Evidently this has significantly impacted upon the teams' capacity.

### 3.0 **Current Case Figures & Appeals / Prosecutions**

- 3.1 As of the 30<sup>th</sup> of November 2025, there are currently **211** outstanding cases. Since June there has been a small increase in the number of outstanding cases which then stood at 189.
- 3.2 From the 1<sup>st</sup> of June 2025 to the 30<sup>th</sup> of November 2025 we have received a total of **56** new cases to investigate. Again, a small increase from June where we reported 45 new cases.

- 3.3 From the 1<sup>st</sup> of June 2025 to the 30<sup>th</sup> of November 2025 we have closed 35 cases. By closing a case, this can be because there is no breach of planning control, the alleged breach benefits from permitted development rights or the alleged breach is removed or ceased or that retrospective planning permission has been granted. Given the staffing capacity issues and the slight increase in cases to investigate the situation is not unexpected. It is hoped the Development Management Service will become fully resourced in February 2026 and will allow the Compliance Service to focus on investigations and decrease the number of outstanding cases.
- 3.4 In respect of retrospective planning applications, from the 1<sup>st</sup> of June 2025 to the 30<sup>th</sup> of November 2025 we generated 15 planning applications.
- 3.5 In respect to formal action, from the 1<sup>st</sup> of June 2025 until the 30<sup>th</sup> of November 2025 we have served 2 Enforcement Notices. These Enforcement Notices relate to an unauthorised lodge development at Craig y Dderwen Hotel, Betws y Coed and to the siting of an unauthorised shepherd's hut used as separate self-contained holiday accommodation at Brynawel, Llwyngwri.
- 3.6 Turning to appeals, it can be reported that the Enforcement Notice in respect to the siting of a residential static caravan situated at Plas Gwynfryn, Llanbedr has been determined by Planning & Environment Decisions Wales (PEDW) where they have varied the requirements of the Notice to specify a compliance period of six months, rather than three months, and upheld the Enforcement Notice. Compliance of the Notice is due on the 3<sup>rd</sup> of January 2026.
- 3.7 The section currently has three ongoing appeals, which have yet to be determined by Planning & Environment Decisions Wales (PEDW). The Authority still awaits appeal decisions against the service of Enforcement Notices in respect of unauthorised side extensions at Glygyrog Ddu, Aberdyfi and for an unauthorised lodge development at Craig y Dderwen Hotel, Betws y Coed.
- 3.8 The Authority still awaits a Public Inquiry date for the appeal relating to a partial refusal of a Lawful Development Certificate at Tan y Coed Lodge, Ffordd Gors Road, Dyffryn Ardudwy.
- 3.9 An Enforcement Notice served in respect to land at Tyn y Pant, Dyffryn Ardudwy which was upheld on appeal for the unauthorised use of the land as a touring caravan site and tented camping site for the purpose of providing recreational and leisure accommodation and for the storage of boats, motor vehicles and touring caravans for storage purposes should have been complied with by the 27<sup>th</sup> of January 2025.
- 3.10 At the beginning of February 2025 a visit took place, where it was evident the requirements of the Notice had not been complied with. The Authority wrote to the owner providing further time to comply. Further visits were carried out in March and September 2025 whereby it was still evident the required steps to comply had not been taken. On this basis prosecution proceedings were commenced.

- 3.11 A hearing proceeded to take place at Caernarfon Magistrates Court on the 29<sup>th</sup> of October 2025. The defendant pleaded guilty and advised the court they would remove everything from the land within the next eight weeks. The Magistrates sentenced the defendant with a fine of £1,000, with costs of £677.60 and a victim surcharge of £400.
- 3.12 As the defendant advised to the court they would remove everything within the next eight weeks, a site visit to the land has been scheduled for the beginning of January 2026, to ensure the land has been cleared. A further update will be provided to Members at the meeting.

#### **4.0 Welsh Government Performance Indicators**

- 4.1 To assist Members in understanding the Welsh Government indicators in respect to measuring compliance performance, I have provided details which have factored in previous update reports.
- 4.2 The first indicator determines the number of days it takes to 'investigate' an alleged breach of planning control. The number of days is then averaged to provide an overall percentage figure. This indicator means the Authority has considered the alleged breach of planning control and advised the complainant of the outcome of the investigation. For example, the complainant is advised a retrospective planning application has been received or it is not expedient to pursue the breach found.
- 4.3 The second indicator determines the number of days to achieve a 'positive outcome'. To achieve a 'positive outcome,' one of the following should have occurred:
  - Informal negotiation removes the breach.
  - An Enforcement Notice or other Formal Notice is issued.
  - Planning permission is subsequently granted through an application or an enforcement appeal.
  - Prosecution is instigated or direct action removes the breach.
- 4.4 To benchmark the above indicators, the Welsh Government have provided a traffic light system. In respect to the 'investigated' indicator:
  -  **IMPROVE – less than 70% of cases are investigated within 84 days.**
  -  **FAIR – between 70% and 80% of cases are investigated within 84 days.**
  -  **GOOD – 80% or more cases are investigated within 84 days.**

4.5 In respect to the 'positive outcome' indicator:

-  **IMPROVE – over 200 days.**
-  **FAIR – between 101 and 200 days.**
-  **GOOD – under 100 days**

4.6 The following table provides Members with the outcome for each quarter for the year 2025 to 2026:

<b>Investigated</b>	<b>Quarter 1</b>	<b>Quarter 2</b>
Number of Cases Investigated in 84 days or less	11	10
Number of cases Investigated in more than 84 days	5	7
Total number of Cases Investigated	16	17

<b>Average time taken to Investigate Enforcement Cases</b>	69% (161 days)	59% (178 days)
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4.7 The following table provides Members with the outcome for each quarter in respect to the 'positive outcomes' indicator:

	<b>Quarter 1</b>	<b>Quarter 2</b>
Average time taken to take Positive enforcement Action	310 days	259 days

## **5.0 Investigated Indicator**

5.1 Upon reviewing the data for the average time taken to investigate enforcement cases compared to the figures for the previous same period in 2024 to 2025, it is evident for both periods we have dropped back into the 'Improve' criteria, with the average number of days exceeding the 100-day mark.

5.2 A factor as to why the 'investigated' target has dropped is partially due to a stretch on resources due to maternity leave and providing additional support to Development Management.

## **6.0 Positive Outcome Indicator**

6.1 As I have explained in previous reports, this indicator can fluctuate quite significantly, especially where long outstanding cases which have taken a considerable time to resolve, have been closed.

6.2 In Quarter 1 for 2024 the number of days had dropped to over 400 days, being at 412. Therefore, for the same period in 2025 it is pleasing to see an improvement has been achieved.

6.3 However, Quarter 2 for 2025 has not achieved the same success as for the same period in 2024. Although it is pleasing this figure improves on Quarter 1 and has dropped into the 200 to 300 days mark.

## **7.0 Review into Reporting an Alleged Breach of Planning Control**

7.1 In June it was reported to Members that an online form had been provided on the Authority's website to report alleged breaches of planning control. The use of this form was in its early infancy, but officers were already benefiting from the reduction of administration work.

7.2 One issue that has arisen is determining the exact location of the alleged breach where there is no specific address. Work is currently underway to provide a feature within the form whereby the exact location can be pinpointed by the person raising the concern. This should assist officers with their investigations and result in improved efficiency.

### **Member Training**

7.3 A planning training event has been set up for Members which will take place towards the end of March or the beginning of April 2026. It is anticipated compliance will inform a part of this session.

### **Reporting Compliance Caseload and Performance**

7.4 The current report format has been in place since December 2023. Originally it was scheduled to be an annual update report, but for transparency it continues to be reported on a bi-annual basis.

7.5 A review of the report format will commence after January 2026.

## **8.0 Update on Notable Cases**

### **Nannau, Llanfachreth**

- 8.1 Since June 2025 the Authority has continued to explore the service of an Urgent Works Notice as a way of protecting the building from further deterioration. This work has involved meeting with CADW to establish the parameters of taking such action. As a starting point a structural survey of the building would be required, and work has commenced preparing tender documentation. To fund this, the Authority would seek to apply for grant funding from CADW.
- 8.2 In the meantime, the agent has advised of a potential change in circumstances in respect to the ownership of Nannau.
- 8.3 This change has resulted in a productive site meeting held in December 2025 with discussions concentrating on urgent works been undertaken to the roof. Weather dependant, temporary repairs to the roof were due to start during the week commencing the 15<sup>th</sup> of December 2025.
- 8.4 A verbal update will be provided to Members at the meeting.

### **Other Cases**

- 8.5 Members are encouraged to contact the Service directly should you wish to have an update on any specific case.

## **9.0 Conclusion**

- 9.1 The compliance team are now fully resourced where we hope we can improve our Welsh Government performance indicators for the final two quarters.
- 9.2 Assisting Development Management has clearly had a negative impact and has caused delays with some compliance work. That said members should be assured priority cases have received the attention they require. With the potential for Development Management to become fully resourced in February 2026 it is envisaged that the Compliance service can focus on investigations and reduce the number of open cases.

## **10.0 Recommendation**

- 10.1 To note the contents of the report in relation to capacity and performance and provide any observations and comments on this.



**PLANNING AND ACCESS COMMITTEE**  
**21 JANUARY 2026**

**SECTION 106 AGREEMENTS**

**SNOWDONIA NATIONAL PARK AUTHORITY**  
**PLANNING AND ACCESS COMMITTEE 21 JANUARY 2026**

**SECTION 106 AGREEMENTS**

<b>Rhif</b>	<b>Application No.</b>	<b>Date application was received</b>	<b>Location</b>	<b>Development</b>	<b>Present Position</b>
1.	NP3/15/T173C	01/08/2024	Yr Helfa, Llanberis. LL55 4UW	Change of use of short-term holiday letting dwelling (Use Class C6) to open market dwellinghouse (Use Class C3)	Draft agreement sent 08/01/2025, waiting for a response from the solicitors.  Discussions are being held with the applicants. Last correspondence 13/11/2025
2.	NP4/31/127	31/05/2024	Land adjoining Hendre Ifan, Ysbyty Ifan. LL24 0NT	Erection of 2 two storey affordable dwellings.	Waiting to be sealed
3.	NP5/55/46G	12/07/2023	Geufron Farm, Bryncrug, LL36 9RW	Conversion of barn and stable to short-term holiday let accommodation.	Waiting to be sealed
4.	NP5/58/363K	09/05/25	Nant Eos, Dyffryn Ardudwy. LL44 2HX	Conversion of outbuilding into open market dwelling and installation of sewage treatment plant.	A draft agreement has been prepared.
5.	NP5/58/646	17/03/2023	Land near Pentre Uchaf, Dyffryn Ardudwy.	Erection of a special adapted bungalow and a two-storey dwelling	Waiting for the mortgage company to be removed from the Land Registry title.
6.	NP5/61/647A	12/03/2024	Ty'n y Gwater, Harlech. LL46 2UW	Demolition of existing buildings and construction of a rural enterprise dwelling (Re-submission).	Waiting for the solicitors to confirm the details of the ownership of the land.
7.	NP5/65/256B	12/02/2025	Bontddu Hall, Bontddu. LL40 2UF	Demolition of part of former hotel and erection of 5 new open market dwellings (1 detached and 4 town houses), provision of 4 affordable dwelling with 3 being accommodated with a new build terrace and 1 within the former staff accommodation on the lower ground floor of the hall, Bontddu Hall, Bontddu. (Revised application)	Waiting for the draft agreement to be approved.

Number of applications on committee list 12 November 2025 = 6

**APPLICATIONS SUBJECT TO A SECTION 106 AGREEMENT AND WHICH HAVE BEEN COMPLETED SINCE  
PLANNING & ACCESS COMMITTEE 12 NOVEMBER 2025**

Application No.	Location	Development

**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 12 NOVEMBER 2025**

Application No.	Location	Development



## **PLANNING AND ACCESS COMMITTEE**

**21 JANUARY 2026**

## **OUTSTANDING APPLICATIONS WHERE MORE THAN 13 WEEKS HAVE ELAPSED**

**SNOWDONIA NATIONAL PARK AUTHORITY**

**PLANNING AND ACCESS COMMITTEE 21 JANUARY 2026**  
**OUTSTANDING APPLICATIONS WHERE MORE THAN 13 WEEKS HAVE ELAPSED**

**Awaiting Ecology Information / Response**

NP2/16/LB194J	08/07/25	Erw Suran, Cwm Ystradlllyn, Garndolbenmaen. LL51 9BQ	Variation of Conditions 02 (Approved plans), 14 (Bat habitats), and 15 (Mitigation) attached to Planning Permission NP2/16/LB194G dated 13/02/2024, and for the change of use of coal store to bat habitat.
NP2/16/LB194K	08/07/25	Erw Suran, Cwm Ystradlllyn, Garndolbenmaen. LL51 9BQ	Variation of Condition 02 (Approved plans) attached to Listed Building Consent NP2/16/LB194F dated 13/02/2024.
NP4/26/334D	13/12/24	Moel-yr-lwrch Uchaf, Nebo, Llanrwst. LL26 0TF	Extension to existing agricultural outbuildings,
NP5/58/141B	27/08/25	Llwyn Ynn Cottage, Talybont. LL43 2AH	Erection a new detached garage/workshop,
NP5/58/227E	23/10/24	Land adjoining Tan-y-Foel, Dyffryn Ardudwy.	Erection of 3 detached dwellings (1 affordable and 2 open market).
NP5/61/377B	17/04/25	Llechwedd Du Bach, Harlech. LL46 2UU	Removal of existing roof and glazing and the erection of a new roof, 400mm higher than existing, together with the installation of three new dormer windows.
NP5/72/254	22/01/24	Ddol Hir, Fron Goch, Bala, LL237NT	Construction of a rural enterprise dwelling and installation of a package treatment plant.
NP5/73/351C	30/06/25	Llyn Mair, Tan-y-Bwlch, Maentwrog. LL41 3AO	Refurbishment and installation of a new siphon system,

**Awaiting Details from Agent / Applicant**

NP2/11/46U	18/02/25	Bryn Gwynant Hostel, Nant Gwynant.	Partial demolition of coach house, demolition of adjacent modern single storey staff house, conversion of coach house to storage/operational facility, erection of new accommodation block, erection of single storey storage/operational facility, erection of six single storey timber classrooms, bin store, car parking, reinstated access road, creation of access to lakeshore, canoe racking to lakeshore, single storey extension to main house, decked area to main house, refurbishment of existing youth hostel, landscaping, waste treatment plant and associated works. (Re-submission).
NP4/11/337E	15/01/25	Land adjacent to Hendre Farm, Pentre Du, Betws-y-Coed. LL24 0BN	Discharge Conditions 3 (Details Relating to Private Sewerage System), 4 (Slate Details), 6 (Stonework Sample) & 10 (Details of External Lighting) attached to Planning Consent NP4/11/337D dated 05/01/2024.
NP4/11/398B	05/08/24	Land to rear of Medical Surgery, Betws-y-Coed. LL24 0BP	Discharge of Conditions 4 (Roofing slates) and 5 (Stone sample) attached to Planning Permission NP4/11/398 dated 17/01/2022,
NP5/50/LB59F	29/08/25	14 Glandyfi Terrace, Aberdyfi. LL35 0EB	Listed Building Consent to replace existing dormer windows, internal alterations, removal of existing rear structure, and replace with new single and two storey extensions.

NP5/50/LB59G	29/08/25	14 Glandyfi Terrace, Aberdyfi. LL35 0EB	Replacement of existing dormer windows, removal and replacement of existing 2 storey outrigger, and new extension to rear.
NP5/50/647D	08/05/25	A943 between Aberdyfi & Tywyn.	Formation of a footpath (Active Travel Route) (Phase 1 only) (Re-submission), Land forming part of existing highway verge adjoining
NP5/52/LB65G	14/07/25	Hen Ddol Cottage, Y Friog. LL38 2TJ	Installation of air-source heat pump to west elevation.
NP5/53/T154N	17/06/24	National Westminster Bank Buildings, 44-46 High Street, Bala. LL23 7NE	Change of use of the ground floor from A2 use (Financial and professional services) to A1 use (Retail shops and stores), omit the previously consented semi-detached dwellings (2) and omit the previously consented single storey extension to the rear of the existing building.
NP5/56/153D	13/11/24	Dyfi Bike Park, Pantperthog. SY20 9AS	Retrospective application for the construction of café/admin block, erection of uplift shelter, additional tracks and associated jumps and amendments to opening hours,
NP5/56/153E	12/02/25	Dyfi Bike Park, Pantperthog. SY20 9AS	Re-instatement of track and extension to existing site boundary
NP5/57/T619	14/07/25	Ceryst, 7 Springfield Street, Dolgellau. LL40 1LY	Demolition of single-story extension and replace with a two-storey extension.
NP5/58/596B	24/07/25	Station House, Station Road, Dyffryn Ardudwy. LL44 2EU	Change of Use of former railway waiting room from A1 (shops) to C3 (residential) as an extension to the existing station house.
NP5/63/281	15/05/24	Gorseddau, Cwmirmynach, Bala. LL23 7EB	Part retrospective application for replacement roof with increased eaves height to rear creating additional accommodation at first floor level, removal of 2 chimneys and addition of 2 new chimneys, installation of 4 dormer windows and 4 rooflights, alteration/addition of windows and doors, and landscaping including creation of hardstanding for parking and turning area
NP5/67/352	07/08/25	Coed y Fedw, Abergynolwyn.	Vehicular access to public highway and construction of access track for forestry purposes.
NP5/68/100G	28/02/24	Creua, Llanfrothen. LL48 6SH	Change of use of building and erection of single storey extension to existing building for use in association with existing pottery business.
NP5/69/354G	14/04/25	Maes-y-Crynwyr, Llwyngwril. LL37 2JQ	Retrospective application for the installation of a flue on an outbuilding (Re-submission).
NP5/73/440	05/09/25	Outline application for the erection of a single detached dwelling (open market dwelling) with all matters reserved,	Land opposite 1 & 2 Cefn Llys, Gelliolydan. LL41 4ED

#### Awaiting Amended Plans

NP5/62/LB297B	05/10/22	Capel Gwynfryn, Llanbedr. LL45 2PA	Conversion of chapel to dwelling, alterations to existing access (Relocate plinth), and installation of package treatment plant and associated drainage
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#### Awaiting Final Tree Comments

NP4/31/124B	13/06/25	Coed Blaen y Coed, Ysbyty Ifan. LL24 0NY	Retrospective application for construction of two temporary access off the B4407, temporary access track and loading area and associated works for forestry purposes.
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**Awating Response from Consultee's on recent submitted details**

NP5/56/LB110B	08/09/25	Village Hall, Pantperthog. SY20 9AS	Listed Building Consent for works to the roof, to include replacement roof timbers, repairs to the ceiling, alterations to the cupola, and installation of loft insulation
NP5/70/123D	28/07/25	Garth Lwyd, Rhosygwaliau. LL23 7PL	Demolition of existing single storey garage and construction of two storey extension, and conversion of barn into a swim spa, changing and bathroom facilities, and storage space for disabled user. Construction of a single storey link extension between the house and barn.

**Awaiting Applicants Response to S.106 Request Letter**

NP4/12/228C	01/10/24	Ysgol Tal-y-Bont, Tal-y-Bont. LL32 8QF	Demolition of former classroom cabin and conversion of former school and headmaster's lodge into two dwellings and new double garage / workshop (Repeat Application).
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Total applications on list = 30

Total applications on list Committee 12 November 2025 = 28



**PLANNING AND ACCESS COMMITTEE**  
**21 JANUARY 20026**

**DELEGATED DECISIONS**

**SNOWDONIA NATIONAL PARK AUTHORITY**

**PLANNING AND ACCESS COMMITTEE 21 JANUARY 2026**

**DELEGATED DECISIONS**

**Applications Approved**

	<b>Application No.</b>	<b>Proposed</b>	<b>Location</b>	<b>Decision Date</b>	<b>Case Officer</b>
1.	NP2/16/71B	Demolition of existing attached garage to front and conservatory to rear, erection of two storey front extension, erection of replacement conservatory to rear and alterations to detached outbuilding to create shower room.	Glan Rafon, Garndolbenmaen. LL51 9UX	26/11/25	Mr Richard Thomas
2.	NP3/12/96T	Discharge Condition Nos. 3 (Construction and Environmental Management Plan), 4 (lighting management plan), 5 (biodiversity enhancement measures) & 8 (slate) attached to Planning Permission NP3/12/96S dated 22/07/2025	Planwydd, Rhyd Ddu. LL54 7YS	16/12/25	Mrs. Alys Tatum
3.	NP3/12/LU5F	Certificate of Lawful Use (Existing Use) for use of property as Use Class C5 (second home)	Melin Gwyrfai (Tan Y Llyn), Rhyd Ddu. LL54 6TL	09/12/25	Mr Richard Thomas
4.	NP3/22/80A	Demolition of existing single storey side addition and erection of two storey side extension	Tyрег Gelli, Nantlle. LL54 6BT	11/11/25	Mr Richard Thomas
5.	NP4/11/396D	Non-Material Amendment to Planning Consent NP4/11/396C dated 21/05/2025	Oakdale, Betws y Coed. LL24 0AR	17/11/25	Mr Richard Thomas
6.	NP4/11/AD26D	Advertisement Consent to display a single, double sided advertisement sign	Hendre Rhys Gethin, Pentre Du, Betws y Coed. LL24 0BN	11/11/25	Mr Richard Thomas
7.	NP4/13/265A	Single storey extension to side of existing dwelling, installation of replacement gate, flag-stone pathway and extension of existing patio	1 Rhos Cottages, Pont Gyfng, Capel Curig. LL24 0DY	06/11/25	Ms. Sophie Berry
8.	NP4/13/LB98D	Discharge Condition No.3 (samples of slate and timber flooring) attached to Listed Building Consent NP4/13/LB98C dated 25/07/2025.	St. Julitta's Church, Capel Curig. LL24 0ET	12/11/25	Miss Eva Jones

9.	NP4/13/LU170C	Application for a Lawful Development Certificate (Existing Use) for the use of land as a car park & vehicular access, and internal use of a building for storage (B8)	Ogwen Cottage, Nant Ffrancon. LL57 3LZ	28/11/25	Mr. Rhydian Williams
10.	NP4/15/45A	Change of use of dwelling (Use Class C3) to short-term self-catering holiday letting unit (Use Class C6)	4 Bibby Road, Dolgarrog. LL32 8JZ	21/11/25	Mr Richard Thomas
11.	NP4/16/330A	Retention of air source heat pump to rear of property	6 Maes y Braich, Dolwyddelan. LL25 0YQ	11/11/25	Mr Richard Thomas
12.	NP4/16/LU255	Certificate of Lawful Use (existing) for use as dwelling (Use Class C3)	Tan y Bwlch Cottage, Dolwyddelan, LL25 0YZ	09/12/25	Mr Richard Thomas
13.	NP4/19/103A	Change of use of a one-acre field into an enclosed dog exercise park, extended hard standing for vehicle parking and siting of shelter pod	Land at Tyddyn y Pandy, Old Mill Road, Henryd. LL32 8EZ	18/11/25	Mr Richard Thomas
14.	NP4/19/47T	Erection of one home office pod and one recreational pod	Cottage, Gwern Borter Manor, Rowen. LL32 8YL	25/11/25	Mr Richard Thomas
15.	NP4/26/120K	Discharge of Condition No.5 (Biodiversity Enhancement Scheme) attached to Planning Consent NP4/26/120G dated 25/07/2024	Ty'n y Fron, Lon Muriau, Betws-y-Coed. LL24 0HD	18/11/25	Mr Richard Thomas
16.	NP4/30/110E	Demolition of existing agricultural building and construction of new agricultural building.	Land at Riverstone, Fairy Glen Road, Penmaenmawr.	12/11/25	Mr Richard Thomas
17.	NP4/30/172	Demolition of existing garage and erection of new 3 bay timber clad garage.	Pentrefelin, Old Mill Road, Dwygyfylchi, LL34 6TE	12/11/25	Mr Richard Thomas
18.	NP4/30/177	Installation of 3 rooflights (2 on front roof slope and 1 on rear roof slope)	Heathercliffe, Capelulo, Dwygyfylchi. LL34 6YU	26/11/25	Mr Richard Thomas
19.	NP4/31/88D	Replacement of timber/aluminium windows with uPVC windows	Ysbyty Ifan Memorial Hall, Ysbyty Ifan, LL24 0NS	01/12/25	Mr Richard Thomas
20.	NP4/31/LB64	Listed Building Consent to re-roof two sides of a slate hipped roof covering a cow shed and to install new cast iron half round gutters and circular downpipes	Agricultural Range, Pen-y-Bont, Ysbyty Ifan. LL24 0NH	12/12/25	Miss Eva Jones
21.	NP4/32/358A	Hydroelectric generating scheme (44Kw) to include intake weir, buried penstock, turbine building, outflow and buried electric grid connection	Nant Llyn Glan Gors, Coed yr Allt, Llanrwst.	20/10/25	Mr Richard Thomas

22.	NP4/32/LB112C	Replacement septic tank within the curtilage of a Listed Building.	Gwydr Uchaf, Llanrwst. LL26 0PN	12/11/25	Miss Eva Jones
23.	NP5/50/10Q	Formation of staff car park, minibus parking area, retaining structures, stairs, footpath, revised junction geometry, access road regrading, access road and car park resurfacing, barriers, lighting, landscape and associated works	Outward Bound Centre, Bryn Eithin, Aberdyfi. LL35 0RA	26/11/25	Mr David Jones
24.	NP5/50/547A	Engineering works including the erection of retaining walls, building to house a lift	To Glas, Rhoslan, Aberdyfi. LL35 0NS	04/12/25	Mr David Jones
25.	NP5/50/629E	Alterations, extensions and the formation of a parking and turning area, including associated building, retaining and landscaping operations in connection with short-term let (Use Class C6)	Bryn Coed, Aberdyfi. LL35 0PU	26/11/25	Mr David Jones
26.	NP5/50/781	Alterations and extensions	Hafan Deg, Hopeland Road, Aberdyfi. LL35 0NH	12/12/25	Mr David Jones
27.	NP5/52/LB142B	Erection greenhouse incidental to the residential property	Llwyn Onn, 2 Arthog Terrace, Arthog. LL39 1AQ	09/12/25	Mr David Jones
28.	NP5/52/LB247C	Listed Building Consent for alterations and change of use of the bunkhouse and outbuilding into a dwellinghouse (Use Class C3)	Y Gribyn, Cader Bunkhouse, Islaw'rdref, Dolgellau. LL40 1TS	21/10/25	Mr David Jones
29.	NP5/52/LB247D	Alterations and the change of use of the bunkhouse, outbuilding, and its curtilage into a dwellinghouse (Use Class C3)	Y Gribyn, Cader Bunkhouse, Islaw'rdref, Dolgellau. LL40 1TS	24/10/25	Mr David Jones
30.	NP5/53/4M	Formation of storage area, extend existing fence, creation of hardstanding and erection of two shelters	Ysgol Godre'r Berwyn, Bala. LL23 7RU	10/11/25	Mr Ben Jones
31.	NP5/54/29G	Discharge Condition No.4 (stonework) attached to Planning Consent NP5/54/29C dated 02/12/2024	Nant-y-Gwreiddyn, Llanfachreth. LL40 2EB	05/11/25	Mr Ben Jones
32.	NP5/55/78J	Construction of an agricultural building for the storage of materials and machinery only, and installation of associated surface water soakaway	Penowern, Bryncrug. LL36 9NU	27/11/25	Mr David Jones
33.	NP5/55/LB123B	Listed Building Consent to replace rear porch and for the replacement of two timber box sash windows and one uPVC bay window.	Bronhwylfa, Bryncrug, LL36 9RA	10/11/25	Mr David Jones

34.	NP5/55/LU52F	Certificate of Lawful Use (Existing) for the stationing of 8 touring caravans throughout the year and occupied between the period 1st March to 31st October in any one year	Ty'n Llwyn Caravan & Camping Park, Bryncrug. LL36 9RD	10/12/25	Mr David Jones
35.	NP5/55/T21J	Erection of a replacement oak sunroom, re-alignment of roof structure and reinstating a chimney stack	Tyn Llwyn Hen, Bryncrug. LL36 9RE	12/12/25	Mr David Jones
36.	NP5/57/230T	Discharge Condition No.3 (scheme to deal with contamination at the site) attached to Planning Consent NP5/57/230P dated 20/11/2023.	Land adjacent to the Texaco Garage, Bala Road, Dolgellau. LL40 2YE	04/12/25	Mr David Jones
37.	NP5/57/867D	Variation of Condition No.2 (Approved plans) attached to Appeal Decision APP/H9504/A/21/3277282 dated 17/12/2021 in relation to planning application NP5/57/867A (Retrospective)	Hen Ysgol Glanwnion, Pont yr Aran, Dolgellau. LL40 1HW	05/12/25	Mr. Gavin Roberts
38.	NP5/57/AD496H	Advertisement Consent for fascia sign (illuminated), SPAR market logo (illuminated), double sided totem sign (illuminated), wall panels and window graphics	Eurospar, Bala Road, Dolgellau. LL40 2YF	12/12/25	Mr David Jones
39.	NP5/57/LB396B	Listed Building Consent for conversion of two properties into a single dwelling, including a replacement rear extension, internal alterations to form a connecting opening, and reinstatement of timber sash windows to rear elevation	Llety Clyd & Glanwnion Cottage, Y Lawnt, Dolgellau. LL40 1EG	18/11/25	Miss Eva Jones
40.	NP5/57/LB396C	Conversion of two properties into a single dwelling, replacement rear extension, and reinstatement of timber sash windows to rear elevation	Llety Clyd & Glanwnion Cottage, Y Lawnt, Dolgellau. LL40 1EG	21/11/25	Miss Eva Jones
41.	NP5/57/LB441D	Replace the existing conservatory with a timber frame glazed conservatory	Plas Coch, Unicorn Lane, Smithfield Square, Dolgellau. LL40 1ES	02/12/25	Mr David Jones
42.	NP5/58/256D	Demolition of existing flat roofed garden shed and erect new shed with pitched slate roof	12 Glan-y-Werydd, Dyffryn Ardudwy. LL44 2BW	16/12/25	Mr Aled Lloyd
43.	NP5/58/427F	Retention of air-source heat pump sited on the front of the property	2 Ty'n Llidiart, Dyffryn Ardudwy. LL44 2EF	22/10/25	Mr Aled Lloyd

44.	NP5/58/51B	Retrospective application for the replacement of an existing static caravan with a building which will be ancillary to the main dwelling and wholly within the existing residential curtilage.	Pengwern, Ffordd Isaf, Dyffryn Ardudwy. LL44 2ES	24/11/25	Mrs Jane Jones
45.	NP5/58/LB443S	Discharge Condition 6 (Bat conservation plan) attached to Planning Consent NP5/58/LB443R dated 09/10/2025	Taltreuddyn Fawr, Dyffryn Ardudwy. LL44 2RQ	01/12/25	Miss Eva Jones
46.	NP5/58/LB443T	Discharge Condition No. 20 (archaeological report) attached to Listed Building Consent NP5/58/LB443D dated 14/12/2023	Taltreuddyn Fawr, Dyffryn Ardudwy. LL44 2RQ	21/11/25	Miss Eva Jones
47.	NP5/58/LB443U	Discharge Condition No.7 (archaeological report) attached to Planning Consent NP5/58/LB443E dated 07/12/2023	Taltreuddyn Fawr, Dyffryn Ardudwy. LL44 2RQ	21/11/25	Miss Eva Jones
48.	NP5/58/LB95C	Discharge Condition 5 (Details of services) attached to Listed Building Consent NP5/58/LB95B dated 16/04/2025	Cors y Gedol, Dyffryn Ardudwy. LL44 2RJ	17/11/25	Miss Eva Jones
49.	NP5/59/LB475K	Discharge Part of Condition No.7 (methodology for relocating cross) attached Listed Building Consent NP5/59/LB475F dated 02/02/2024	Ty'r Wern (former St. Michael's Church), Llan Ffestiniog.	05/11/25	Miss Eva Jones
50.	NP5/59/LB475L	Discharge Part of Condition No.7 (methodology for relocating gate, methodology for protecting features during construction work, and sample of slate for auditorium floor) attached to Listed Building Consent NP5/59/LB475F dated 02/02/2024	Ty'r Wern (former St. Michael's Church), Llan Ffestiniog.	11/12/25	Miss Eva Jones
51.	NP5/61/100S	Replace existing shelter with 'eco' toilet on 10th tee	Royal St. David's Golf Club, Harlech. LL46 2UB	02/12/25	Mr Aled Lloyd
52.	NP5/61/518B	Discharge Condition No.5 (foul water drainage scheme) attached to Planning Consent NP5/61/518A dated 26/10/2020	Land adjoining Isallt, Harlech. LL46 2UD	08/12/25	Mr Aled Lloyd
53.	NP5/61/560F	Discharge Condition No. 15 (foul drainage scheme) attached to Planning Consent NP5/61/560D dated the 18/12/2020.	Land between Trem Arfor and Hiraethog, High Street, Harlech. LL46 2YE	05/11/25	Mr Aled Lloyd
54.	NP5/61/669C	Discharge Condition No.4 (stonework) attached to Planning Consent NP5/61/669 dated 12/08/2025	Erinfa, High Street, Harlech. LL46 2YT	04/11/25	Mr Aled Lloyd

55.	NP5/61/LUT312B	Application for a Certificate of Lawful Use (Existing) to use dwellinghouse as (Use Class C5) second home and (Use Class C6) short-term lets (Re-submission)	Gwelfor, Tryfar Terrace, Harlech. LL46 2YR	21/11/25	Mr Aled Lloyd
56.	NP5/61/T300	Erection of a glazed sunroom to rear courtyard	Caereinion, Ffordd Pen Llech, Harlech. LL46 2YL	01/12/25	Mr Aled Lloyd
57.	NP5/65/259C	Siting of 3 glamping pods, installation of package treatment plant and formation of associated parking area as part of farm diversification project (Re-Submission)	Land near Cesailgwm Mawr, Bontddu. LL40 2TU	04/11/25	Mr Aled Lloyd
58.	NP5/65/36C	Replacement of garage door with a new exterior standard size UPVC domestic door and wide larch infill boarding	Capel Soar, Taicynhaeaf, Bontddu. LL40 2TU	21/11/25	Mr Ben Jones
59.	NP5/66/153C	Erection of garden storage shed	Llanfair Uchaf, Llanfair. LL46 2RY	01/12/25	Mr Aled Lloyd
60.	NP5/66/15H	Change of use of land from agriculture to additional parking area associated with Children's Farm Park	Cae Cethin, Llanfair. LL46 2SA	26/11/25	Mr Aled Lloyd
61.	NP5/66/53A	Erection of shelter for visitors	Llanfair Slate Caverns, Llanfair. LL46 2SA	07/11/25	Mr Aled Lloyd
62.	NP5/68/240	Change of use from a dwellinghouse used as a sole or main residence (Use Class C3) to a dwellinghouse used otherwise than as a sole or main residence and occupied for 183 days or fewer (Use Class C5)	Ogof Llechwyn, Rhyd. LL48 6DX	22/10/25	Mr Aled Lloyd
63.	NP5/68/T118C	Installation of slate cladding to the gable end of the building and rebuild and slate clad the chimney stack	Caffi Croesor, Croesor. LL48 6SS	16/12/25	Mr Aled Lloyd
64.	NP5/69/340B	Erection of a balcony	Pen y Bryn, Llwyngwril, LL37 2JL	04/11/25	Mr David Jones
65.	NP5/69/415A	Discharge Condition Nos. 4 (programme of archaeological work) and 5 (detailed report on archaeological work) attached to Planning Consent NP5/69/415 dated 16/06/2023	Coed Mawr, Llwyngwril, LL37 2QH	20/10/25	Mr David Jones
66.	NP5/71/451A	Installation of solar panels on existing roof	Bryn Gwyn Caravan Park, Llanuwchllyn, LL23 7SU	24/11/25	Mr Ben Jones

67.	NP5/71/477G	Installation of external wall insulation with render and wooden cladding	Gwersyll Yr Urdd, Glanllyn, Llanuwchllyn. LL23 7ST	05/11/25	Mr Ben Jones
68.	NP5/72/250J	Vehicle Restraint System (Traffic Barrier)	Llyn Celyn Reservoir, Frongoch.	17/11/25	Ms. Sophie Berry
69.	NP5/72/62C	Replace existing timber and metal windows & doors with UPVC windows and doors	Canolfan Cymunedol Y Parc, Parc. LL23 7YW	19/12/25	Mr Ben Jones
70.	NP5/73/1Z	Demolish existing concrete fuel shed, erect garage, construct glass balustrade, and change window to patio doors	9 Coed Camlyn, Maentwrog. LL41 4LB	22/10/25	Mr Ben Jones
71.	NP5/73/LB317K	Discharge of Condition No. 4 (external paving) attached to Listed Building Consent NP5/73/LB317H dated 05/09/2024	Porth Gwyn, Tan Y Bwlch, Maentwrog, LL41 3YU	10/11/25	Mr Aled Lloyd
72.	NP5/73/LB317L	Discharge Condition No.5 (external paving) attached to Planning Consent NP5/73/LB317J dated 19/09/2024	Porth Gwyn, Tan Y Bwlch, Maentwrog, LL41 3YU	10/11/25	Mr Aled Lloyd
73.	NP5/78/122A	Erection of a flat roof single storey extension to rear of property	Feidiog, Station Road, Trawsfynydd. LL41 4TE	04/12/25	Mr Ben Jones
74.	NP5/78/421A	Conversion and extension of existing garage into dwelling (Affordable & Local Occupancy) together with installation of 2 new rooflights	Land opposite Ty Llwyd Terrace, Trawsfynydd. LL41 4TH	12/11/25	Mrs. Iona Roberts
75.	NP5/78/578A	Non Material Amendment to Planning Consent NP5/78/578 dated 28/02/2024 to relocate meter cabinet	Land near B4391, Trawsfynydd	05/11/25	Mr Ben Jones
76.	NP5/79/334C	Prior notification under Part 24 of The Town & Country Planning (General Permitted Development) Order 1995 to install underground infrastructure (ducts, box and cabling) to existing telecommunications site	Land near Craig y Barcud, Tywyn. LL36 9HR	04/12/25	Mr David Jones

### Applications Refused

	App No.	Proposed	Location	Reason for Refusal	Case Officer
1.	NP2/16/451C	Erection of a single dwelling (C3 use class)	Land near Pen y Bryn, Penmorfa. LL49 9SB	<p>09/12/25</p> <p>By reason of the applicant showing no ability or are unwilling to enter into a Section 106 Agreement of the Town and Country Planning Act (1990) that would ensure the affordability and restrict the occupancy of the dwelling this application is in conflict with the Eryri Local Development Plan (2016 – 2031) policies SP C, SP G and DP 30 and with Supplementary Planning Guidance 4 and 5.</p>	Mr Richard Thomas
2.	NP4/12/3B	Removal of roadside stone wall and lowering of ground to enable the creation of off-street car parking bay	River View, Rowen. LL32 8YU	<p>18/11/25</p> <p>By reason of the proposed parking bay, if approved, would harm the visual cohesion of the character of the street scene by the removal of a traditional stone wall feature. This application is considered to be in conflict with Eryri Local Development Plan policy SPA, SPFf, DP1 and DP6.</p> <p>By reason of the proposed parking bay failing to reach the minimum standards for safe vehicular manoeuvrings required by Section 184 of the Highways Act 1980 this application would, if approved, create a potential danger to other road users and is therefore contrary to Eryri Local Development Plan policy DP1.</p>	Mr Richard Thomas
3.	NP5/60/L29E	Conversion of former primary school to holiday let and associated external alterations. (Re-submission)	Ysgol Gynradd Ganllwyd, Ganllwyd. LL40 2TG	<p>05/11/25</p> <p>By reason of the proposal for holiday let accommodation is in conflict with the core principles of the Eryri Local Development Plan 2016-2031 of providing housing opportunities to meet the needs of the local community</p>	Mr Aled Lloyd

			<p>as well as Strategic Policy A, C and G of the Eryri Local Development Plan 2016-2031 in that the proposal does not relate to small scale open market and affordable housing for local needs, does not provide employment development to support the rural economy and does not improve existing and provide new community facilities to serve local residents.</p> <p>By reason of the proposal for holiday let accommodation conflicting with criteria (vii) of Development Policy 1 of the Eryri Local Development Plan 2016-2031 which states that an appropriate access meeting highways standard should exist or can be provided without harm to the character of the area or neighbouring amenity. The submitted drawing number PL 05e does not align with DMRB specification whereby the proposal will lead to conditions detrimental to the safety and free flow of traffic on the adjacent trunk road.</p> <p>By reason of Insufficient information in relation to foul drainage to enable the Authority to rule out any adverse impact on the integrity of the nearby SAC as required under Regulation 63 of the Conservation of habitats and Species Regulations 2017. The proposal is therefore considered to be in conflict with Strategic Policy D of the adopted Eryri Local Development Plan 2016-2031.</p> <p>No Green Infrastructure Statement have been included with the proposal. The proposal is therefore in conflict with Strategic Policy D of the adopted Eryri Local Development Plan and paragraph 6.2.5 of Planning Policy Wales (Edition 12, February 2024) which requires the submission of a Green Infrastructure Statement with every application.</p>	
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## Appeal Decision

by C MacFarlane BSc(Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 18/11/2025

Appeal reference: CAS-03920-F4H3B8

Site address: Sunbeach Holiday Park, Llwyngwril, LL37 2QQ

- 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 Sunbourne Limited against the decision of Eryri National Park Authority.
- The application NP5/69/56M, dated 21 November 2022, was refused by notice dated 22 May 2024.
- The development proposed is extension of the holiday caravan site to provide (a) a new main site entrance with internal access road and amenity area; re-distribution of already consented holiday caravans and redevelopment within the existing holiday caravan site to provide (b) 24 static holiday caravans/lodges with landscaping; (c) 12 static holiday caravans/lodges in lieu of a residential dwellinghouse; and (d) 3 static holiday caravans in lieu of the old site shop. Up to 455 holiday caravans can be stationed on the holiday caravan site.
- A hearing was held on 22 October 2025.
- A site visit was made on 23 October 2025.

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have adopted the description of development used in the Authority's decision notice as this accurately describes the proposal.

### Main Issues

3. The main issues are the effect of the proposed development on:
  - (i) The character and appearance of the surrounding area;
  - (ii) Ecology and biodiversity;
  - (iii) Highway safety;
  - (iv) The living conditions of the occupiers of Tyddyn Ithel; and
  - (v) Archaeological interests.

## Reasons

### *Character and appearance*

4. The appeal site consists of a small plot within the built-up area of the holiday park, and a separate larger tract of land situated between the A493 highway and railway. The site is located within open countryside as identified by the Eryri Local Development Plan 2016-2031 (LDP) and within an area of transition between rising land to the southeast and the lower lying coast to the northwest. The site and its surroundings fall within the designated Eryri National Park.
5. The larger element of the appeal site, on which the Authority has focussed its concerns, consists of three parcels – the north and south being heavily wooded and containing a small number of buildings and hardstanding areas, as well as the main and secondary access roads into the site; and the central parcel, which comprises a field without tree cover and is presently signposted as a dog-walking field for use by holiday park guests.
6. The surrounding area is inherently rural in character, being typified by fields and a scattered development pattern of individual or clusters of properties, with the village of Llwyngwril further to the northeast. Aside from the appeal site, tree cover is largely in sporadic groups and following some field boundaries. Along with the rising topography and sweeping views out to sea, the result is a dramatic, open and rural landscape.
7. The existing holiday park contrasts starkly against its natural setting of sparse development, with its densely packed rows of light-coloured caravans occupying a significant area of land and, despite the wooded areas of the appeal site providing effective screening for some views, being conspicuous from various points on the surrounding highway and footpath network.
8. Planning Policy Wales (PPW) refers to the statutory duty to have regard to National Park purposes, and states that great weight should be given to these, which includes the conservation and enhancement of natural beauty. The special qualities of such designated areas should also be afforded weight in the planning process which, as I heard at the hearing, includes the natural beauty of the landscape. This is replicated in LDP Strategic Policy A, which seeks to ensure that new development furthers National Park purposes and duty whilst conserving and enhancing the special qualities, with proposals which compromise the purposes being refused.
9. This overarching requirement is reflected in Development Policy 1 which, in pursuit of the conservation and enhancement of the special qualities, requires that development is compatible with the capacity and character of the site and locality. LDP Development Policy 6 also includes the general requirement for proposals to take landscape protection and enhancement into consideration.
10. More specifically in relation to the appeal proposal, LDP Development Policy 22 provides criteria for the development of chalet and caravan sites, including support for the redevelopment of existing sites if there is an overall improvement to the site and its setting in the landscape, and exceptionally, allowing the enlargement of static and chalet site areas without increasing pitches where this would achieve clear overall environmental improvement to both the site and its setting in the landscape. It is clear from the policy wording and the supporting text that the fundamental aim of Development Policy 22 is to avoid harm to the character and appearance of the National Park.
11. In support of this policy framework, the Authority's adopted Supplementary Planning Guidance 13 'Landscape Sensitivity and Capacity Assessment' (October 2016), whilst not constituting planning policy, provides useful guidance in respect of developments that may have a harmful effect on landscape character. This recognises that Landscape

Character Area 20, within which the appeal site is located, is of 'very high' sensitivity to static caravan development and has typically no capacity for such developments.

12. The proposal would not increase the overall number of pitches within the existing holiday park, and the north and south parcels of the appeal site fall within the permitted boundaries of the park. However, as no permission exists for the siting of holiday units within these parcels, the proposal would, in effect, result in a larger area of static caravans than present. In any event, regardless of which elements of the proposal are considered to be existing or an extension, the eventual policy requirement to be met in Development Policy 22 is that there must be an overall improvement to the site and its setting in the landscape for development to be considered acceptable.
13. To this end, the appellant has proposed a suite of site-wide improvements relating to the existing holiday park. However, some of the measures, namely works to the streams, outfall pipe, resurfacing, pumping station, base upgrades, land drains, reed bed, electrical supply and general maintenance, whilst improving the site fabric and infrastructure, would have little or no relationship to improving the appearance of the site within the landscape. I also note the Authority's concerns that the suggested improvements to the boat park would be subject to securing separate permission, and there is little certainty this would be achieved. As such, I give these improvements little weight in fulfilling the requirements of Development Policy 22.
14. The proposed rationalisation of the northern section of the existing park is a key focus of the site-wide improvements, seeing a reduction in density of static caravans, an increased buffer between caravans and the adjoining railway line, and planting around the boundary and within this section. Given the currently stark appearance of this area within the landscape, I agree that these measures, along with the intention to introduce caravans of muted colour and finish, would result in some improvement by softening the appearance of the northern section.
15. However, due to the openness of the surrounding area, and the views of the holiday park achievable from the nearby highway network, Wales Coast Path and railway line, this section would remain readily apparent within the landscape. There is also limited detail provided regarding the landscaping proposed which, along with potential constraints such as the proximity of the railway and coastal environment, mean I cannot be confident as to the effectiveness of the additional planting. Based on the evidence before me, I therefore consider that any improvement to the site as a result of the rationalisation and landscaping of the northern section would be small.
16. For the same reasons, proposed additional planting throughout the remainder of the existing park, and the replacement of high-level external lighting with low-level lighting bollards, whilst providing some filtering of views and reduction in prominence of the site at night through reduced light spill, would make a modest contribution towards improving the appearance of the holiday park in the landscape.
17. Turning to the development proposed within the appeal site, whilst this area currently contains some buildings, these are relatively small in number, and the introduction of static caravans, vehicle parking, internal roads and paths, and the new access road within a presently undeveloped field, would significantly increase the extent of built development within the appeal site. The Arboricultural Impact Assessment indicates that a substantial area of trees would be removed within the north and south parcels to enable this development. The proximity of the static caravans to the proposed amenity area, and the introduction of formal paths, would also likely increase the use of this area which, along with increased pedestrian and vehicle movements from the caravans, would significantly intensify activity within the appeal site. The overall result would be the encroachment of built form and urbanisation into open countryside, with a consequential

erosion of the largely natural, wooded and undeveloped character of the site, which the use of recessive colours and materials on caravan exteriors would do little to ameliorate.

18. A key element of the scheme is the landscaping intended to provide screening of views of the development. Whilst much of the existing vegetation around the site boundaries would be retained and supplemented, with new planting along the boundary to the A493, there is a lack of detail regarding the landscaping proposed to be confident that this will provide the level of screening envisaged, particularly given the constraints from proximity to the railway and proposed static caravans, and the relatively narrow depth of planting shown around the south parcel and amenity area boundary. I note the Authority's concerns regarding the effect of potential ground level alterations on the retention of existing trees, of which there is also little detail provided. I have considered whether details of landscaping and ground levels could be addressed through planning conditions. However, given the potential significance of both to the acceptability of the scheme, I do not consider it appropriate to leave such matters for assessment at a later date.
19. The lower ground level would provide partial screening of views of the proposal when passing the site but given the concerns I have set out, this would not be sufficient to prevent the proposal being seen at close range by those approaching and passing the site in both directions from road and rail. Whilst such views may be brief, they would be experienced in the context of an attractive, rural area with sporadic development along these transport corridors, and would jar uncomfortably in this setting. Longer distance views from the Wales Coast Path would also be possible and be experienced for a longer duration by those travelling on foot. Although the development would occupy a smaller segment of such views due to the distances involved, it would nonetheless be seen as an expansion of the existing holiday park and further detract from the surrounding high-quality landscape.
20. When assessing the scheme in its entirety, I do not consider that the small improvements that would be provided in respect of the landscape would be sufficient to outweigh the harm that would be caused and, as such, there would not be an overall improvement to the site and its landscape setting as required by LDP Development Policy 22. It therefore follows that I need not consider whether exceptional circumstances must be demonstrated as the fundamental policy requirement has not been met.
21. Based on all of the above, I conclude that the proposal would not further the National Park purposes but would be detrimental to its special qualities and be significantly harmful to the character and appearance of the area. As a result, the proposal would fail to comply with Strategic Policy A, and Development Policies 1, 6 and 22 of the LDP.

#### *Ecology and biodiversity*

22. LDP Strategic Policy D seeks to protect the biodiversity of the National Park and, where development is deemed acceptable, to ensure the natural environment is protected and enhanced. It also states that proposals should not adversely affect the National Park's wider biodiversity resources. This is reflected in Development Policy 1, which states that in order to conserve and enhance the special qualities and purposes of the National Park, development will only be permitted where it will not have an unacceptable adverse impact on the characteristic diversity of Snowdonia, particularly protected habitats and species.
23. In addition, PPW requires a step-wise approach to be followed to demonstrate that development will deliver net benefits for biodiversity, firstly through avoidance of adverse environmental effects, then minimisation, mitigation and, lastly, compensation measures. Enhancement must be secured over and above that required to mitigate or compensate any negative impact.

24. Although NRW does not object to the effect of the proposal on the bat population, given the appellant's survey of the existing trees is based on a ground-level assessment, and the initial bat survey focuses on the existing buildings and is beyond the age of validity based on best practice guidance, I do not consider the evidence provided is sufficient to adequately assess the effect of the proposal on this protected species. The retention of the 4 trees identified as having roosting potential would also not avoid effects that may result from disturbance or the removal of nearby vegetation, particularly around the southern area of the site, which could result in fragmentation of the foraging and commuting habitat.
25. I note the appellant's references to securing the appropriate licence in the event bats are present, and that survey updates and mitigation may be provided through a condition. However, given the insufficient information before me, I cannot be certain any necessary licence would be secured and, in accordance with the guidance in Technical Advice Note 5 'Nature Conservation and Planning', it is essential that any effects on protected species be established before planning permission is granted. I therefore do not consider the use of a condition appropriate in this instance as further survey work may give rise to different findings and mitigation requirements which may not be achievable within the scheme as permitted.
26. In relation to badgers, the Badger Survey Report submitted with the appeal confirms activity on the site as well as 2 inactive setts. Given the potential for setts to become active, as well as the proximity of trees to be removed around inactive sett 1, I am not satisfied that reliance on conditions to avoid adverse impacts and identify mitigation measures is sufficient to ensure the acceptability of the proposal.
27. In addition to my concerns regarding potential impacts on protected species, a significant area of trees would be removed and there is little evidence that other reasonable layout and design alternatives have been considered that would result in a lesser loss of this habitat which PPW recognises as of great importance for biodiversity and tackling climate change. Although the proposal would provide new planting within the appeal site and holiday park, as well as bat/bird boxes, reptile hibernaculum, bug hotels and bee nesting tubes, there is little to demonstrate that the requirement to avoid or minimise adverse impacts on biodiversity in the first instance, as stipulated by the step-wise approach, has informed the proposal.
28. I acknowledge the planting proposed along the boundary with the highway would provide connectivity between the north and south wooded areas of the appeal site, and there would be an opportunity to plant species of greater biodiversity benefit. However, and notwithstanding the lack of objection from the Authority's tree officer, due to the absence of detail before me in respect of the proposed landscaping, such benefits have not been sufficiently substantiated to be confident they will occur to the extent anticipated. Given the significant reliance of the proposal on the additional planting to ensure a net benefit will be achieved, I do not consider the use of a condition to provide such details at a later date to be adequate in this case.
29. In conclusion, I find that the proposal would result in adverse effects on protected species and has not demonstrated that a net benefit to biodiversity would be achieved. It would therefore be detrimental to ecological and biodiversity interests and would fail to accord with LDP Strategic Policy D and Development Policy 1, as well as being contrary to the approach of PPW.

#### *Highway safety*

30. The proposed development would result in the replacement of an existing area of hardstanding with static caravans in the south parcel of the site. Whilst the Authority has

raised concerns regarding the loss of the hardstanding as a waiting area off the A493 for those using the bus service, I observed during my visit that there are no markings or signs which identify this area, or any point in the immediate vicinity, as being a designated bus stop. This is reflected in interested parties' comments that the bus service stops at the existing access to the holiday park.

31. Given there is little to indicate that a formal bus stop operates from the hardstanding area, and that the proposal would provide internal pedestrian routes to both the main and secondary accesses, thereby allowing guests to safely and conveniently access potential stopping locations without having to walk along or wait on the highway, I am satisfied that the proposal would not undermine highway safety or access to public transport. Details requiring approval of access to and use of the bus stop could be secured through the imposition of a planning condition.
32. I acknowledge the discrepancies in the drawings regarding the secondary access to the south of the site. However, the appellant has confirmed, both in written submissions and at the hearing that this is intended to remain open for the use of emergency services and railway maintenance vehicles. I consider that the imposition of a condition clarifying the use of the secondary access, as well as a suitably worded condition requiring amended plans relating to the secondary access would ensure consistency and clarity without undermining the basis on which the proposal has been presented.
33. I have taken account of interested party representations regarding the proximity of the proposed main access to the driveway for Tyddyn Ithel. From my own observations, visibility for drivers exiting Tyddyn Ithel is restricted in both directions, requiring vehicles to edge out onto the A493, which is a well-used highway with vehicles travelling close to the national speed limit, in order to observe oncoming traffic.
34. Whilst the siting of the proposed access would result in the movement of vehicles for both the holiday park and Tyddyn Ithel occurring in closer proximity than present, given the relatively slow speeds of vehicles undertaking such manoeuvres, and the low number of movements that would arise from the driveway serving a single dwelling, occasional farm vehicle use, and as a stopping point for the infrequent bus service, I do not consider the risk of collision would be materially increased such that there would be harm to highway safety.
35. In reaching this finding, I am mindful that the proposal would not increase the number of holiday units beyond that already permitted, and that the Highway Authority does not raise any concerns regarding the location and design of the proposed access. I note the comments from interested parties regarding the adequacy of the appellant's Transport Statement. However, given the circumstances I have already outlined, I consider this to be sufficient to assess the impact of the proposal and that the absence of further assessment does not substantively undermine the conclusions contained within.
36. Measures to address construction traffic and temporary highways arrangements could be agreed through the use of a condition. Whilst the hardstanding area may be useful to local residents as an informal stopping place by delivery drivers and for other vehicles, the appellant could seek to prevent such activities occurring at any point and I therefore afford this matter little weight.
37. I find that the proposed development would be acceptable with regard to highway safety and would comply with LDP Strategic Policy L, which supports development where there is convenient access via public transport, and Development Policy 1, which permits development where the traffic implications do not create highway or safety problems on the local road network.

*Living conditions*

38. The proposal would see static caravans, and the new vehicle access, sited closer to Tyddyn Ithel when compared to the existing layout. As a result, there is the potential for increased disturbance for the occupiers of Tyddyn Ithel due to noise from vehicle and pedestrian movements, as well as light spill from lighting around the access and from vehicle headlights when entering and exiting the holiday park. The introduction of caravans close to the proposed amenity area, as well as formal paths, may improve the convenience and attractiveness of this area for recreation use by guests, thereby leading to increased activity beyond that currently experienced through its use as a dog-walking field.
39. However, based on the number of units remaining unaltered and the relatively short reduction in separation distance arising from the proposed access, I do not consider that any increased noise from vehicles entering and exiting the site would be significant. Any additional noise from vehicle and pedestrian movements within the appeal site, and from the amenity area, would also not be so detrimental as to result in an unacceptable living environment given the separation distance to Tyddyn Ithel.
40. For the same reason, and taking account of the orientation of the dwelling and its windows, as well as the filtering effect provided by existing boundary walls and vegetation, any light intrusion from vehicle headlights would be minor. External lighting could be controlled through the use of a condition to require the approval of details, and the installation of flagpoles and signs would be subject to securing separate consents.
41. Elements of the proposal would be visible from various points within the garden and external area of Tyddyn Ithel, with the effects I have identified earlier when considering the character and appearance of the area being reflected in these private views. However, given the separation distance and higher ground level of the property, the alteration to the occupiers' visual amenity would not be sufficient as to be considered overbearing or imposing, such that harm would occur to living conditions. Any views from vehicles exiting the holiday park would be towards outbuildings and would not result in overlooking of habitable rooms, and therefore would not be detrimental to privacy.
42. In conclusion, the proposed development would not result in significant harm to the living conditions of the occupiers of Tyddyn Ithel, and would comply with LDP Development Policy 1, which, amongst other things, permits developments where it is compatible with, and does not cause significant harm to neighbouring residential amenity by way of noise and light pollution.

*Archaeology*

43. The Geophysical Survey submitted with the appeal identifies a range of anomalies which indicate potential archaeological activity, including remains that may be associated with a WW1 prisoner of war camp and possible earlier features within the appeal site. Whilst the results of the survey are inconclusive, I note Heneb considers that, given the relatively light and localised ground disturbance that would occur, any adverse impacts from the development could be controlled through the imposition of conditions requiring a scheme of monitoring and recording.
44. In the absence of any evidence to the contrary, there is little to lead me to a different conclusion, and I consider that the proposal would be acceptable with regard to its impact on archaeological interests, subject to the use of planning conditions. The proposal would therefore comply with LDP Strategic Policy Ff, which seeks to conserve and enhance the heritage assets and the cultural heritage of the National Park, and Development Policy 8, which prevents adverse effects on sites of archaeological interest.

### **Other Matters**

45. Whilst there may be economic benefits to the proposal in improving the accommodation offer within the holiday park and contributing to the ongoing viability of the business, there is no substantive evidence before me in this respect, and I therefore afford this consideration little weight in favour of granting permission.
46. The proposal has the potential to result in significant effects on the Pen Llŷn a'r Sarnau Special Area of Conservation (SAC) and Northern Cardigan Bay Special Protection Area (SPA). I have not proceeded to carry out an assessment as to whether there would be likely significant effects on the qualifying features of the SAC and SPA as I am dismissing the appeal on other grounds. Even should the proposal be acceptable in this regard, this would be a normal expectation of development and would therefore be a neutral factor in the planning balance.
47. In reaching my decision, 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.

### **Conclusion**

48. The proposed development would be acceptable with regard to highway safety, the living conditions of the occupiers of Tyddyn Ithel, and archaeological interests. However, the permanent and significant harms I have identified in relation to the character and appearance of the area, and to ecology and biodiversity, are compelling factors which outweigh the proposal's acceptability in other respects, as well as any economic benefits.
49. For the reasons given above, the appeal is dismissed.

*Claire MacFarlane*

INSPECTOR

## Appeal Decisions

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by J P Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Welsh Ministers

Decision date: 18/12/2025

Site address: Llanfendigaid, Rhoslefain, Tywyn, Gwynedd LL36 9LS

Site visit: 23 October 2025

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### APPEAL A - Appeal reference: CAS-03947-M5S3X5F

- The appeal is made under section 100 of the Historic Environment (Wales) Act 2023 (as amended) against a grant of listed building consent subject to conditions.
- The appeal is made by Mr Gareth Roberts (Llanfendigaid Estate) against the decision of Eryri National Park Authority.
- The application Ref: NP5/69/LB157H, dated 26 January 2024, was approved on 10 June 2024 and listed building consent was granted subject to conditions.
- The works permitted are the conversion of laundry and workshop to form 2 holiday units and the installation of roof windows.
- The condition in dispute is No 3 which states that: *'Notwithstanding the plans hereby approved the permission hereby excludes the existing picket fencing shown on drawing PL02 H.'*
- The reason for the condition is: *'To define the scope of this permission as the introduction of a picket fence would be detrimental to the character and appearance of the listed building and would contravene policies SP A, SP Ff, DP1, DP 6 and DP7 of the Eryri Local Development Plan 2016-2031.'*

### APPEAL B - Appeal reference: CAS-03978-D2Y6Q2F

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Gareth Roberts (Llanfendigaid Estate) against the decision of Eryri National Park Authority.
- The application Ref: NP5/69/L113P, dated 20 October 2022, was approved on 19 June 2024 and planning permission was granted subject to conditions.
- The development permitted is conversion of laundry and workshop to form 2 holiday units and installation of rooflights on front and rear roof.
- The condition in dispute is No 5 which states that: *'Notwithstanding the plans hereby approved the permission hereby excludes the existing picket fencing shown on drawing PL02 H.'*
- The reason given for the condition is: *'To define the scope of this permission as the introduction of a picket fence would be detrimental to the character and appearance of the listed building and would contravene in contravention [sic] of policies SP A, SP Ff, DP1, DP 6 and DP7 of the Eryri Local Development Plan 2016-2031.'*

## **Decisions**

### Appeal A

1. The appeal is allowed and the listed building consent Ref: NP5/69/LB157H for the conversion of laundry and workshop to form 2 holiday units and the installation of roof windows at Llanfendigaid, Rhoslefain LL36 9LS granted on 10 June 2024 by Eryri National Park Authority, is varied by deleting condition 3.

### Appeal B

2. The appeal is allowed and the planning permission Ref: NP5/69/L113P for conversion of laundry and workshop to form 2 holiday units and installation of rooflights on front and rear roof at Llanfendigaid, Rhoslefain LL36 9LS granted on 19 June 2024 by Eryri National Park Authority, is varied by deleting condition 5.

## **Applications for costs**

3. Applications for costs in respect of both appeals have been made by the appellant, Mr Gareth Roberts against Eryri National Park Authority ('the NPA') and by the NPA against the appellant. These applications are the subject of separate Decisions.

## **Background and Preliminary Matters**

4. The appeals relate to the removal of the same condition, albeit differently numbered, from the listed building consent and the planning permission. The issues raised by the parties concerning the scope of the consents and the effects of the picket fencing on a listed building are essentially the same for both appeals. Therefore, I shall consider Appeal A and Appeal B together.
5. There is dispute between the NPA and the appellant about whether the picket fencing was included in the planning and listed building consent applications. Both parties refer to various plans, documents and email exchanges during the course of the application process to support their respective positions.
6. The NPA states that the description of the proposed development/works does not refer to retrospective permission being sought for the picket fencing. However, while routinely used, phrases such as 'retrospective consent' or 'retention' would not be appropriate in a description of development, given that 'development', as defined in s.55 of the Town and Country Planning Act 1990, is the 'carrying out' of building or other operations, or the making of a material change of use. Furthermore, it is not unusual for a description to focus on the main subject of the development/works which, in this case, was the conversion of the laundry and workshop to form two holiday units with the installation of some roof windows/rooflights, without necessarily itemising every aspect of associated works, which may feature in supporting plans. In addition, as noted by the appellant the parking area is not referred to in the description, even though it is marked on a revised and approved location plan and subject to a condition in the planning permission.
7. The NPA further submits that the first paragraph on page 4 of the Heritage Impact Assessment (January 2024) ('HIA'), which accompanied the listed building consent application, 'confirms' that no fencing was proposed. The wording refers to concerns about the creation of 'new curtilages' around the proposed cottages and that none is proposed for the application building but goes on to state that: '*Fencing and mechanism for separating the front of the cottages has been a feature of the terrace since before the listing of Llanfendigaid Hall in 2006. Domestic paraphernalia is visible from photographs on Eryri files from 1996 and google images including domestic dustbins from full time occupancy.*' Fencing is then referred to on page 7, where it is described as minimal and

94cm high and its impact is assessed, with a conclusion that '*the granting of consent to for [sic] the conversion of the laundry room and workshop with associated fencing to adjacent cottages, will not have any adverse impact on the character and setting of the listed building.*' Therefore, I do not agree that the single paragraph cited by the NPA is explicit in excluding fencing when it is considered in context and the HIA is read as a whole, given that it subsequently refers to and assesses the relevant fencing as part of the scheme.

8. I have also considered the correspondence cited by the NPA (Appendix 4 to its Statement of Case). In an email dated 10 January 2024 the NPA signals that the picket type fencing erected on the frontages to the cottages may cause heritage issues and suggests that it could either be removed or be regularised as part of the submission and considered as part of the HIA. That appears to have taken place with the submission of revised plans incorporating the frontage within the red line boundary and showing the existing fencing to the front of Stable Cottage and Dove Cottage, which previous versions of the elevation plans do not appear to have clearly shown. I note the email from the appellant's agent dated 14 May 2024 stating that '*a fence is not proposed*' but it goes on to refer to the picket fences '*either side of the application building*'. As the picket fencing was and is already in place, it would seem illogical to describe it as anything other than existing on the relevant revised elevation plan. The appellant's agent has since indicated that the intention of the wording in the email was to convey that the fences were both existing and were to the front of buildings that were not being converted. I also note that is in the context of numerous email exchanges between the parties and the submission of revised plans during the course of a relatively lengthy application process.
9. In addition to the HIA, the appellant cites an Access Statement (January 2024) which formed part of the applications, which refers to the proposals including some fencing to the existing cottages.
10. On the one hand the NPA appears to suggest the supporting documents and elevation plan '*confirm*' that the picket fencing was not intended to form part of the applications but on the other submits that the proposals were sufficiently unclear that the disputed condition was necessary to '*define the scope of the development*'. Ultimately, I find that to be a somewhat contradictory and unconvincing position.
11. The NPA submits that as, in its view, the picket fencing was not part of either the listed building consent or the planning permission, consent for it is '*beyond the ambit of the appeal*'. It cites *Finney v Welsh Ministers & Ors [2019] EWCA Civ 1868* in support of its position. However, that case specifically concerned s.73 applications, establishing that the s.73 process may not be used to obtain a permission that would require a variation to the '*operative*' part of the planning permission, which would include the description of the development for which the permission was granted. Such appeals follow the refusal by a local planning authority of an application to remove or vary a condition. That is not the type of appeal which is before me, which is an appeal made directly against conditions imposed in the permission and where s79(1) of the TCPA provides a broad power allowing the Inspector to consider the whole planning application, as if it had been made to them in the first instance, which may include amending the description of development if considered necessary. Consequently, the *Finney* principles are not applicable here. Notwithstanding, the removal of the conditions at issue would not necessitate any change to the description of the development/works or indeed the approved plans.
12. In any event, while there may have been some misunderstanding and confusion between the main parties regarding whether the existing fences were part of the applications or not, my role is to consider the appeals before me and whether the removal of the relevant condition, in relation to each, would result in harm.

13. In their appeal statement the appellant questioned whether the appeal buildings should be considered as 'curtilage-listed', even though the appellant had submitted a listed building consent application relating to them. However, I note that subsequently the appellant has accepted Cadw's assessment that they should be considered as 'curtilage listed' buildings. Therefore, although I have turned my own mind to the matter, I see no reason to disagree with Cadw's view, as accepted by the appellant. As all parties are now agreed on that point, there would be no purpose in considering it further here.

### **Main Issue**

14. The main issue is, therefore, whether the disputed condition, in relation to both appeals, is reasonable and necessary to preserve the special architectural and historic interest of Llanfendigaid Hall, a Grade II\* listed building, including its setting.

### **Reasons**

15. The appeal site comprises part of a terrace of four buildings, which include a redundant laundry and workshop, Dove Cottage to the east and an area to the front of Stable Cottage to the west, with parking and access to the rear. The row of outbuildings is associated with Llanfendigaid Hall, which was designated in 2005 as a Grade II\* listed building. They are not individually or collectively listed or specifically referred to in the list description for Llanfendigaid. However, as the evidence suggests that they: (i) form part of the land and have done so since before 1 July 1948, and (ii) are within the curtilage of the building, and ancillary to it, on the date on which the building was first included in the list, or on 1 January 1969, whichever was later, as referred to under s76(5) of the Historic Environment (Wales) Act 2023, they are treated as part of the listed building and enjoy the same level of protection. Such buildings are frequently described as 'curtilage listed' buildings. As explained above, the appellant now accepts that the appeal buildings fall within that definition.

16. I am required by statute to have special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest that it possesses. As established by case law, harm identified to the special architectural and historic interest of the listed building must be afforded considerable importance and weight, given the statutory presumption that preservation is desirable.

### *Significance*

17. The significance of the Grade II\* listed Llanfendigaid Hall appears to be derived primarily from its status as a fine, well-preserved mid-eighteenth century gentry house, which retains good contemporary character, including some interior fittings. In addition, historical interest rests on its long association with two of the principal families of Merioneth. The terrace of 4 buildings, which include a laundry room and workshop flanked by two already converted cottages, situated just to the rear of Llanfendigaid Hall historically provided stables and staff accommodation, with reference also made to a barn, serving the main listed building. Therefore, while the detailed history of the terrace is unclear, it is reasonable to consider that its historical value derives mainly from its association with Llanfendigaid Hall as one of the outbuildings serving it within the 16 acre estate.

### *Effects on Significance*

18. The NPA has expressed several concerns including that the existing fencing, which is the subject of the disputed condition, is detrimental to the open character and appearance of the area to the front of the cottages. Furthermore, that the enclosures create conflict with the historic function of this area which it considers would have provided unrestricted

circulation between the outbuildings and the main listed house, Llanfendigaid Hall. It suggests that the fencing would erode an understanding of the ancillary nature of the buildings as they related to the listed house and their reciprocal historic function and create a cluttered appearance in a space that has historically remained open and undivided.

19. In contrast, Cadw, the relevant specialist consultee on designated historic assets, advises that the fencing does not cause harm to the character or significance of the listed building. It considers that the fencing is a low level and unintrusive feature which can be easily removed and agrees with a similar assessment in the appellant's HIA.
20. The NPA submits that it has opposed other schemes involving the subdivision and enclosure of historically functional open spaces and that its stance has been supported on appeal. While that may be, as the NPA will be aware, each proposal should be considered on its individual merits and in its particular context, which is the approach I have taken in determining these appeals.
21. It appears that the current fencing was erected at some time during or after 2022, albeit the appellant has supplied photographs of previous fencing around Stable Cottage dating from 2012 and various items of domestic paraphernalia, including picnic tables and benches and some short wooden fence structures in the area to the front of the buildings at earlier dates.
22. As it is already in place, I had the benefit of viewing the fencing *in situ* on my site visit. It is low-level, at only 0.94m high according to the submitted plans. Historically, this area to the front of the row is likely to have been open, with people and horses or horses and carts passing along it, given its historic function as stables/staff accommodation for the main house and that it is suggested that it connected to a former roadway to the northwest. Notwithstanding, I do not consider that the low level fencing would be likely to have a significant detrimental effect on the appreciation of the row as historically connected with the main listed house. Moreover, it is limited to the frontage of the two existing cottages at either end of the row, with the open area in front of the two central buildings remaining.
23. Two of the row of buildings are already dwellings with consent given for the two remaining central units to be converted to holiday lets. Therefore, it would be inevitable that a degree of domestic paraphernalia would accumulate to the front of the row. Indeed, it appears that various items such as bins, benches, picnic tables and some fences have occupied the area in the recent past in association with the use of the existing cottages, Stable Cottage and Dove Cottage. While the picket fences define separate areas in front of those two cottages, taking account of the design and low height of the fencing and the consented residential use of the buildings, I do not consider that it would significantly harm the character or appearance of the terrace or compromise an understanding of the row as a set of former outbuildings historically ancillary to the main listed house.
24. Furthermore, while the terrace is proximate to the main house, it is located to the side of a road and behind it and separated from its garden by a low stone wall, with railings and vegetation above adding to the screening effect. In that context, it is unlikely that the picket fencing would be experienced in most views from or towards the principal listed building. Given those factors, I do not consider that the fencing would materially harm the special architectural and historic interest of the Grade II\* listed building or its setting. I note that Cadw takes a similar view.
25. Overall, therefore, I do not consider that the disputed condition, in relation to both appeals, is reasonable or necessary to preserve the special architectural and historic interest of Llanfendigaid Hall, a Grade II\* listed building, including its setting. It follows

therefore, that the condition does not meet all of the 'six tests' set out in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management'. Given my findings, the removal of the condition from both the consent and permission would not be contrary to the policies of the Eryri Local Development Plan 2016-2031 cited in the reason given for imposing the condition, which seek, among other things to protect the historic environment, including listed buildings, their settings, traditional buildings and local character.

### **Other Matters**

26. Cadw suggested, in the spirit of compromise, the possibility of an alternative condition requiring that the fencing be removed if the use as holiday lets ceased in the future. However, given that I have found that the fencing would not cause material harm, it would not be necessary or reasonable to impose such a condition.
27. The appellant submits that the fences would enhance the letting viability of the units, which provide income to help to maintain the listed building, by creating more child-safe and pet-safe areas and preventing cars from being parked and manoeuvred at the front of the buildings. However, while the fencing may have some practical use in those respects, I consider its overall impact on the letting viability of the units would be marginal, particularly given the parking provision to the rear. Therefore, those aspects attract only limited weight.

### **Conclusions**

#### **Appeal A and Appeal B**

28. For the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be allowed.
29. In reaching my decisions, I have taken into account the requirements of sections 3 and 5 of the Well-being of Future Generations (Wales) Act 2015 ('the Act'). I consider that these decisions are in accord with the Act's sustainable development principle through their contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the Act.

*JP Tudor*

INSPECTOR

## Costs Decisions

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by J P Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Welsh Ministers

Decision date: 18/12/2025

Site address: Llanfendigaid, Rhoslefain, Tywyn, Gwynedd LL36 9LS

Site visit: 23 October 2025

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### **Costs application A in relation to Appeal Ref: CAS-03947-M5S3X5F**

- The application is made under Section 181 of the Historic Environment (Wales) Act 2023 (as amended).
- The application is made by Mr Gareth Roberts for a full award of costs against Eryri National Park Authority.
- The appeal was against the grant subject to conditions of listed building consent for conversion of laundry and workshop to form 2 holiday units and the installation of roof windows.

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### **Costs application B in relation to Appeal Ref: CAS-03978-D2Y6Q2F**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
- The application is made by Mr Gareth Roberts for a full award of costs against Eryri National Park Authority.
- The appeal was against the grant subject to conditions of planning permission for conversion of laundry and workshop to form 2 holiday units and installation of rooflights on front and rear roof.

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## Decisions

### **Costs application A**

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

### **Costs application B**

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

### **Procedural Matters**

3. The submissions for the applicant and the responses from Eryri National Park Authority ('the NPA') were made in writing.
4. The NPA has also made applications for costs against the applicant, which are effectively a counterclaim and are dealt with in separate Decisions.

5. The issues raised are essentially the same in both applications. Therefore, I shall consider Costs applications A and B together.

### **Reasons**

6. The Welsh Government's Development Management Manual - Section 12 Annex: 'Award of Costs' ('the Annex') advises that parties are normally expected to meet their own costs and that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process (Paragraph 1.2). Examples of types of unreasonable behaviour that may lead to an award of costs on procedural or substantive grounds are provided within the Annex, as a general guide.
7. The applicant alleges substantive and procedural errors in the assessment of the listed building consent and planning applications.
8. First, the applicant states that there was confusion on the part of the NPA about the designation of Llanfendigaid Hall. Reference is made to the Officer Reports ('the reports') which at some points refer to Llanfendigaid Hall as a Grade II listed building rather than a Grade II\* listed building which is the correct designation. In response, while the NPA acknowledges that there is an error, which it describes as a 'typo', in the main body of the reports, it advises that the Grade II\* listing is correctly stated in the 'Designations' and 'Heritage Adviser' sections and that the proposals were considered on that basis. The fact is that it was understood that Llanfendigaid Hall is a listed building, albeit the precise designation may have been mistyped on some occasions, and it is clear that the applications were considered on that basis. Therefore, I consider this to be a minor error without significant consequences.
9. Second, and allied to the first point, the applicant suggests that the NPA misunderstood the status of the appeal buildings by referring to them also as listed buildings within the reports. The applicant indicates in the costs applications that the appeal building is a 'traditional building' on a local list but that it is not a listed building. However, the applicant made an application for Listed Building Consent for the works, and the submitted Heritage Impact Assessment (January 2024) acknowledges that the application buildings are within the curtilage of a Grade II\* listed building. Therefore, in essence, the NPA was correct in its assessment and made the status of the respective buildings clear in its appeal submissions. Moreover, in the main appeals, despite initially contesting the issue, the applicant subsequently accepted Cadw's view that the buildings should be considered as 'curtilage listed' buildings, which means they enjoy essentially the same protections as the main listed building and are considered as part of it. Consequently, I see no merit in this allegation.
10. Third, the applicant suggests that the NPA did not sufficiently consider the benefits of the fencing in providing safe dog and child areas which would improve the viability of the holiday lets, thereby providing income for the upkeep of the listed building. Similarly, the applicant alleges that no weight was given to the existence of previous fencing outside Stable Cottage which had allegedly been in place for 10 years. However, given that the NPA maintains that it did not consider that the fencing was part of the applications, it is not surprising that it did not attribute weight to those aspects, with the reports indicating that the lawfulness of the fencing was beyond their scope. Moreover, the NPA has provided further comment within its appeal submissions to support its position. I also note that the applicant appears to indicate in their appeal submissions that the previous fencing was in a different position, which would limit its direct relevance to an extent. Therefore, given these matters relate to the exercise of planning judgments and

assessments, I do not consider that they amount to unreasonable behaviour on the part of the NPA.

11. Fourth, the applicant refers to various matters they describe as procedural errors, including different references between the Welsh and English versions of the decision notice, reference to a location plan under condition 2 of the listed building consent which was in fact only submitted as part of the planning application, and the absence of a revised plan from the NPA's website for the listed building application. However, it seems to me that they are minor matters and I agree with the NPA that the updated location plan is relevant to both applications and, given the applicant's contention in the main appeals that the fencing formed part of the applications, it is logical to refer to that plan in the conditions attached to both the consent and permission.
12. Fifth, the applicant suggests that in discussions about the existing fencing, where the NPA set out the option of including the fencing in the application, it should have made clear that this element would be refused. However, the relevant email correspondence between the parties indicates that the NPA were setting out possible options because it considered that the fencing could be potentially problematic in heritage terms. One of those options was to remove the fencing from the application while the other was to make clear that it was included, so that it could then be assessed as part of the application. However, it would not have been in order for the NPA to pre-judge the outcome of that subsequent assessment. Therefore, notwithstanding my findings in the main appeals regarding the fencing, I see nothing incorrect or unreasonable in the NPA's approach in that regard.
13. Sixth, the applicant submits that the 'reasons for refusal' were too wide and insufficiently specific in identifying material harm. However, although the reports refer to clarification being sought about the picket fence and attempts to address the matter, they indicate that the picket fence is not considered appropriate, based on the comments of the NPA's Heritage adviser. Moreover, it must be remembered that when the applicant refers to 'reasons for refusal' both applications were consented, albeit with disagreement about whether the fences were or were not included, which is considered in the main appeals. In its appeal submissions the NPA expanded upon the reasons it considered the fences to be unacceptable which sufficiently supported its case, even though I ultimately came to a different judgement.
14. Having considered the applicant's submissions, the NPA's responses and subsequent comments from the applicant, I am not persuaded that unreasonable behaviour on the part of the NPA has been shown or that its actions led to unnecessary or wasted expense. Rather, the appeals appear to have resulted from disputes about legitimate planning and heritage issues and some apparent and unfortunate misunderstandings between the parties regarding various matters, including the precise content of the proposals.

## Conclusion

15. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Annex, has not been demonstrated. Consequently, the applications for an award of costs are refused.

*JP Tudor*

INSPECTOR

## Appeal Decision

by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 31/12/2025

Appeal reference: CAS-04220-L0R7R3

Site address: Gwalia, High Street, Harlech, Gwynedd, LL46 2YB

- 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 Mrs. Kath Sylvester against the decision of Eryri National Park Authority.
- The application Ref NP5/61/335F, dated 15 November 2024, was refused by notice dated 8 January 2025.
- The proposed development is the change of use to ground floor from mixed use of residential C3 and restaurant A3, to residential C3.
- A site visit was made on 2 September 2025.

### Decision

1. The appeal is dismissed.

### Application for Costs

2. An application for costs has been made by Mrs. Kath Sylvester against Eryri National Park Authority. This application is subject to a separate Decision

### Procedural Matters

3. The Authority have referred to the potential for future alterations to the appeal property's shopfront; however, this is not part of the proposal applied for. My assessment is based on the plans and documents submitted.
4. There is no dispute between the parties that the ground floor use is a mixed restaurant (A3) and residential (C3) use, and I have no reason to disagree. Therefore, the reference in reason for refusal 2 to the change of use of a retail premises is inaccurate. For the avoidance of doubt, I have determined the appeal based on the relevant planning policy cited within the reason for refusal.

### Main Issues

5. These are:

- whether the loss of employment use is justified having regard to the development plan; and
- the effect of the proposed development on the vitality and viability of the Harlech retail area.

## Reasons

### *Loss of employment use*

6. The appeal seeks permission to convert the ground floor of the appeal property from its current mixed A3 restaurant and C3 residential use to wholly residential, resulting in the loss of the existing commercial floorspace.
7. Eryri Local Development Plan (LDP) Policy H sets out criteria aimed at creating and retaining a sustainable rural economy, including only permitting proposals for the re-use of existing employment buildings for other purposes where, amongst other things, the retention of the employment or business is no longer viable and it cannot be re-used for similar or alternative employment purposes, and the employment potential has been advertised on the market for at least one year.
8. The appellant states that the appeal premises, although having been periodically marketed over the past eight years, was placed back on the market in April 2023. This is supported by the Authority's email to the estate agent on the 9 May 2023. Sales particulars have been provided, and it is confirmed that 3 viewings have taken place.
9. However, despite the appellant's assertion that the property has been 'advertised prominently', the evidence before me contains limited substantive detail regarding the continuity, extent or effectiveness of the marketing. There is no marketing report, limited evidence to indicate whether the property was displayed at the estate agent's branch local to the site, or to confirm whether any targeted commercial marketing was undertaken. The appellant states online platforms were used, such as the estate agent's website and Rightmove, but no proof of this, such as a screen shot of the listings, are submitted. Although I observed a sales board during my site visit, due to the property's corner position, it was only visible from certain directions. Furthermore, there is limited information to demonstrate that the asking price was realistic or comparable to similar mixed use commercial premises in the locality.
10. I note the intentions in relation to the subsequently withdrawn planning application ref: NP5/61/335A and acknowledge the appellant has secured permission for an alternative use through planning application ref: NP5/61/335E which allows for the subdivision of the ground floor to provide a dedicated retail space. Despite this, the two sets of sales particulars submitted, whilst referencing the mixed-use nature of the property, do not clearly describe the respective residential and commercial components, the floor plans provide no indication of the commercial/retail floorspace, and the photographs depict a more residential use. In my view, it is difficult to discern from the sales material the employment potential of the premises.
11. Given this, I cannot be certain the mixed-use arrangement of the ground floor has affected its market appeal, rather than it being due to the marketing material being unclear. This is reinforced by the evidence presented which suggests the previous business closures were due to ill-health and the impacts of Covid-19, rather than any inherent failures of the premises themselves or the business model.
12. LDP Policy H does not prescribe specific evidential requirements for the marketing. However, given its purpose of maintaining a sustainable rural economy, the marketing evidence should be robust enough to show effective and genuine attempts to test commercial demand to inform an assessment of whether the loss of the unit would harm the policy objective. Based on the evidence before me, I am not satisfied that this has been demonstrated.
13. In such circumstances, the prolonged vacancy of the building alone is not indicative that the existing commercial use is no longer viable and cannot be re-used for similar or

alternative employment purposes. Therefore, based on the evidence before me, I conclude the proposal would result in an unjustified loss of an employment use contrary to LDP policy H.

*Vitality and viability of the Harlech retail area*

14. The appellant contends LDP Policy 24 is not applicable and cites the previous appeal relating to the site (CAS-01731-F6B4H6) in support of this. However, the reasoning in the previous appeal does not state that Policy 24 is irrelevant and it is evident the Inspector factored the buoyancy of the mixed-use retail area and its protection under the LDP into his reasoning.
15. Indeed, Harlech is designated as a retail area under LDP Policy 24 and is recognised in the LDP as having a smaller, more tourist-based retail core. The supporting text to Policy 24 explains that the town centres retail units have been lost to other uses and this can damage the vitality and viability of the retail areas, and the policy wording specifically resists the change of use of ground floor A1 retail premises to residential accommodation in retail areas. Whilst I acknowledge this part of the policy does not directly apply to the proposal, this does not mean the policy is irrelevant. Policy 24 also allows retail units to change to A2 and A3 uses in certain circumstances, indicating that such uses may contribute positively to the retail area.
16. Given the appeal premises lies within a retail area and currently has an A3 use at ground floor, I consider the overarching aim of Policy 24 to strengthen and safeguard the vitality and viability towns to be relevant to a proposal that would remove an active commercial use from a designated retail area. This approach is consistent with Planning Policy Wales (Edition 12) which recognises that although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy, and that food and drink use can benefit retail centres.
17. The parties dispute the vitality and vibrancy of Harlech. I accept that a new convenience shop and relocation of a pharmacy is not compelling evidence that the town is buoyant. However, I am also not persuaded by the appellant's assertions that the town is in decline. During my site visit, I observed that Harlech retains the characteristics of an active mixed retail environment. Although I acknowledge my visit represents just a snapshot in time, it was during wet weather in early September, outside of typical peak summer season, nevertheless I saw a reasonable level of footfall and activity, despite the town having some vacant units.
18. The appeal property is located at the edge of the retail area, forming part of a terrace of commercial units, most of which appeared to be occupied. Its wide frontage and corner location opposite a large car park mean it is prominent within this part of the town. In such a context, active ground floor uses make a meaningful contribution to the area's ongoing vitality and viability.
19. As set in relation to LDP Policy H above, the loss of the existing A3 commercial use has not been justified, therefore, I cannot be satisfied that a commercial use could not be re-established at the premises, and such a use would assist in safeguarding the vitality and viability of the retail area. I, therefore, conclude that the proposed development would fail to safeguard the vitality and viability of the Harlech retail area in conflict with the overarching aims of Policy 24.

**Other Matters**

20. The appeal premises was originally a residential property, is within the housing development boundary and near to some residential properties reflecting the site's edge-of-centre location. However, its location within the settlement and historic use alone does

not in itself justify the loss of a commercial unit or overcome the conflicts I have identified with planning policy.

21. I note the appellant's concerns with the Authority's handling of the planning application and past applications relating to the appeal site. These matters, however, are not relevant to the planning merits of the appeal proposal.

### **Conclusion**

22. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

23. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

*L Hughson-Smith*

INSPECTOR

## Costs Decision

by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 31/12/2025

Costs application in relation to Appeal Ref: CAS-04220-L0R7R3

Site address: Gwalia, High Street, Harlech, Gwynedd, LL46 2YB

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
- The application is made by Mrs. Kath Sylvester for a full award of costs against Eryri National Park Authority.
- The appeal was against the refusal of planning permission for the change of use to ground floor from mixed use of residential C3 and restaurant A3, to residential C3.
- A site visit was made on 2 September 2025.

### Decision

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

### Reasons

2. Section 12 Annex 'Award of Costs' (the Annex) of the Development Management Manual (DMM) advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. I am aware of the email, dated 9 May 2023, from the planning officer to the estate agent and subsequent correspondence with the applicant, but this relates to matters that are separate and outside the scope of the appeal, and therefore, not for me to consider.
4. For the reasons set out in the main decision, I concluded that Eryri Local Development Plan Policy 24 and Policy H were relevant, and therefore it was not unreasonable of the Authority to use these policies in its assessment.
5. I have not seen the pre-application advice sought in 2020, and note the informal advice given by the Authority in 2012 which the appellant states they relied upon when purchasing the appeal site and subsequently submitting planning applications. However, the advice was brief, lacked detail and did not amount to a full policy assessment, noting no specific policy was referenced. Moreover, whilst local planning policies may have stayed the same, national planning policy including its approach to town centres has evolved significantly. In any event, pre-application advice given by the LPA is not binding.
6. I accept that the Officer's Report (OR) is brief and contains inaccuracies and imprecise terminology. However, the deficiencies with the OR are not to such an extent that they indicate the Authority misunderstood the proposal, or that they misapplied the relevant

policies. In my view, the OR and appeal submission provide sufficient reasoning for the decision. Likewise, although the Authority did not respond directly to every point raised in the applicant's submission, there is no obligation for them to do so, and I am satisfied that all material considerations were addressed.

7. The applicant also contends that the decision was influenced by subjective or personal views. However, planning decisions relating to the impact of development on vitality and vibrancy of towns and loss of employment use, despite the relevant LDP policies setting out the basis for assessment, inherently involve an element of professional judgement, but this does not equate to bias. There is no substantive evidence which persuades me of unfairness or predetermination in this case.
8. I have seen no compelling evidence that the Authority's handling of the previous planning application ref:NP5/61/335E at the appeal site, including the description of development as stated by the Authority has had any material impact on the determination of the current proposal. Furthermore, whilst shopfront alterations did not form part of the proposals, the reference to the possibility of such changes in the OR did not form part of the reasons for refusal, and therefore, was clearly not determinative.
9. The delay in issuing the decision notice was not significant and there is no evidence that this caused the appellant unnecessary or wasted expense in the appeal process.
10. For the reasons set out above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Annex, has not been demonstrated, and that therefore the application for an award of costs should be refused.

*L. Hughson-Smith*

INSPECTOR