

NOTICE OF MEETING



Eryri National Park Authority

Jonathan Cawley

Chief Executive

Eryri National Park Authority

Penrhyndeudraeth

Gwynedd LL48 6LF

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Meeting: Planning & Access Committee

Date: Wednesday 4th December 2024

Time: 10.00 a.m.

Location: Eryri National Park Authority Office,
Penrhyndeudraeth 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, Annwen Hughes, Louise Hughes
June Jones, Edgar Wyn Owen, Elfed Powell Roberts,
John Pughe Roberts, Meryl Roberts, Einir Williams;*

Members appointed by Conwy County Borough Council

Councillor: Ifor Glyn Lloyd, Jo Nuttall, Nia Owen;

Members appointed by The Welsh Government

*Mr. Brian Angell, Mr. Tim Jones,
Ms. Naomi Luhde-Thompson, Ms. Delyth Lloyd, Vacancy,
Vacancy.*

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

A G E N D A

Page No's

1. **Apologies for absence and Chairman's Announcements**
To receive any apologies for absence and Chairman's announcements.
2. **Declaration of Interest**
To receive any declaration of interest by any members or officers in respect of any item of business.
3. **Minutes** **3 - 7**
The Chairman shall propose that the minutes of the meeting of this Committee held on the 16 October 2024 be signed as a true record (copy herewith) and to receive matters arising, for information.
4. **Tree Preservation Order 83 – Coed Penmaen, Talsarnau** **8 - 25**
To submit a report by the Trees and Woodland Officer. (Copy herewith)
5. **An Update on Compliance Caseload and Performance** **26 - 44**
To submit a report by the Principal Planning Officer. (Compliance) (Copy herewith)
6. **Update Reports** **45 - 50**
To submit update reports, for information. (Copies herewith)
7. **Delegated Decisions** **51 - 62**
To submit the list of applications which have been determined in accordance with delegated authority, for information. (Copy herewith)
8. **Appeal Decisions**
 - (1) To submit an oral report by the Director of Planning and Land Management on the Inspector's decision to dismiss an appeal by Mr and Mrs Emlyn and Catrin Roberts against the Authority's decision to refuse planning permission for the renovation and extension of an existing dwelling, Ty'r Orsaf, Drws-y-Nant, Rhydymain LL40 2BE.
(A copy of the Inspector's decision is enclosed – Copy herewith) **63 - 65**
 - (2) To submit an oral report by the Director of Planning and Land Management on the Inspector's decision to dismiss an appeal by EE Limited against the Authority's decision to refuse planning permission for the installation of a 35m communication mast with EAS and SRN antennas, ground-based apparatus and ancillary development, land at Coed Bryn Engan, Capel Curig LL24 0EL.
(A copy of the Inspector's decision is enclosed – Copy herewith) **66 - 70**



**PLANNING AND ACCESS COMMITTEE
ERYRI NATIONAL PARK**

Wednesday 16th October 2024

Councillor Elwyn Edwards (Gwynedd) (Chair)

PRESENT:

Members appointed by Gwynedd Council

Councillors Elwyn Edwards, Annwen Hughes, June Jones, Edgar Wyn Owen, John Pughe Roberts, Elfed Roberts, Meryl Roberts, Einir Wyn Williams;

Members appointed by Conwy County Borough Council

Councillors Jo Nuttall, Ifor Glyn Lloyd;

Members appointed by the Welsh Government

Brian Angell, Naomi Luhde-Thompson, Delyth Lloyd.

Officers

G. Iwan Jones, Jonathan Cawley, Eiliw Owen, Sion Roberts, Jane Jones, Dafydd Thomas, Eva Jones, Eifion Jones.

The Director of Corporate Services stated that the meeting was being web-broadcast and would also be made available online at a later date.

1. **Apologies**

Mr Tim Jones, Iona Roberts.

2. **Declaration of Interest**

Councillor Elfed Roberts declared both a personal and prejudicial interest in Items

- 5.3 (NP5/73/LB208B – Listed Building Consent to retain external and internal works including replacement external doors and new thin double-glazed windows, replacement rear rooflights and internal works including re-plastering walls and ceilings, replacement of solid ground floor area and replacement of kitchen units), *and*
- 5.4 (NP5/73/LB208C – Retrospective application for the retention of garden shed and woodstore, re-building of existing retaining wall and additional stonewalls, side and rear wooden decking areas and paving area and replacement of rear slope rooflights)

under paragraphs 10 (2) (c) (i) and 12 (1) of the Code of Conduct for Members, and left the meeting whilst the matter was being discussed.

3 Minutes

The minutes of the Planning and Access Committee meeting held on 4th of September 2024 were accepted and the Chair signed them as a true record.

Matters arising from the Minutes:

Reported – updates on two questions raised in the meeting of 4th of September were reported by the Principal Planning Officer (Compliance):

- *Wern y Pistyll, Bontddu (NP5/65/L302D)*
The application had been refused and had been removed from the list of cases under Section 106 Agreements. A meeting to discuss the situation had been arranged with the applicant.
- *Arosfa, Ffordd Capel, Dyffryn Ardudwy (NP5/58/263B)*
Some confusion had arisen because the website appeared to suggest a different decision from the one given in the list of Delegated Decisions. The officer confirmed the website was correct and that a later application had been received, which was a variation of the original application, and that application had been approved.

4. Eryri Local Development Plan – Annual Monitoring Report for 2023-2024

Submitted: – a report on the Eryri Local Development Plan for 2023-24 by the Head of Planning Policy, for discussion and approval by the Members prior to its submission to the Welsh Government.

The Senior Planning Officer (Policy) noted the main findings of the report, and the next steps were reported by the Head of Planning Policy.

The Officers were thanked by the Members, who discussed the report and made the following observations:

- Concern was expressed that the amount of affordable housing being developed was lower than the target. The problem was lack of land. More than a “policy review” was needed.
In response, the officer agreed that it was a concern and that rural places needed extra money as they were not financially attractive places for housing associations. The review of the Plan next year would be a good opportunity to look at this issue.
- The importance of having a community-led housing development process, and the need to match development areas with local need was highlighted. It was necessary to consider how the two things interacted and create policies that promoted community-led housing construction based on that.
- The availability of a Social Housing Grant from the Welsh Government was highlighted, and the use of these grants by the Authority and housing associations was queried.
In response, the officer explained that it was not the Authority's place to submit an application for such grants but that the Authority sat on the group (which included the housing authorities and the housing associations) which distributed the grant money; the concern was that the grants were not being given to more rural areas.

Recommended: approve the contents of the Annual Monitoring Report 2023-24

Resolved: to accept the recommendation

5. **Reports by the Director of Planning and Land Management**
Submitted: – Reports by the Director of Planning and Land Management on planning applications and compliance matters.
Please see the attached Schedule of Planning Decisions.
6. **Update Reports**
6.1 Submitted: – Update reports by the Director of Planning and Land Management on Section 106 Agreements.
6.2 Submitted: – Update reports by the Director of Planning and Land Management on outstanding applications where more than 13 weeks have elapsed.
Issues raised:
- NP5/50/647B – *Footpath between Tywyn ac Aberdyfi*
The Principal Planning Officer (Compliance) reported that they would liaise with the Case Officer for this application and report back in the next meeting.
 - NP3/12/126C – *Conversion and change of use of rural outbuildings to 3 holiday letting units, Rhyd Ddu*
The Principal Planning Officer (Compliance) reported that the application had been held up due to the Case Officer's ill-health.
7. **Delegated Decisions**
Submitted: – List of applications determined in accordance with delegated authority.

The meeting ended at 10.50

SCHEDULE OF PLANNING DECISIONS – 16th October 2024**Item No.****5. Report by the Director of Planning and Land Management**

- (5.1) NP5/53/598C – Outline Application with all details reserved for construction of a single dwelling (Resubmission following refusal of planning application NP5/53/598B), Land near Ffynnon Beuno, Bala.

Reported: – The Case Officer submitted the report, outlining the background and the planning assessment:

- the previous application (NP5/53/598B) was refused as the development was not considered to be in-keeping with the surrounding area and on the basis of insufficient information submitted to determine whether the impact would have an acceptable impact on ecological important features;
- the revised scheme of a modest bungalow at the site was in line with Development Policy 1 – General Development Principles of the ELDP in that the development was sympathetic and in-keeping with the surrounding area.
- additional information with respect to ecological matters had been provided by the agent which demonstrated that the development was unlikely to have an adverse impact on biodiversity and protected species at the site, whilst also proposing mitigation measures and biodiversity enhancement measures.

Recommended: – To GRANT permission subject to the following conditions:

- The development begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;
- Any application for approval of the reserved matters be made to the local planning authority not later than three years from the date of this permission.

Resolved: – to grant permission in accordance with the recommendation.

- (5.2) NP5/65/256A – Application to part of former Bontddu Hall Hotel and erect 8 open market dwellings and 5 affordable dwellings which will be accommodated within the existing holiday chalets (3 units), 1 within the lower ground floor and 1 within the former manager's dwelling.

Reported: – that the applicant has asked that the decision be deferred so that further discussions with the Case Officer may be held.

Recommended: – that the Members defer the decision until the next meeting to enable the Case Officer to hold further discussions with the applicant and report back to the Committee.

Resolved: – to accept the recommendation.

- (5.3 a 5.4) NP5/73/LB208B – Listed Building Consent to retain external and internal works including replacement external doors and new thin double-glazed windows, replacement rear rooflights and internal works including re-plastering walls and ceilings, replacement of solid ground floor area and replacement of kitchen units.

NP5/73/LB208C – Retrospective application for the retention of garden shed and woodstore, re-building of existing retaining wall and additional stonewalls, side and rear wooden decking areas and paving area and replacement of rear slope rooflights.

Councillor Elfed Roberts left the room for Items 5.3 a 5.4

Eva Jones, Built Conservation Planning Officer (Graduate Trainee) , was introduced and welcomed on the presentation of her first applications as Case Officer.

The Director of Planning and Land Management highlighted the similarities between applications 5.3 a 5.4 and proposed it would be convenient to treat the two applications as one.

Proposed: – to treat the planning application and the listed building application as a single item.

Resolved: – to accept the proposal.

Noted: – that the applicant's name had been wrongly recorded in the agenda under application number NP5/73/LB208B, and that the correct name of the applicant was Aron Roberts.

Reported: – The Case Officer submitted the report, outlining the background and the planning assessment:

- the case had been reported to the Committee as the applicant was a relative of a Member of the Authority
- that changes made to the property had not been harmful
- the reasons for undertaking the changes were fair and reasonable (protection from the elements)
- the applicant had disposed of the canopy
- the decking colour did not have an adverse impact on the property

Recommended: – to GRANT consent subject to conditions:

- Accordance with approved plans
- Natural weathering of timber decking and fences
- Biodiversity enhancement and green infrastructure
- Screen Planting for Decking Area.

Resolved: – to accept the recommendation

ITEM NO. 4

MEETING	Planning and Access Committee
DATE	4 December 2024
TITLE	TPO – SNP 83 (COED PENMAEN, TALSARNAU)
REPORT BY	Tree and Woodland Officer
PURPOSE	To Confirm this Tree Preservation Order

BACKGROUND

Local residents of Talsarnau were concerned that a local woodland leasehold had been purchased by Woodlands.co.uk with a view of dividing the woodland into multiple small ownership. There were also concerns regarding engineering works that has already been carried out prior to the TPO, and if these works require planning or not, and the Authority is currently investigating this. There is an Aerial Photo, a Site Plan and a Summary of the Objection letter and Management Plan at the rear [Appendix] of this document). This woodland is worthy of the TPO and a provisional order was put in place in September 2024.

DETAILS OF THE TPO

The Authority has made this order to safeguard a prominent mix woodland (part of which is an Ancient Woodland Site) overlooking the Dwyryd Estuary and Tremadog Bay. The location of the woodland is just to the North of Harlech neighbouring Glyn Cywarch House and Estate. The woodland is a mix age / mix species woodland, native and non-native species, on moderate to steep terrain.

Nearby, the woodland is clearly visible from the nearby council roads A496 and B4573, and the village of Ynys and the town of Harlech especially from area around the castle. From afar, the woodland is visible from Port Meirion and Borth y Gest, both located across the Dwyryd Estuary. The creation of this new TPO ensures that the woodland identified will have a valuable contribution to the visual amenity of this area of Harlech and to Eryri for many years to come.

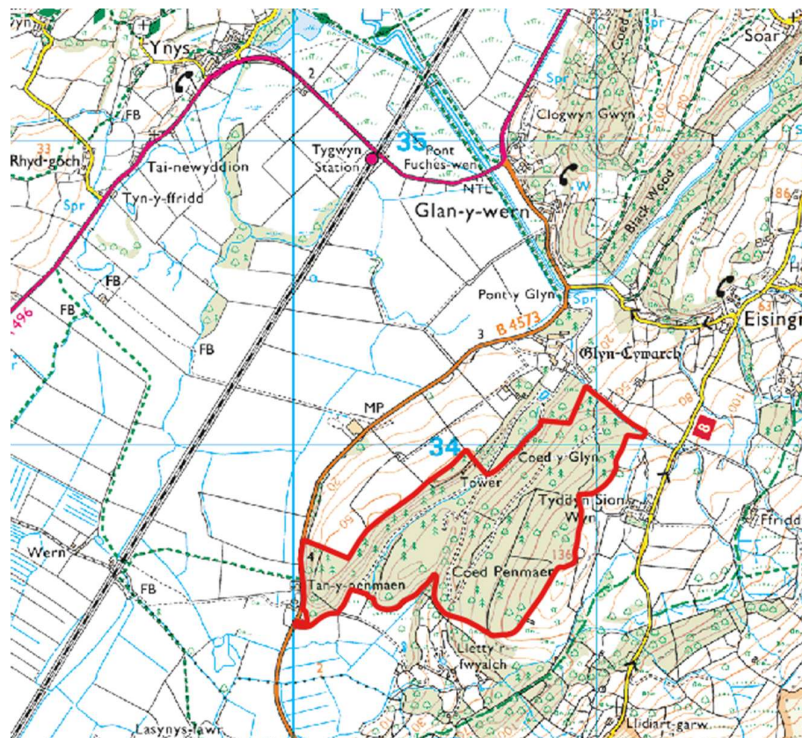
There is one letter objecting the TPO on file within the specified objection period. The objection means that confirmation of the TPO is now passed on to members of the Planning Committee for consideration.

Recommendation: to approve the TPO.

Aerial View of the Area (with the red arrow showing the location of the woodland)



Location



The Main objections in the enclosed letter is from the principal landowner Woodlands.co.uk, and mainly on Woodland Management / Tree Safety grounds, and not for Amenity reasons (my comments are in the bracket) :

1. The TPO will be the contradictory to the focus on restoration of an Ancient Woodland – *(RR – This is a misconception regarding TPO in general and as Authority we support well managed woodlands in the National Park generally, and restoration of Ancient Woodlands is very much welcomed. Unfortunately, one of the woodlands.co.uk key objectives, as listed on their website is “to spread woodland ownership more widely so that more people can enjoy British Woodlands as owners and take a part in managing and conserving them”, and once the woodlands are lotted up and sold to new owners there is no control on how these smaller areas of woodland are managed. We have concerns about the management of many woodland sites that have been sold on in an ad-hoc and fragmented manner, which creates difficulty in developing a coherent strategy on a strategic scale.*
2. Tree Safety Concerns – especially dealing with the Ash Die Back *(RR – If the tree is deemed a danger by a suitably qualified arboriculturist or a forester then a TPO does not prevent tree works to deal with dangerous trees, the only difference is that permission needs to be sought beforehand).*
3. Conifers and non-native species are described in the Schedule 1 of the TPO – *(RR - If there is a genuine intention to restore an ancient woodland site back to a native woodland then we would welcome this, and this can be incorporated into a detailed Woodland Management Plan. If the non-natives are removed in future years, then the TPO can be modified to factor this change. It should also be noted that Scots Pine is a native conifer and could be a valuable component of the woodland in the long term).*
4. The Woodlands for Wales Strategy is referred to *(RR – we welcome this reference and again a TPO does not hinder positive woodland management; and moving forward “to achieve the highest standard of Environment Stewardship” we would expect a much better and detailed management plan for the management of the woodland than the plan that was submitted for any management works, be it from woodlands.co.uk or any prospective new owners. The Authority would welcome all existing and former Woodlands.co.uk site to be UKWAS certified)*



19 Half Moon Lane London SE24 9JU

Local Area Managers for North Wales and the Welsh Marches
ashandhelen@woodlands.co.uk
Ashley Charlwood 07817761125
Helen Iles 07901718474

1 October 2024

RE:- Tree Preservation Order (No 83) 2024

To whom it may concern,

I write in relation to the above TPO received by me as an agent for the owner on 12 September 2024. It is noted that the TPO applies to a woodland wider than our ownership.

The owners are wholly supportive of the broad intention of the TPO on the woodland, and reference the enclosed Management Plan.

This response relates to the woodland defined in map W01 which is in our ownership (see enclosed map: we do not own the area marked in red). We note that the TPO does not apply to all the woodland of which W01 is a part thereof.

The management of the woodland prior to woodlands.co.uk ownership was not in line with the leasehold with regards to the clear-felling of areas of the site. Since woodlands.co.uk ownership they have planted in excess of 1000 sessile oaks to help re-balance some of the extensive natural regeneration.

Woodlands.co.uk feel that the blanket TPO will be contradictory to the focus of restoration of an Ancient Woodland. The birch pioneer species is vigorous and has already begun to swamp the other desirable broadleaves in this area. Along with poorly managed Ash trees, the woodland now contains a large number of dangerous Ash trees infected with Chalara which also threaten the surrounding trees, as well as the tracks within the woodland.

Woodlands.co.uk would like to focus on the protection of mature trees and canopy which requires selective vegetation control (e.g. halo thinning) and migration from conifer to broadleaf. There are also safety priorities alongside the road for Chalara which require preventative maintenance that are adversely affected by this TPO.

As presented in schedule 1 "Mixed Broadleaved and Conifer Species Woodland – of all Age Classes, and all native and non-native species" does not help the woodland contribute to the Restored Ancient Woodland status, nor the transfer of a Plantation on an Ancient Woodland as noted on the Ancient Woodland Inventory (2021). Indeed, arguably Schedule 1 is detrimental to the "Woodlands for Wales Strategy (2018)" Published by Welsh Government. As presented TPO (no 83) does not contribute to, and in places actively detracts from some of the stated goals of the strategy;

2.3 – Woodlands are healthy and resilient.

2.5 – The management of woodland and trees is more closely related to other land uses

4 – Woodlands for People (all clauses)

6.1 – Woodland management achieves high standards of environmental stewardship

6.4 – Woodland biodiversity is supportive and native woodland is in favourable management

woodlands.co.uk understand, fully, the use of the TPO as a precautionary measure in the face of some of the recent activities within the area defined as W01.

While Woodlands.co.uk understands the desire to protect the visual appearance of the environment, as seen from Harlech, Portmeirion, and so forth, limiting our ability to manage the safety of trees with ash dieback, selectively control the vigorous natural birch regen, and favour preferred species, such as oak, rather than focusing on mature trees and preservation of the canopy, does not seem to be an appropriate level of control.

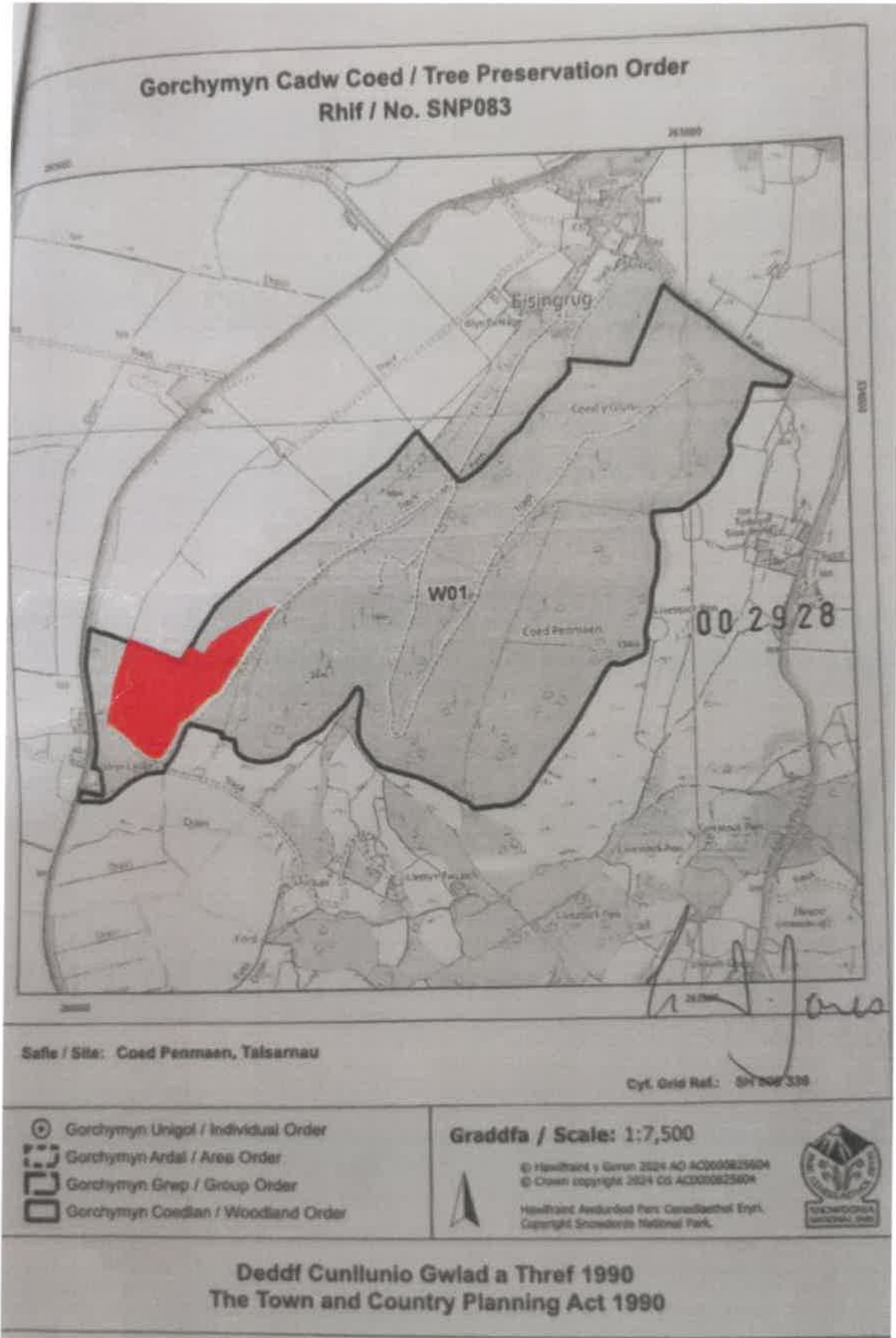
For the reasons listed above woodlands.co.uk object to the Tree Preservation Order (no 83).

Yours faithfully,

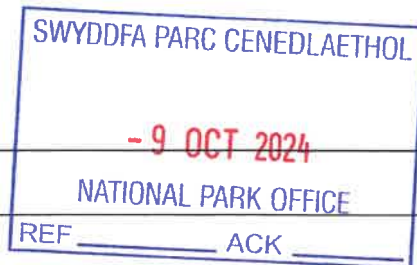


Ashley Charlwood

On behalf of woodlands.co.uk



Woodland Management Plan: Coed Penmaen



Date (from/to)	2024-2029
Date of last review [UKWAS 2.1.3]	n/a
Owner/tenant	Woodland Investment Management Ltd
Agent/contact	Chris Colley

1 Background information

1.1 Location

Nearest town, village or feature	Talsarnau, Gwynedd
Grid reference	SH607 337
Total area (ha)	40

1.2 Description of the woodland(s) in the landscape

Coed Penmaen is a woodland between 10m and 140m ASL adjacent to the Dwyryd Estuary. It is within Parc Eryri.

1.3 History of Management

Coed Penmaen is designated by the Countryside Council for Wales as Ancient and Semi-natural Woodland (ASNW) as shown on the Natural Resources Wales Land Information Search map. This designation indicates the land has been under continuous mainly broadleaved tree cover since at least 1600 AD.

In 1954, the Forestry Commission acquired a 999 year lease for the woodland.

The woodlands had significant felling of Japanese Cedar, Scot Pine, Corsican Pine and Southern Beech. under a licence issued in 2014-15 since which the area has been regenerated via some replanting, but vigorous natural regeneration proliferates. This was outside the terms of the lease and has impacted the structure of the wood.

A lack of good management in the last 20 years has led to Ash trees with die back.

A recent sporting shoot (during 2020-2022) cut a pond in the northern section of the wood to rear ducks.

Woodland Management Plan: Coed Penmaen

2 Woodland Information

2.1 Areas and features

Designated Areas	Map No.	In Woodland	Adjacent to woodland
Special areas for conservation (SACs)		-	-
Special Protection Areas (SPAs)		-	-
Ramsar Sites (see note on Guidance)		-	-
National Nature Reserves (NNRs)		-	-
Sites of Special Scientific Interest (SSSIs)		-	-
Other designations (e.g. National Park (NP) / World Heritage Site)		National Park	
Areas of Outstanding Natural Beauty (AONBs)		-	-
Local Nature Reserves (LNRs)		-	-
TPO / Conservation Area (CA)		-	-

Details			
Rare and important species	Map No.	In Woodland	Adjacent to woodland
Red Data Book or BAP species			
Rare, threatened, EPS or SAP species			Bat and Otter

Details			
Habitats	Map No.	In Woodland	Adjacent to woodland
Ancient semi-natural woodland (ASNW)		Yes	
Other semi-natural woodland			
Plantations on ancient woodland sites (PAWS)			
Semi-natural features in PAWS			
Woodland margins and hedges			
Veteran and other notable trees			
Breeding sites			
Habitats of notable species			
Unimproved grasslands			
Rides and open ground			
Valuable wildlife communities			
Feeding area			
Lowland heath			
Peatlands			
Others			

Details			
Water	Map No.	In Woodland	Adjacent to woodland
Watercourses		Yes	

Woodland Management Plan: Coed Penmaen

Lakes		No	
Ponds		No	
Wetland habitats		No	
Details			
Landscape	Map No.	In Woodland	Adjacent to woodland
Landscape designated areas			
Landscape features			
Rock exposures			
Historic landscapes			
Areas of the woodland prominent from roads			
Areas of the woodland prominent from settlements			
Details			
Cultural features	Map No.	In Woodland	Adjacent to woodland
Public rights of way			
Prominent viewing points			
Existing permissive footpaths		-	-
Proposed permissive footpaths		-	-
Areas managed with traditional management systems		-	-
Details			
Archaeological Features	Map No.	In Woodland	Adjacent to woodland
Scheduled monument		Yes	
Historical feature (Inc. designed landscapes, registered parks and gardens)		Yes	
Other			
Details			

2.2 Woodland resource characteristics

<p>Species composition: The primary species are Birch, Ash, Beech and Sessile Oak.</p> <p>Age structure: Old broadleaves are 50+ years old, regeneration is less than 10 years.</p> <p>Timber quality:</p>

Woodland Management Plan: Coed Penmaen

Not assessed, Ash dieback is prevalent, young trees are being obscured by natural growth

2.3 Site description

On a west facing slope, approximately 10-140m above sea level, with views of the Eryri and the Glaslyn/Dwyrd estuary. Mostly gently to steeply sloping.

2.4 Significant hazards, constraints and threats

1. Access – There is a reasonable vehicular access to the wood. There is an internal track through the wood. Accessibility of the woodland remains a challenge in terms of managing the woodland, extracting timber or amenity use.
2. Tree pests and diseases – there are a number of pests and diseases affecting forest trees in the UK at present. Phytophthora Ramorum is most likely to affect the larch trees in this woodland, but it is not known to be infected, yet. The small quantity of ash trees are also susceptible to Ash Dieback (Chalara), and pose a particular threat to safety where located along the main internal access track.
3. Rhododendron – there are localised pockets of rhododendron in the wood. During 2023 work with Parc Eryri to stem inject was undertaken.
4. Knotweed is entering the woodland from the north in the water course.

3 Long term vision, management objectives and strategy

3.1 Long term vision

As a Plantation on an Ancient Woodland Site, the long term aim is to migrate towards a Restore Ancient Woodland designation, by gradual removal of the remaining conifers, and replacement with native broadleaves.

3.2 Management Objectives

1. Conservation and promotion of biodiversity.
2. Remove invasive species
3. Low impact/small scale sustainable timber production, especially coppicing and firewood.
4. Preservation of any historical features.

Woodland Management Plan: Coed Penmaen

3.3 Strategy

1. Manage Birch regeneration to encourage vigorous growth of other species, and to enable access for management and amenity purposes.
2. Remove Chalara affected Ash Trees where they pose a threat to the internal track. Some wood to be left for ecology purposes.
3. Consider a felling licence of the remaining stand of coniferous wood (only to be contemplated when the Knotweed is removed).

4 Management prescriptions/operations – 2024-2029

4.1 Silvicultural systems

4.1.1 Harvesting

Clearfelling:

None planned within this plan period (unless under an SPHN-Statutory Plant Health Notice)

Thinning:

Selective thinning of Birch (under 100mm), especially halo thinning around any mature broadleaf trees.

Coppicing:

The naturally regenerated areas would benefit from coppicing and thinning.

4.1.2 Phased felling and restructuring of plantations

No plans, unless required under an SPHN.

4.1.3 Establishment, restocking and regeneration

Natural regeneration should meet all requirements, but selective planting to enhance diversity may be applicable in some areas

4.2 New planting

Not required to any significant extent

Woodland Management Plan: Coed Penmaen

4.3 Other operations

(2024/25) :

The work to the existing access tracks will consist of:

1. Cutting back vegetation
2. Renewing or installing any ditches and culverts to ensure that streams are carried across the tracks, and water drains away without damaging the tracks.
3. Localised repair, where required for safe use of the track, using material of acceptable quality extracted on site.
4. Removal of large late phase Chalara affected Ash within 15m of the internal track.

Creation of the new footpaths into the woodland consisting of:

1. Cutting back vegetation, including felling of >100mm birch trees (below the threshold where a Felling Licence is required)
2. Brushcutting of brambles

4.4 Protection and maintenance

4.4.1 Pest and disease management

1. Encourage the estate to maintain walls (their obligation) to keep grazing to a minimum.
2. Contract a knotweed removal expert.
3. Wider issues – well-managed woodland containing a diverse mixture of species and age classes will be more resilient to existing and new tree pests and diseases.

4.4.2 Fire plan

N/A

4.4.3 Waste disposal and pollution

As a part of the leasehold, WIML can instigate a no-smoking policy for visitors. This has been done.

Anyone working in the woodland will be expected to limit and remove any waste or pollution caused by operations. Use of biodegradable oil is encouraged. Waste to be disposed of either by licensed waste handler or if non-hazardous plant material by burning, mulching, chipping, or (preferably) creation of brash piles.

4.4.4 Protection from unauthorised activities

The existing entrance at the south of the wood is fitted with metal gates. These can't be padlocked due to other rights. Internal gates fitted where permitted to restrict unauthorised vehicle use (noted during 2023 and spring 24).

Woodland Management Plan: Coed Penmaen

4.4.5 Protection of other identified services and values

4.5 Game management

N/a

4.6 Protecting and enhancing landscape, biodiversity and special features

4.6.1 Management of designated areas
N/A

4.6.2 Measures to enhance biodiversity and other special features [UKWAS 2.1.1/6.1.1]
Retain standing and lying deadwood where safe and practical to do so. Thinning, coppicing and opening up rides will help provide the rotational and permanent open space habitat that is so crucially important to invertebrates and woodland birds.

4.6.3 Special measures for ancient semi-natural woodland (ASNW) and semi-natural woodland (SNW)
n/a

4.6.4 Special measures for plantation on ancient woodland site (PAWS)
<ul style="list-style-type: none">• See 4.6.2• Avoid damaging and disturbing areas of remnant ancient woodland flora, where identified, and soil profile, by using appropriate machinery and techniques for any future timber harvesting operations.• Cleaning and maintenance of the internal track through the wood.• Avoid any significant amount of Ash removal during the nesting season, where possible, and during wet ground conditions.• Avoid damage to any historical/boundary features.• Encourage natural regeneration of native broadleaf species.• Good practice to manage the opened rides as internal edge habitat and open space through cutting and ride edge coppicing.

Woodland Management Plan: Coed Penmaen

4.6.5 Measures to mitigate impacts on landscape and neighbouring land [UKWAS 3.1.2]

The proposed management will have significant long-term benefits to the local environment in terms of enhancing diversity of the woodland, and potentially providing additional foraging areas for species in adjacent designated areas

4.7 Management of social and cultural values

4.7.1 Archaeology and sites of cultural interest

Protect ancient woodbanks, dry stone walls, and other cultural features during operations by avoiding use of machinery on these features. Operators, where required, will be briefed and supervised and sites marked to ensure these features are protected.

4.7.2 Public access and impacts on local people

Tree safety needs to be seriously considered, especially in relation to the access track and adjacent highway to the north west, these tracks also serve neighbouring properties. Any immediate tree safety concerns will be addressed while the track improvement works are being undertaken, with the aim of also preventing future issues. A tree safety inspection and report is recommended every year, with remedial work carried out as necessary.

5 Consultation

Organisation/individual	Date received	Comment	Response/action

6 Monitoring plan summary

Objective number, issue or UKWAS Requirement	Indicator	Method of assessment	Monitoring period	Responsibility	How will information be used
Tree health and tree safety	Tree condition	Visual	3 years	Manager/ Consultant	Report to inform remedial work

Woodland Management Plan: Coed Penmaen

7 Work programmes

Cpt. Ref or Name	Activity	Year (<i>tick</i>)	
		1-5	6-10
A	Clean and carry out maintenance of the existing track	x	
B	Coppicing and encouragement of vigorous broadleaf tree growth	x	
C	Removal of invasive species	X	

8 Costing Operations

Costing not undertaken, as thought to be low value.

9 Maps

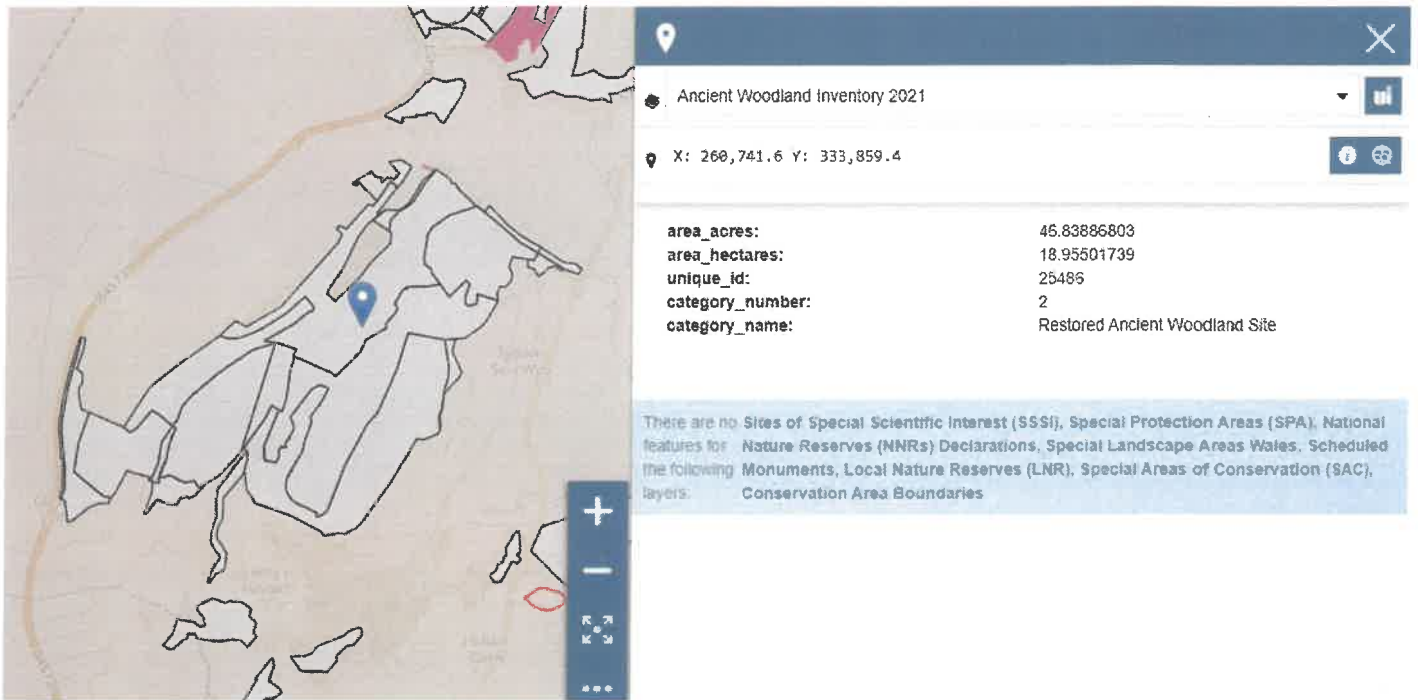
Map no./Title	Description
1	AWI 2021
2	
3	
4	

10 Appendices

Appendix no.	Description
1	
2	
3	
4	
5	
6	

Woodland Management Plan: Coed Penmaen

Map 1: NRW – Ancient Woodland Inventory 2021.



ITEM NO. 5.0

MEETING	Planning and Access Committee
DATE	December 4th 2024
TITLE	AN UPDATE ON COMPLIANCE CASELOAD AND PERFORMANCE
REPORT BY	Jane Jones – Principal Planning Officer (Compliance)
PURPOSE	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 December 2024 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 As reported in June, Alys Tatum is currently on maternity leave until June 2025. With an outstanding caseload of 31 cases, these have been progressed by planning consultants Prospero, Gavin Roberts and Jane Jones. Only 10 cases remain with Alys as at the end of October 2024 and it is hoped these will be re-allocated to other Officers shortly.
- 2.2 Due to ongoing sickness leave within the Development Management section, planning consultants Prospero are now currently working on outstanding planning applications which will evidently affect progressing compliance work. During September/October the compliance section has also been assisting Development Management with progressing applications.
- 2.3 As at the end of October 2024, the current caseload for each Officer is as follows:

Jane Jones – 58 cases

Gavin Roberts – 58 cases

Alys Tatum – 10 cases

Dafydd Thomas – 15 cases (previously worked as a Compliance Officer before moving to Development Management)

Prospero – 15 cases

There are also one or two cases with other Officers within Development Management.

- 2.4 Dafydd Thomas continues to make good progress in reducing the number of outstanding compliance cases still allocated to him.

3.0 Current Case Figures

- 3.1 As of the 31st of October 2024 there are currently **175** outstanding cases. Since June there has been a small reduction in the number of outstanding cases.
- 3.2 From the 1st of June 2024 to the 31st of October 2024 we have received a total of **31** new cases to investigate.
- 3.3 From the 1st of June 2024 to the 31st of October 2024 we have closed **47** 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.
- 3.4 In respect to retrospective planning applications, from the 1st of June 2024 we have generated **18** applications.
- 3.5 In respect to formal action, from the 1st of June 2024 until the 31st of October we have served **2** Enforcement Notices.
- 3.6 Following an appeal against the service of a Section 215 Notice (land that affects the amenity of the area) at the Machno Inn, Penmachno, Planning & Environment Decisions Wales (PEDW) have upheld the Notice but with variations to it by deleting requirement 5 which required *'the land to be kept in good order'* and changing requirement 4 from *'removal of all other rubbish and material waste from the land'* to *'remove all waste material from the land.'* Therefore, the Notice took effect from the appeal decision date, being the 31st of July 2024 and three months were given for compliance. Due to personal issues, the owner of the land has requested an extension of time to comply. This has been granted.

- 3.7 The section currently has two ongoing appeals, which have yet to be determined by the Planning & Environment Decisions Wales (PEDW). These relate to an appeal against the service of an Enforcement Notice relating to a touring caravan and tented camping site and vehicle and boat storage at Tyn y Pant, Dyffryn Ardudwy and an appeal against the service of an Enforcement Notice in respect to the siting of a residential static caravan situated on land at Plas Gwynfryn, Llanbedr.
- 3.8 On the 10th of September, a Public Inquiry was held in relation to the appeal at Tyn y Pant, Dyffryn Ardudwy, with the site visit taking place on the 11th of September and final submissions taking place on the 12th of September. To date, no decision has been made.

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 2024 to 2025:

Investigated	Quarter 1	Quarter 2
Number of Cases Investigated in 84 days or less	16	8
Number of cases Investigated in more than 84 days	4	5
Total number of Cases Investigated	20	13
Average time taken to Investigate Enforcement Cases	80% (61.6 days)	61.5% (88 days)

4.7 The following table provides Members with the outcome for each quarter in respect to the ‘positive outcomes’ indicator:

	Quarter 1	Quarter 2
Average time taken to take Positive enforcement Action	412 days	200 days

5.0 Investigated Indicator

5.1 Upon reviewing the data for the average time taken to investigate enforcement cases, there is a clear improvement to Quarter 1, meeting the ‘Good’ criteria. Although this drops in Quarter 2 back to the ‘Improve’ criteria, the average number of days is much less than in the previous year and the

number of days is now under the 100-day mark. Last year within each of these two quarters the number of days exceeded 100.

- 5.2 A factor as to why the 'investigated' target, dropped in Quarter 2 is partially due to the Compliance Officer being on maternity leave. This was also the time where resources were constrained to preparing for the Public Inquiry referred to in para 3.8. Despite this there is a clear improvement on the overall average number of days taken to investigate a case and we need to try and ensure this momentum continues.

6.0 Positive Outcome Indicator

- 6.1 During last year, the average number of days taken to take positive action fell into the 'needs improvement' category with the Quarter 4 indicator being at 370 days.
- 6.2 In this first Quarter the number of days has dropped further to 412. As explained in the last report, this can be due to the closing of long outstanding cases which have taken a considerable time to resolve.
- 6.3 However, Quarter 2 has seen the number of days almost reduce by half down to 200. This figure just falls within the 'fair' category which was not achieved during the 2023 – 2024 period and is seen as a positive step in the right direction.

7.0 Review into Reporting an Alleged Breach of Planning Control

- 7.1 In the June compliance update report, Members will recall details of how the compliance section proposed to try and streamline the way in which reporting a breach of planning control was made by creating an online form to complete. By establishing this, the aim would be for all concerns to be generated via the online form and to no longer receive concerns via general email or by telephone. For those who do not have access to a computer, concerns would still be accepted in writing.
- 7.2 The aim of only accepting concerns in this way, will ensure all the relevant information is obtained from the outset. It is planned to update the website with useful information, as to what the Authority can or cannot investigate when it comes to planning breaches. It is also proposed to stop taking and investigating anonymous concerns.
- 7.3 By introducing the above, it is anticipated Officers will take less time in administrative duties opening cases, as the details will have already been provided via the website.
- 7.4 To facilitate this, the Compliance Policy has been updated to provide for the above changes. The policy has also been updated to include Enforcement Warning Notices and to update organisational name changes and contact details. This document is included in Appendix 1. Members are requested to formally accept the updated Compliance Policy.

- 7.5 With the acceptance of the Compliance Policy, Officers can proceed to update the website and to instigate the use of the online form. The aim would be to get this operational for the beginning of 2025.

Enforcement Warning Notices

- 7.6 Despite advising in June we would aim to embrace the Enforcement Warning Notice process; no such notice has been served between June to October. This is despite Officers consciously considering the use of this tool.
- 7.7 Interestingly though, the number of retrospective planning applications received for this period is at eighteen, suggesting retrospective applications are being submitted in a timely manner and therefore not warranting the need for an Enforcement Warning Notice.

Planning Computer Database – Agile

- 7.8 The use of the Authority's updated planning software, Agile continues to progress.
- 7.9 A new facility is the introduction of a tablet which Officers can take-out on-site visits. An application on the tablet is linked to the Agile system whereby Officers can update details whilst on site. It also has the potential to upload photographs taken of the site directly into the relevant case file.
- 7.10 This facility is in its early infancy and training will be scheduled when it is fully up and running.

Member Training

- 7.11 Due to the handling of the Public Inquiry and resourcing issues during September and October, Member training on the basics of planning enforcement has not taken place in 2024 as expected. It is proposed this will now take place between April and June 2025.

8.0 Update on Notable Cases

Nannau, Llanfachreth

- 8.1 In the last report, Members were advised a company had been commissioned to provide a report on the type of work required to the roof to make the building watertight and to provide an idea as to how much this would potentially cost.
- 8.2 This report has been completed and a meeting has been held with CADW to discuss the findings and how best to proceed. It was agreed to seek further external guidance from a consultant who handles issues relating to empty properties such as Nannau. The Authority are still in the process of liaising

with this consultant to determine the service of an Urgent Works Notice is the most appropriate way to proceed.

- 8.3 Recently the Authority has been approached by an agent who advises they are acting on behalf of the owner. Discussions have only just commenced, and the Authority have suggested any proposals for Plas Nannau are provided in writing for consideration.

Glygyrog Ddu, Aberdyfi

- 8.4 In April 2024 Members agreed with Officers recommendation to refuse an application for extensive alterations at Glygyrog Ddu which involved part single/part two storey side extensions including balcony/terraced areas, two storey rear extension, front porch, alterations to roof of existing dwelling including the installation of 3 rooflights and associated works.
- 8.5 The Authority proceeded to initiate formal action whereby an Enforcement Notice was served on the 12th of June 2024. The requirements of the Notice were to permanently remove the part single/part two storey side extensions including balcony/terraced areas, and the two-storey rear extension and to remove all materials and debris from the site associated with the removal. A time compliance of six months was provided, and the Notice was due to take effect on the 31st of July.
- 8.6 Following the service of the Enforcement Notice, the owner's agent contacted the Authority to discuss alternative alterations/designs to the dwelling. Since this meeting, a formal pre-application enquiry has been submitted and various details and designs are being explored.
- 8.7 In the meantime, a planning appeal and an enforcement notice appeal have been submitted to Planning and Environment Decisions Wales within the requisite time. Whilst deliberations are ongoing in respect to the pre-application enquiry, these appeals are being held in abeyance until the 20th of January 2025.

Other Cases

- 8.12 Members are encouraged to contact me, or my colleague Gavin Roberts should you wish to have an update on any specific case.

9.0 Conclusion

- 9.1 Looking at the first two quarters, we have made some headway in reducing the number of days taken to investigate a case and have managed to achieve 80% which we have not fulfilled for some time. Furthermore, we have managed to reach the 'fair' category of the Welsh Government indicators, which is a significant step in the right direction.

- 9.2 Overall the compliance section needs to be encouraged with what has been accomplished to date, despite continued resourcing pressures. Hopefully further changes to the way we work will assist in our performance becoming more consistent.
- 9.3 Officers will introduce a new method of reporting breaches of planning control, and this will require a revised Compliance Policy to be approved by the Authority.

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
- 10.2 To adopt the revised Compliance Policy contained in Appendix 1.

ERYRI NATIONAL PARK AUTHORITY

PLANNING COMPLIANCE POLICY



INTRODUCTION

Eryri National Park is an internationally recognised, protected landscape, with a diverse range of wildlife habitats and a rich cultural heritage. It is also a home and workplace for over 25,000 people and is visited by about 4 million people a year. The special qualities of the National Park have been recognised by the nation as being worthy of conserving for the benefit of future generations. One of the many ways in which we do this is through the operation of our statutory planning function. This comprises three interrelated areas of work: the making of planning policy, the control of development and compliance. Any weakness in one of these will affect the other two, and so prejudice the effective operation of the function.

To maintain the integrity of the planning function, we must be **serious about compliance**; respect for the National Park Authority will be quickly undermined if unauthorised operations or changes of use, which are also unacceptable on their planning merits, are allowed to proceed without any apparent attempt to intervene. The public should rightly be able to expect that harmful activities being undertaken in breach of the planning regulations, whether intentionally or otherwise, are dealt with quickly, effectively and consistently.

Where a breach of planning control is identified, in the first instance, we will seek to remedy this through negotiations with the parties involved. Sometimes however the matter might demand the immediate consideration of formal enforcement action. It must however be remembered that in most instances a breach of planning control is not a criminal offence, and that the purpose of planning enforcement is to remedy the harm rather than to punish the perpetrator. When taking enforcement action our most important consideration will therefore always be whether amenity or safety, or the existing use of land or buildings, merits protection in the public interest.

In accordance with the priorities contained in this policy we will investigate potential breaches of planning control that are brought to our attention.

We will also, where it would be beneficial, seek assistance from other organisations to try to resolve matters (e.g. Natural Resources Wales (NRW), Gwynedd Council, Conwy County Borough Council, the Highway Authority etc.). Wherever possible, we will work with businesses, farmers and communities in order that they can meet their legal obligations, without unnecessary expense.

What constitutes a breach of planning control?

We are also only responsible for enforcing breaches of planning control, although there is some overlap with controls exercised by other authorities and organisations. There are essentially two main ways in which such a breach can occur:

- Either **development**, e.g. building or engineering operations, or material changes to the use of land or buildings, are undertaken without the necessary planning permission; or
- Where permission or consent has been granted the approved plans, or the conditions attached to the approval, are not complied with.

Whilst controlled through a separate legislative regime, for the purposes of this policy, the unauthorised **display of advertisements** also constitutes a breach of planning control. We will also investigate complaints regarding untidy **land**.

What is not a breach of planning control?

Certain minor works or activities do not require planning permission, for example, internal works to buildings, or external works that do not significantly alter their appearance. Furthermore, other building works are defined as **permitted development**, and as such a formal application for planning permission is not required. For example, extensive permitted development rights are available to householders in order that domestic properties can be altered or extended without the need to seek our permission beforehand.

We also cannot become involved in concerns relating to:

- Private rights of access, boundary disputes and overhanging tree branches. These are matters of private law and the advice of a **Solicitor** should be sought.
- The emission of noise, smells, dust and other forms of environmental pollution, including fly-tipping and litter (unless also involving a breach of a planning

condition). These are dealt with by **Natural Resources Wales (NRW)** under the 'Fly Tipping Reporting Initiative', or by the relevant **Unitary Council** (Conwy or Gwynedd).

- Methods of building construction, dangerous structures and drainage. These are normally dealt with by the **Building Control** section of the relevant Unitary Council; or
- The pollution of groundwater or watercourses. These are normally also dealt with by **Natural Resources Wales (NRW)**.

FROM PERMISSION TO IMPLEMENTATION

Planning is a complex process, sometimes confusing, and often requires careful attention to detail to ensure that important matters are not overlooked. Genuine mistakes do however occasionally occur from time to time. Our Compliance Officers are always pleased to be able to work with developers, both before works begin on site, and during the project period, to ensure that planning problems can be avoided and the quality of the finished development improved.

Planning conditions:

Where planning permission has been granted, all the conditions attached to that permission should be read carefully and complied with in full within any specified time limits. This is especially important with respect to any conditions that require certain aspects of the development to be approved **before the commencement of the development**. Failure to comply with conditions of this nature can, in some circumstances, have the effect of invalidating your planning permission. A further planning application would then be necessary to resolve the situation.

Developers who have been made aware that a breach of planning control has occurred should stop work immediately. This can avoid further, possibly abortive work and expense.

REGISTERING A CONCERN

We receive enquiries about potential breaches of planning control from many sources including community groups, individuals, Community Councils and Park Authority members. Anybody wishing to ask us to investigate works or activities that cause them concern may do so in one of the following ways:

By Completing Our Online 'Report a Planning Breach' form:

The form can be accessed by using the following link – [\(link to be added\)](#)

In Writing:

Letters should be marked “**Confidential – Not to be Released**” and addressed to the:

Principal Planner (Compliance)
Snowdonia National Park Authority
National Park Office
Penrhyndeudraeth
Gwynedd
LL48 6LF.

For a concern to be registered a name, address (postal or e-mail) and contact telephone number must be provided. This is in order that a response, setting out any action that we have taken, or propose to take, can be given.

In all instances the following is the minimum amount of information necessary to enable us to undertake an effective investigation:

- the name of the person or company undertaking the alleged unauthorised works or activities.
- the address of the building or site (a location plan/grid reference will be helpful).
- details of any relevant planning permission for the development of the land.
- the nature of the alleged breach, when it first occurred (dates and times), whether it is continuing and the frequency of the activity; and
- details of the problems being caused; for example, visual impact, noise, smells, traffic generation etc.

Photographs can also be submitted to support an enquiry and assist the investigation process.

The Authority will always refer people to formally write or to submit their concern online via the Authority's website in order to provide as much detail as possible about alleged breaches of planning control. General emails and concerns received by telephone will no longer be investigated.

It must also be noted **anonymous** concerns will not normally be investigated.

OUR SERVICE STANDARDS

We will act openly and with honesty and integrity. Everyone involved with our Compliance Service will be treated fairly and objectively and all our decisions will be made on the basis of their planning merits and in the best interests of the National Park. Our decision-making process will be robust and transparent, and we will explain and defend it whenever necessary.

Anybody who registers a concern with the Compliance Service can expect us to:

- *Maintain your confidentiality, subject to any disclosure requirements arising from a request received under the provisions of the Freedom of Information Act or the Environmental Information Regulations.*
- *Provide you with a written acknowledgement of your concern within ten working days of the date of its receipt.*
- *Invite you to comment on any application for planning permission arising from our investigation.*
- *Provide you with notification of the outcome of the investigation, whether or not formal enforcement action is taken; and*
- *Comply with requirements of the Data Protection Act.*

Alternatively, if you have been advised by us that you have breached the planning regulations you can expect to:

- *Be clearly advised of how the regulations have been breached, what action needs to be taken to remedy the situation, and when this must be done by.*
- *Be given an opportunity to discuss and resolve the matter by negotiation before formal action is taken; unless this is necessary in view of the seriousness of the breach, or because of deliberate non-cooperation; and*
- *Be told why it has been necessary to take enforcement action, the relevant planning policies which have given rise to the decision and the appeal procedures that are available.*

THE COMPLIANCE PROCESS

Compliance priorities:

We receive over 130 enquiries relating to potential breaches of planning control every year, and these vary considerably in their nature. Common concerns relate to building or other operations, changes of use of buildings to commercial uses, unauthorised advertisements and problems associated with untidy land.

Clearly all enquiries cannot be given an equal priority. Neither can priorities be determined on the basis of who the complainant, or the developer, is, or on the number or strength of complaints received. We acknowledge that to a complainant, concerns are of considerable importance however enforcement resources are limited, and some matters will cause considerably more harm to the environment, to public safety or to residential amenity than others. The cumulative impact of otherwise less significant matters can also have a considerable overall impact.

The following three categories of priority have therefore been identified. Each new investigation will initially be placed into one of these to determine the appropriate course of action, and speed of response.

Category A – High Priority:

- Works being undertaken in contravention of the requirements of an Enforcement/Stop Notice, or any continuing breach of planning control where enforcement action has been authorized.
- Breaches that could become immune from the taking of enforcement action.
- The unauthorised demolition of, or major alteration to, a Listed Building, or the demolition of a building in a Conservation Area.
- Unauthorised development that may lead to substantial and/or permanent damage to sites of nature conservation importance.
- Unauthorised works to trees protected by a Tree Preservation Order, or to trees in a Conservation Area, where trees are likely to be seriously damaged or removed.
- The removal of important hedgerows.
- Non-compliance with a Section 106 Planning Obligation.
- Cases where Direct Action is required in order to secure compliance with an enforcement or other notice; and
- Unauthorised new dwellings and residential caravans.

Category B – Medium Priority:

- Breaches of conditions attached to planning permissions and other consents.
- Buildings, works or changes of use that adversely affect the environment of the National Park, or compromise the quality of life of residents or visitors.
- Untidy land or buildings; and
- Telecommunications development.

Category C – Low Priority:

- Minor or technical breaches of planning control where limited harm to amenity is being caused.
- The display of advertisements, including flyposting.
- Disputes between neighbours which relate to householder or similar developments and where there is limited public impact; and
- Any other alleged breach of planning control not falling into **Category A** or **Category B**.

Investigation timescales:

To establish whether a breach of planning control has taken place it will nearly always be necessary for a Compliance Officer to visit the site. All our Officers carry an identity card and possess details of their **Rights of Entry** in connection with compliance investigations.

The initial inspection of the site of a potential enforcement issue will very often be crucial for determining the continuing priority to be afforded to the investigation, and the likely subsequent course of action. The following are the response times we consider to be both appropriate and reasonable in respect of each category of priority. These are maximum response times and, as circumstances dictate, some sites may need to be inspected sooner.

We will aim to inspect 90% of sites within the following timescales:

- | | |
|------------------------------|------------------------|
| • <i>Category A (High)</i> | <i>3 Working Days</i> |
| • <i>Category B (Medium)</i> | <i>7 Working Days</i> |
| • <i>Category C (Low)</i> | <i>28 Working Days</i> |

Where there may be uncertainty as to whether or not a breach of planning control has actually occurred a **Planning Contravention Notice** might be served. This will require details of land ownership and the use of land to be provided and can also request that the developer attends a 'time and place' meeting in order that the issue can be discussed.

Expediency and public interest:

The cause of good planning is not served by the pursuit of unimportant breaches of control. However not to take action, where it is clearly necessary, can be considered to be maladministration. It is equally important to remember that planning enforcement is a **discretionary** power. This means that we have to decide on a case-by-case basis whether it is in the **public interest** to take enforcement action. Action does not therefore have to be taken in respect of every identified breach of planning control, and in most instances, it would be inappropriate to take formal action against a trivial or technical breach of control which causes no harm to amenity in the locality of the site, or one which is essentially of a private nature, for example disputes between adjacent landowners.

Neither will action be taken solely on the basis of a perceived loss of property value, the loss of a view or potential competition with a similar business.

In certain situations, we also have the option of seeking the submission of an application for retrospective planning permission. This will often be necessary where we wish to impose conditions on the continuing use of land, for example to control the hours of operation of a potentially noisy development. To facilitate this an **Enforcement Warning Notice** may be served. This Notice can be served where it is considered unauthorised development could potentially be made acceptable with control and the implementation of appropriate planning conditions. The serving of this Notice will provide an indication to the developer/offender that if an application is submitted, appropriate control could be applied to the development to make it acceptable.

Taking enforcement action:

Should formal enforcement action be necessary a wide range of available powers have been delegated to our Compliance Officers. An assessment will be made, in each case, of which power (or mix of powers) is best suited to dealing with any suspected or actual breach of control to achieve a satisfactory, lasting and cost-effective remedy. Rapid initiation of enforcement action is often essential to prevent an unauthorised situation becoming well established, and subsequently more difficult to remedy. In considering whether to take enforcement action we will assess all breaches of planning control against the following criteria:

- *Whether the unauthorised development or works conflict with the relevant policies of the local plan.*
- *The statutory aims of the National Park and the provisions of the National Park Management Plan.*
- *The content of Welsh Government advice and guidance contained in Planning Policy Wales (PPW) or Technical Advice Notes (TANs).*
- *The level of harm that is being caused, or could potentially be caused, to the natural or built environment.*
- *The level of harm that is being caused, or could potentially be caused, to visual or residential amenity; and*
- *Whether there are any public safety implications.*

Details of the various enforcement powers available to us are set out under Section 14 Annex Enforcement Tools of the Development Management Manual and can be located here - [section-14-annex-enforcement-tools.pdf](#)

The Welsh Government sets a **12-week** target for resolving enforcement cases. Whilst we will aim to meet this target in most cases, due to the complex nature of many the investigations that we undertake, some will take longer.

We also have a **Local Performance Indicator** that records the percentage of cases that have been satisfactorily resolved without the need to take formal enforcement action; we believe this is a better measure of our success.

The Human Rights Act 1998:

The Human Rights Act (HRA) has incorporated provisions from the **European Convention on Human Rights** into UK law. The Convention states that public authorities may only interfere with someone's private and family life, home and correspondence where they have legal authority to do so, and where it is necessary in a democratic society; and that no one can be deprived of their property except where the action is permitted by law and is justifiable in the public interest.

We will carefully consider the provisions of the HRA when deciding whether to take enforcement action, which must always be **proportionate** to both the scale of the breach, and to the level of harm that is being (or could be) caused. Equally, we will strive to ensure that our actions do not give rise to any claims of discrimination against any citizen or group.

COMPLAINTS ABOUT OUR SERVICE

We are committed to providing a high standard of service to the public at all times. Sometimes, however, mistakes can be made. We therefore have an established procedure for recording and dealing with complaints about our services, details of which can be found by following this link - [Make a Complaint - Park Authority](#)

Alternatively, our **Head of Administration and Customer Care** can be contacted by telephone on 01766 770274 or e-mail at parc@eryri.llyw.cymru

The Public Services Ombudsman:

If you are unhappy with our response to a complaint, you have the right to lodge a further complaint with the Public Services Ombudsman for Wales (PSOW), For advice on making a complaint you can call the PSOW on 0300 790 0203 or you can e-mail ask@ombudsman.wales

Complaints to the PSOW can be submitted online, or by post to the following address:

Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed,
CARDIFF, CF35 5LJ



PLANNING AND ACCESS COMMITTEE
04 DECEMBER 2024

SECTION 106 AGREEMENTS

**SNOWDONIA NATIONAL PARK AUTHORITY
PLANNING AND ACCESS COMMITTEE, 04 DECEMBER 2024.**

SECTION 106 AGREEMENTS

Rhif	Application No.	Date application was received	Location	Development	Present Position
1.	NP5/55/46G	12/07/2023	Geufron Farm, Brynchrug, LL36 9RW	Conversion of barn and stable to short-term holiday let accommodation.	Draft agreement sent 19/08/24.
2.	NP5/58/646	17/03/2023	Land near Pentre Uchaf, Dyffryn Ardudwy.	Erection of a special adapted bungalow and a two-storey dwelling	Draft sent to applicant on 11/11/24
3.	NP5/62/T143B	05/10/2022	Tanws Wern Gron, Llanbedr. LL45 2PH	Restore, extend and convert old mill into dwelling, formation of curtilage, and installation of underground septic tank	Owners details changed, waiting for a new copy of the Land Registry title since 03/9/24.
4.	NP5/77/LB65A	05/07/2024	Capel Soar, Soar.	Conversion of chapel to dwelling together with associated alterations	Draft issued on the 31/10. Applicant solicitor currently reviewing draft.
5.	NP5/77/347	18/01/2023	Ty Mawr, Talsarnau, LL476UF	Construction of affordable dwelling, formation of curtilage, extend access track, and alterations to existing vehicular access. NP5/77/347	Draft sent to applicant on 11/11/24.

Number of applications on committee list 16 October 2024 = 3

**APPLICATIONS SUBJECT TO A SECTION 106 AGREEMENT AND WHICH HAVE BEEN COMPLETED SINCE
PLANNING & ACCESS COMMITTEE 16 OCTOBER 2024**

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 16 OCTOBER 2024**

Application No.	Location	Development



PLANNING AND ACCESS COMMITTEE

04 DECEMBER 2024

**OUTSTANDING APPLICATIONS
WHERE MORE THAN 13 WEEKS HAVE
ELAPSED**

SNOWDONIA NATIONAL PARK AUTHORITY

PLANNING AND ACCESS COMMITTEE 04 DECEMBER 2024 OUTSTANDING APPLICATIONS WHERE MORE THAN 13 WEEKS HAVE ELAPSED

Awaiting Ecology Information

NP4/16/78K	29/02/24	Tanaeldroch, Dolwyddelan. LL25 0L	Change of use and extension of an outbuilding for use as an ancillary annex to the primary dwellinghouse (Tanaeldroch
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.
NP5/73/439	23/11/23	Land near Llech-y-Cwm, Gellilydan. LL41 4EU	Erection of rural enterprise dwelling, formation of new vehicular access, and installation of septic tank

Awaiting Details from Agent / Applicant

NP2/16/442	10/05/24	Coed Hendre Ddu, Cwm Pennant, Garndolbenmaen. LL51 9AX	Creation of footpath link through woodland to include raised boardwalks, bridges, waymarkers, benches, interpretation panels, shelter and 'Portaloo'.
NP2/16/454B	31/07/24	Land at Cefn Coch Isaf, Cwmystradllyn. LL51 9AZ	Variation of Condition 3 (Submission of CEMP) attached to Planning Permission NP2/16/454A dated 02/09/2020
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,
NP4/16/246	11/06/24	Bryn Tirion, Dolwyddelan. LL25 0JD	Conversion and extension of outbuilding to form affordable local occupancy dwelling,
NP4/31/127	31/05/24	Land adjoining Hendre Ifan, Ysbyty Ifan.	Erection of 2 two storey affordable dwellings,
NP5/50/762	15/03/24	Four Winds, 3 Corbett Lane, Aberdyfi. LL35 0RB	Construction of detached garage with level parking area, formation of decking area, alterations to pedestrian access and dwelling alterations.
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.
NP5/55/60L	20/05/24	Land at Ffordd-y-Felin, Brynchrug. LL36 9NT	Residential development comprising of 12 dwellings (Open market) and associated development including open space, parking, access and drainage infrastructure,
NP5/57/1008C	26/03/24	Land at Coed Penmaenuchaf, Penmaenpool. LL40 1YB	Erection of One Planet dwelling and classroom building,
NP5/58/646	17/03/23	Land near Pentre Uchaf, Dyffryn Ardudwy.	Erection of a special adapted bungalow and a two-storey dwelling.
NP5/58/660	19/04/24	Llwyneinion Fechan, Dyffryn Ardudwy. LL44 2HX	Conversion of redundant farms buildings to form 2 short term holiday letting units together with the installation of a package treatment plant.

NP5/59/495C	17/07/24	Land Near Pont yr Afon Gam, Llan Ffestiniog.	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)
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.
NP5/78/421A	17/11/23	Land opposite Ty Llwyd Terrace, Trawsfynydd. LL41 4TH	Conversion of existing garage into dwelling (Affordable & Local Occupancy) together with installation of 2 new rooflights

Awaiting HRA Appropriate Assessment

NP3/12/126C	20/09/22	Bron Fedw Uchaf, Rhyd Ddu. LL54 7YS	Conversion and change of use of rural outbuildings to 3 holiday letting units, erection of bat barn, alterations to existing vehicular access and associated works.
NP5/54/18C	10/05/24	Gornant, 4 Tai Baldwin, Llanfachreth. LL40 2EA	Change of use from residential land to incorporate business use and the siting of a marquee for the purposes of running ceramics workshops.

Awaiting Green Infrastructure Statement

NP5/61/647A	12/03/24	Ty'n y Gwater, Harlech. LL46 2UW	Demolition of existing buildings and construction of a rural enterprise dwelling (Re-submission).
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Re-Consulting on Amended Plans

NP3/21/T78A	24/07/24	Old Barn, Ty'n-y-Maes, Nant Ffrancon, Bethesda. LL57 3LX	Variation of Conditions 2 (Approved plans) and 8 (Size of delivery vehicles) attached to Planning Permission NP3/21/T78 dated 12/10/2024,
NP5/57/ADL240F	08/08/24	Spar, Siop Glyndwr, Plas yn Dref, Dolgellau. LL40 1AD	Retrospective permission for advertisement consent to retain signage.

Total applications on list = 22

Total applications on list Committee 16 October 2024 = 22



PLANNING AND ACCESS COMMITTEE
04 DECEMBER 2024

DELEGATED DECISIONS

SNOWDONIA NATIONAL PARK AUTHORITY

PLANNING AND ACCESS COMMITTEE 04 DECEMBER 2024

DELEGATED DECISIONS

Applications Approved

	Application No.	Proposed	Location	Decision Date	Case Officer
1.	NP2/11/117E	Discharge of Condition 5 (Stone sample) attached to planning approval notice NP/11/117C dated 23/11/2022	Can y Glaslyn, Beddgelert. LL55 4NB	30/09/24	Mr. Dafydd Thomas
2.	NP2/11/637C	Retrospective application to retain shed, access walkway and steps and solar panels (3.0kw).	Land next to Hafod Garregog between Nantmor & Llanfrothen.	06/11/24	Mr Aled Lloyd
3.	NP2/11/LB352V	Listed Building Consent for the removal of existing and installation of new electric cabling ducting	Royal Goat Hotel, Beddgelert. LL55 4YE	04/11/24	Miss Eva Jones
4.	NP2/16/417B	Change of use from agricultural land to domestic curtilage (Retrospective)	Gyfyng, Cwm Pennant, Garndolbenmaen. LL51 9AX	11/11/24	Mr. Gavin Roberts
5.	NP2/16/LB194H	Discharge Conditions No. 3 (Programme of archaeological recording) and No.4 (Detailed report on archaeological work) attached to Planning Consent NP2/16/LB194G dated 13/02/2024	Erw Suran, Cwmystradllyn, Garndolbenmaen. LL51 9BQ	07/10/24	Miss Eva Jones
6.	NP4/11/415	Demolition of existing single storey garage and erection of linked two storey garage, roof extension to dwelling, removal of chimneys, insertion of new chimney flue and insertion of roof windows	Glan Lledr Bungalow, Betws-y-Coed. LL24 0SN	12/11/24	Mr David Jones
7.	NP4/11/LB23L	Installation of carparking payment machines, ANPR Camera and associated signage and equipment	St. Mary's Church, Betws y Coed. LL24 0AA	05/11/24	Miss Eva Jones
8.	NP4/11/LBAD23M	Advertisement Consent for signage in association with upgrading of car parking	St. Mary's Church, Betws y Coed. LL24 0AA	05/11/24	Miss Eva Jones
9.	NP4/32/387	Installation of 6.650m high, 10 ton agricultural feed silo	Cae Crwn, Crafnant Road, Trefriw. LL27 0JZ	23/10/24	Mrs Jane Jones

10.	NP4/32/LB39D	Erection of timber log store	The Old Rectory, Trefriw. LL27 0NJ	28/10/24	Miss Eva Jones
11.	NP5/50/540D	Removal of Condition 2 (10½ months occupancy condition) attached to Planning Permission NP5/50/540A dated 26/07/2002 to allow 12-month occupancy (Personal Permission)	Chalet 59, Plas Panteidal, Aberdyfi. LL35 0RF	26/09/24	Mrs Jane Jones
12.	NP5/50/562U	Variation of Condition No.6 attached to Planning Permission NP5/42/160A dated 21/04/1976 to extend the occupation period from 8 to up to 11 months in any calendar year	Chalet N, Plas Panteidal, Aberdyfi. LL35 0RF	14/10/24	Mr David Jones
13.	NP5/53/113E	Installation of 6 air source heat pumps (100kw)	Penllyn Leisure Centre, Bala. LL23 7SR	30/10/24	Mr. Dafydd Thomas
14.	NP5/53/576A	Extension of Llyn Tegid narrow gauge railway comprising of 1200m of railway track, installation of level crossing, erection of new station building, ancillary engine and carriage building, signal box and associated development (Re-submission)	Land at Bala.	21/10/24	Mr. Dafydd Thomas
15.	NP5/53/LB231A	Listed Building Consent for repairing, painting and rendering at rear of house	Glasfryn, 2 Station Road, Bala. LL23 7NG	06/11/24	Mr. Dafydd Thomas
16.	NP5/54/461C	Retrospective application to position campervan within curtilage to comply with Condition 2 of planning appeal reference Nos. P44/385 and P44/404 dated 18th March 1987	11 Bryniau, Brithdir. LL40 2TY	03/10/24	Mrs Jane Jones
17.	NP5/54/461D	Retrospective application for the retention of wooden shed	11 Bryniau, Brithdir. LL40 2TY	03/10/24	Mrs Jane Jones
18.	NP5/54/476	External alterations to existing hall to relocated entrance and form accessible ramp access	Village Hall, Llanfachreth. LL40 2DY	11/11/24	Mr. Dafydd Thomas
19.	NP5/55/241	Installation of air source heat pump	8 Y Groesffordd, Bryncrug. LL36 9RP	01/10/24	Mr David Jones
20.	NP5/55/84D	Installation of freestanding air source heat pump within the curtilage of a dwellinghouse	Maes Tegfryn, Bryncug. LL36 9PE	04/11/24	Mr David Jones
21.	NP5/57/1163A	Non-material amendment to Planning Consent NP5/57/1163 dated 26/06/2020 to increase size of approved extension	52 Maesbrith, Dolgellau. LL40 1LF	14/10/24	Mr David Jones

22.	NP5/57/LB330N	Listed Building Consent for alterations to internal layout associated with change of use, including retention of unauthorised works.	Beechwood House, Bridge Street, Dolgellau. LL40 1AU	22/10/24	Miss Eva Jones
23.	NP5/57/LB383	Listed Building Consent for replacement external door and rear extension	Erw Gain, 2 Park Row, Dolgellau. LL40 1SE	25/09/24	Mr David Jones
24.	NP5/57/LB437D	Listed Building Consent to retain internal works including installation of timber stud wall to enlarge toilet to include sink and shower, and installation of external vent to side elevation	Siop y Gornel, Smithfield Square, Dolgellau. LL40 1EU	01/10/24	Miss Eva Jones
25.	NP5/58/363J	Conversion of outbuilding into an affordable dwelling and installation of sewage treatment plant	Nant Eos, Dyffryn Ardudwy. LL44 2HX	30/09/24	Mr Aled Lloyd
26.	NP5/58/668	Discharge Condition Nos. 3 (Construction Environmental Management Plan), 4 (Landscape Scheme), 5 (Great Crested Newts (GCN) Reasonable Avoidance Measures Scheme), 6 (Bio Security Risk Assessment and Method Statement) & 7 (Details of Wall Colour) attached to Planning Consent NP5/58/18Z dated 22/02/2023	Barmouth Bay Holiday Park, Ffordd Glan-Mor, Talybont. LL43 2BJ	09/10/24	Mr Aled Lloyd
27.	NP5/58/669	Installation of external air source heat pump to rear of property	Seacliff, 28 Llwyn Ynn, Talybont. LL43 2AL	06/11/24	Mr Aled Lloyd
28.	NP5/58/9G	Install 3 holiday pods, access routes and sewage treatment system	Llwyn Griffri, Talybont. LL43 2AU	05/11/24	Mr Aled Lloyd
29.	NP5/58/AD340H	Advert Consent for signage (3 new fascias including illumination, 8 new window vinyl main images graphics, 11 new block out grey vinyl for higher level windows, frosted window manifestations, & 3 lockable postercase)	Post Office, Dyffryn Ardudwy. LL44 2EL	08/10/24	Mr Aled Lloyd
30.	NP5/58/LB367B	Discharge Condition No.4 (roof slates) and 5 (rainwater goods) attached to Listed Building Consent NP5/58/LB367A dated 17/01/2024	1 Glanrhos, Dyffryn Ardudwy. LL44 2BP	22/10/24	Miss Eva Jones

31.	NP5/58/LB443F	Discharge Condition Nos. 4 (Roof details), 5 (Slates), 6 (Rooflights), 7 (Treatment of verges and eaves), 8 (Terrace details), 10 (Slate vent), 11 (Joinery), 14 (Details of the mortar), 15 (Floor slab), 1, (Internal finishes) & 19 (Programme of archaeological recording) attached to Listed Building Consent NP5/58/LB443D dated 14/12/2023.	Taltreuddyn Fawr, Dyffryn Ardudwy. LL44 2RQ	15/10/24	Mr Aled Lloyd
32.	NP5/61/668	Retrospective application for the installation of external air source heat pump on the west (rear) elevation	32 Y Waun, Harlech, LL46 2UN	24/10/24	Mr Aled Lloyd
33.	NP5/61/92C	Change of use of an existing garage to a winery	Llanllwyni, Harlech. LL46 2RA	05/11/24	Mr. Dafydd Thomas
34.	NP5/69/14F	Demolition of conservatory and erection of extension	Hafod Wen, Rhoslefain. LL36 9NH	29/10/24	Mr David Jones
35.	NP5/69/425	Discharge Conditions 2 (Bat Conservation Plan), 3 (Lighting Plan), 4 (Mitigation Timetable), 6 (Landscaping and Planting Scheme), 7 (Photographic Survey), 9 (Slate and roof ventilation), 10 (External window(s), door(s), screen(s) & 11 (Bat roost) attached to Planning Consent NP5/69/113N dated 04/04/2024	Llanfendigaid, Rhoslefain. LL36 9LS	04/10/24	Mr David Jones
36.	NP5/69/427	Installation of domestic external air-source heat pump	Trem-y-Don, Celynnin Road, Llwyngwriil. LL37 2JD	26/09/24	Mr David Jones
37.	NP5/70/50F	Two storey extension to existing bungalow, and first floor extension to garages/equipment store to provide additional accommodation on-site	Outdoor Education Centre, Rhos-y-Gwaliau. LL23 7ET	28/10/24	Mr. Dafydd Thomas
38.	NP5/70/LB28B	Listed Building Consent for alterations to foot bridge including installation of train track and associated work (Re-Submission)	Pont Mwnwgl-y-Llyn, Bala.	21/10/24	Mr. Dafydd Thomas
39.	NP5/72/89C	Replacement windows and boiler, installation of solar panels and erection of polytunnel	Hafod y Nant, Parc. LL23 7YR	24/09/24	Mr. Dafydd Thomas
40.	NP5/73/441B	Alterations and re-instatement of roof on attached outbuilding to form an extension to the existing dwelling and associated works.	Wern Meirch, Gellilydan. LL41 4RE	04/10/24	Mr Aled Lloyd

41.	NP5/77/179A	Retrospective application for the erection of a detached garage/store	Bron-y-Garth, Llandecwyn. LL47 6YW	09/10/24	Miss Eva Jones
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Applications Refused

	App No.	Proposed	Location	Reason for Refusal	Case Officer
1.	NP2/16/389H	Non-material amendment to Planning Consent NP2/16/389G dated 06/09/2024 to increase height of eaves and ridge line of approved extension	Beudy Parc, Golan. LL51 9AQ	08/10/24 In the opinion of the Snowdonia National Park Authority the amendments proposed are considered to be 'material' amendments in nature as they will result in a material form of change to the original planning permission. As such the changes proposed cannot be deemed a 'non-material' change and will require the benefit of a new planning permission.	Mr David Jones
2.	NP5/57/205L	Discharge Condition No.3 (Bat roost barn) attached to Planning Consent NP5/57/205J dated 18/01/2024	Fronoleu, Tabor, Dolgellau. LL40 2PS	16/10/24 It has not been demonstrated that the design and specification of the bat roost barn is of a satisfactory standard so as to minimise the risk of unacceptable harm or disturbance to protected species. The details submitted are therefore considered to conflict with the Eryri Local Development Plan Policies 2016-2031 and in particular SP A, SP D and DP 1, Planning Policy Wales (Edition 12), Supplementary-Planning-Guidance-1---Sustainable-Design-in-the-National-Parks-of-Wales, Supplementary-Planning-Guidance-2---General-Development-Considerations and Supplementary-Planning-Guidance-6---Nature-Conservation-and-Biodiversity.	Mr David Jones
3.	NP5/58/365J	Variation of Condition 2 (Revised design) attached to Planning Permission NP5/58/365H dated 18/09/2023	Plot 3, O.S. Field No. 9687, Penybont, Talybont.	23/09/24 The proposed orangery, because of its overall design incorporating a flat roof, would not be compatible with the capacity and character of the site and locality within which it is located. As, such, the proposal conflicts with Development Policy 1 and 6 of the adopted Eryri Local Development Plan.	Mr Aled Lloyd

				No biodiversity enhancement measures or a 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 6.4.5 of Planning Policy Wales (Edition 11, February 2021) which requires the incorporation of biodiversity enhancement with every application.	
4.	NP5/58/629	Outline permission for the erection of 2 open market and 2 affordable dwellings. integral garages and formation of new vehicular access on to the A496	Land between Plas Meini & Swyn y Môr, Dyffryn Ardudwy. LL42 2BH	04/10/24 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) to secure the affordability of the two affordable dwellings to meet a local need, 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.	Mr Aled Lloyd
5.	NP5/61/123E	Change of use of ground floor shops to restaurant	Castle Court & Gwynfa, High Street, Harlech, LL46 2YA	04/10/24 This application fails to provide any evidence to demonstrate the existing A1(shop) use is no longer viable and there is a community and settlement need for an A3 (restaurant) unit. Therefore, in the absence of any evidence the proposal is contrary to Development Policy 24 of the Eryri Local Development Plan 2016-31 which seeks to resist the change of use of ground floor retail premises (A1) to an A2 or A3 use within an identified retail area unless it can be proven that the continued use of the A1 unit is unviable and/or the A1 unit has been vacant or for sale with no interest.	Mr Aled Lloyd
6.	NP5/65/259B	Farm diversification project for visitor accommodation to include 3 glamping pods, erection of new toilet/shower block, installation of package	Cesailgwm Mawr, Bontddu. LL40 2TU	05/11/24 No information has been submitted to demonstrate that the development would form part of an agricultural diversification scheme or ancillary to a new or existing tourist attraction, the proposal therefore fails to satisfy criterion i)	Mr Aled Lloyd

		treatment plant and associated parking area (amended proposal to that refused under planning application NP5/65/259A)		of Development Policy 29 of the adopted Eryri Local Development Plan. By way of the scale of the proposal (3 Pods) within the open countryside, it is considered to be an inappropriate form of development which fails to enhance or conserve the 'Special Qualities' of the National Park and will have a detrimental impact on the character of the wider landscape. Therefore, the proposal conflicts with Development Policy 1: General Development Principles and Development Policy 2: Development and the Landscape.	
7.	NP5/65/376C	Change of use from former primary school (Use Class D1) to a single residential affordable dwelling (Use Class C3)	Ysgol y Clogau, Bontddu. LL40 2UA	08/10/24 By reason of the applicants being unwilling or unable to enter into a Section 106 agreement to secure the affordability of the dwelling and restricting the occupancy of the dwelling to a person satisfying the local persons criteria in need of housing or agreeing to the payment of a commuted sum to provide affordable local occupancy housing elsewhere this application is in conflict with ELDP policies C, 9, G and 30 and Supplementary Planning Guidance 4.	Mr Aled Lloyd
8.	NP5/65/L302D	Conversion and extension of barn to dwelling including installation of septic tank, retrospective consent for access track to building and engineering works to create hardstanding/ parking area around the building, temporary siting of static caravan and construction of compensatory bat roost.	Wern y Pistyll, Bontddu. LL40 2UP	07/10/24 By reason of the applicant being unwilling to accept the need for conditions to secure a Species Conservation Plan and the completion of a compensatory bat roost building before any other development commences, the proposal will fail to minimise the risk of harm or disturbance to protected species or their habitat and conflict with Strategic Policy D: Natural Environment. By reason of the applicant being unwilling or unable to enter into a Section 106 agreement to secure the affordability of the dwelling and restricting the occupancy of the dwelling to a person satisfying the local persons criteria in need of housing OR	Mrs. Sara Thomas

				agreeing to the payment of a commuted sum to provide affordable housing elsewhere, this application conflicts with Strategic Policy C: Spatial Development Strategy, DP 9: Conversion and Change of Use of Rural Buildings, Strategic Policy G: Housing and DP 30: Affordable Housing of the Eryri Local Development Plan 2016-2031.	
9.	NP5/66/57A	Conversion of disused agricultural building into annexe, utility room and workshop in connection with adjacent farmhouse, formation of garden and patio area and installation of septic tank and associated drainage	Tyddyn Rhyddid, Llanbedr. LL46 2TL	29/10/24 By reason of the proposed annexe not being ancillary to the main dwelling in terms of its scale and design, it is in conflict with Development Plan Policy 14 and Supplementary Planning Guidance 11 By reason that no justification has been provided that the proposed annexe would be ancillary to the property known as Tyddyn Rhyddid in terms of usage, its separation and lack of a functional link to the main dwelling would be tantamount to a new dwelling in the countryside. The proposal is therefore in conflict with Eryri Local Development Plan Policy 14 and Supplementary Planning Guidance 11	Mr Aled Lloyd
10.	NP5/75/75D	Construction of a pair of semi detached dwellings, together with car parking and access drive	Former Plas Dyfi Service Station, Cwrt, Pennal. SY20 9LB	06/11/24 The site is in the open countryside where there is a presumption against such residential development unless a rural location is necessary and justified. The proposal would conflict with policies SP A and SP C of the Eryri Local Development Plan 2016 – 2031 and Planning Policy Wales Edition 12 which seek to protect the countryside from inappropriate development where a rural location is not necessary or justified and also ensure that developments are sited in sustainable locations The site is in an isolated and prominent open countryside location within a national park. It is considered that the development would result	Mr David Jones

				<p>in a sporadic and urban type of development inappropriate in this area. The proposal therefore conflicts with policies DP 1 and DP 6 of the Eryri Local Development Plan 2016 – 2031 and Planning Policy Wales Edition 12 which seek to protect the character appearance and special qualities of the national park</p> <p>It has not been demonstrated that the proposed access is acceptable on highway safety grounds and has adequate inter-visibility with the A493. The proposal therefore conflicts with policies DP 1 of the Eryri Local Development Plan 2016 – 2031 and Planning Policy Wales Edition 12 and Technical Advice Note 18 Transport.</p> <p>The submission does not include sufficient information to demonstrate that the development would provide a net benefit for biodiversity through the application of the step-wise approach. In the absence of this information, the proposal would contravene the provisions of policies SP A, SP D and DP 1 of the Eryri Local Plan 2016 – 2031, Planning Policy Wales Edition 12, and Technical Advice Note 5 Nature Conservation and Planning, which seeks to secure a net benefit for biodiversity</p> <p>It has not been demonstrated that foul drainage from the development can be satisfactorily disposed of. The proposal therefore conflicts with policies DP 1 of the Eryri Local Development Plan 2016 – 2031</p> <p>Welsh Water maintain a holding objection until the proposed development is repositioned relative to the public water main and its required protection zone. The proposed development is considered unacceptable as it could have a detrimental effect on the integrity and maintenance of the adopted water main</p>	
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11.	NP5/78/LB412L	Alteration of the roof structure on the existing flat roofed rear extension in order to create a pitched roof	The Bungalow, Rhiw Goch Inn, Bronaber. LL41 4UY	<p>01/10/24</p> <p>Insufficient information has been submitted to describe and evaluate the likely impact of the proposal upon the historic environment so that a fully informed decision can be made on this application. In the absence of this information this application fails to show that there would be no adverse impact on the curtilage listed property, the Bungalow, nor on the wider setting and the principal listed building Rhiw Goch. The proposal therefore fails to comply with Strategic Policy Ff and Development Policy 7, in particular criterion (iv), of the Eryri Local Development Plan 2016-2031.</p> <p>Insufficient information has been submitted to demonstrate that a step wise approach, as detailed in Planning Policy Wales (12th Edition, section 6.4.11 – 6.4.16) would be followed to maintain and enhance biodiversity and deliver net benefits for biodiversity by way of a Green Infrastructure Statement and biodiversity enhancement plan. In the absence of this information the development is contrary to Strategic Policy D of the Eryri Local Development Plan 2016-2031, Planning Policy Wales (12th Edition) and the Environment (Wales) Act 2016 Section 6.</p>	Miss Eva Jones
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Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 23/10/2024

Appeal reference: CAS-03396-M7B6K3

Site address: Ty'r Orsaf, Drws Y Nant, Rhydymain, Dolgellau, LL40 2BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Emlyn and Catrin Roberts against the decision of Snowdonia National Park Authority.
 - The application Ref NP5/54/583A, dated 31 August 2023, was refused by notice dated 12 January 2024.
 - The development proposed is renovation and extension of an existing dwelling.
 - A site visit was made on 1 October 2024.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and its surroundings, having regard to its location within the Eryri National Park (ENP).

Reasons

3. The appeal relates to a modest detached cottage located within the countryside, as identified by the Eryri Local Development Plan (LDP) and is within the ENP. The dwelling is an attractive double fronted stone cottage, with a small lean-to extension on the rear elevation. Although the site is overgrown and the dwelling is currently vacant, it has a pleasing traditional character, much of which is derived from its modest simple appearance and its historic links to the former Drws Y Nant Station and the Bala and Dolgellau Railway. Its traditional and historic character significantly contributes to its rural surroundings which are characterised by woodland and undulating open fields to the south. Although wider views of the site are largely screened by woodland to the west and vegetation on its boundary with the A494, the dwelling is visually prominent from the lane fronting the appeal site and from its junction with the A494.
4. I note that the appeal scheme is a resubmission following a previous refusal of planning permission and that the appellant has sought to address the previous reasons for refusal. Nevertheless, the proposed development includes a two-storey extension which would

extend across the majority of the width of the rear of the dwelling. It would project a significant distance from the rear elevation and would have a pitched roof with a gable end. Although the height of the extension would be lower than the height of the main dwelling, this would be marginally so. I appreciate that given its current condition the dwelling would benefit from refurbishment. Nonetheless, the width, length and height of the proposal would result in an extension of significant scale and bulk that would dominate the rear of the dwelling, in stark contrast to the modest existing dwelling. This would be unsympathetic to and significantly harm the traditional and historic character of the host dwelling.

5. Although the extension would be sited to the rear of the dwelling and would replace a smaller lean-to addition, as it would extend the majority of the width of the dwelling, and having regard to its prominent location, its scale and bulk would be visible and would be viewed against the backdrop of the surrounding rural landscape. The use of natural and vernacular materials would do little to mitigate its scale and bulk. Consequently, the proposal would result in an incongruous development which would cause significant harm to the character and appearance of its rural setting. This would have a harmful effect on the special qualities of the ENP.
6. I note that the appellant states that the additional area that would be created by the proposal would be smaller than the footprint of the existing dwelling and would therefore comply with criterion (i) of Development Policy 15 of the LDP. The Authority disputes this and in any event, even if this were the case, having regard to my findings on the impact of the proposal on the character and appearance of the dwelling and its surroundings, the proposal would still fail to comply with criterion (iii).
7. I conclude that the proposed development would cause significant harm to the character and appearance of the host dwelling and its surroundings and would fail to conserve and enhance the special qualities of the ENP. This is contrary to LDP Development Policy 15 and Development Policy 7, which seeks to ensure, amongst other things, that proposals for the alterations and extension of traditional buildings do not cause significant harm to the special historic or architectural character and setting of the building or historic features. It is also contrary to Development Policy 1 and Strategic Policy Ff of the LDP which, amongst other things, seek to conserve and enhance the special qualities and purposes of the National Park and protect its historic landscape, heritage assets and cultural heritage.

Other Matters

8. I note the representations of support for the proposal and the representation in relation to the need to retain local people from the community to enable them to contribute to the sustainable future of rural communities. Nevertheless, these do not outweigh the harm I have identified to the character and appearance of the host dwelling and its surroundings, which would be significant and likely to remain in posterity. These therefore do not alter my decision.

Conclusion

9. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed.
10. 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.

Ref: CAS-03396-M7B6K3

H Smith

INSPECTOR



Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 21-11-2024

Appeal reference: CAS-03336-M7N1W2

Site address: Land at Coed Bryn Engan, Capel Curig, LL24 0EL

- 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 EE Ltd against the decision of the Eryri National Park Authority.
 - The application Ref NP4/13/258, dated 18 January 2023, was refused by notice dated 12 January 2024.
 - The development proposed is installation of a 35m communication mast with EAS and SRN antennas, ground-based apparatus and ancillary development.
 - A site visit was made on 1 October 2024.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address on the application form differs from the one on the decision notice and the appeal form. I have used the latter as it describes the site more precisely.
3. Since the determination of the planning application Technical Advice Note 19: Telecommunications has been revoked. Advice in relation to mobile phone network developments is set out in the Welsh Government's Code of Best Practice on Mobile Phone Network Development for Wales.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the landscape of the Eryri National Park (ENP);
 - ecology and biodiversity interests; and
 - whether any harm identified is outweighed by other material considerations, including the need for the development, the availability of suitable alternative sites and the benefits of the proposal in relation to the Emergency Service Network (ESN) and Shared Rural Network (SRN).

Reasons

Landscape impacts

5. The appeal site is located within the ENP and within Landscape Character Area 5: Y Meolwynion (LCA) as identified by the National Park Authority's (NPA) Supplementary Planning Guidance: Landscapes and Seascapes of Eryri (SPG 07). SPG 07 identifies the key characteristics of the LCA as including medium-scale, geometric conifer plantations on prominent slopes, with valued bands of semi-natural broadleaved woodlands on valley sides and a peaceful and highly scenic landscape overlooked by Mount Snowdon. The valley floor is dominated by large waterbodies and has an outstanding scenic quality and character. Development Policy (DP) 2 of the Eryri Local Development Plan (LDP), seeks to, amongst other things, ensure the scale and design of new development respects and conserves the character, qualities and views of the landscape, particularly in Sensitive Landscape Character Areas as defined in the SPGs. This policy is consistent with Planning Policy Wales Edition 12 (PPW) which states that National Parks must be afforded the highest status of protection from inappropriate developments.
6. The appeal site is located near Llunnay Mymbyr, which I saw is used for water-based activities in connection with the nearby Plas-Y-Brenin National Outdoor Centre. To the north of the site is the A4086, which is a popular route for tourists within the ENP and to the east is the popular tourist destination of Capel Curig. Consequently, the area surrounding the appeal site, including the A4086, is well-used by visitors to the ENP. Given its location close to the lake, the site is viewed in the context of the impressive views of Yr Wyddfa to the west, indeed for many visitors arriving from the east, this is often the first view of Yr Wyddfa that they see. Other than the nearby outdoor centre and some low overhead wires, the open rural landscape has limited human intervention, particularly in the landscape to the west of the appeal site in the direction of Yr Wyddfa.
7. The NPA's Supplementary Planning Guidance: Landscape Sensitivity and Capacity Assessment (SPG 13) advises that this LCA has a very high overall sensitivity to mobile masts and that there is typically no capacity for mobile mast developments within the Areas of Natural Beauty (ANB), as identified by the LDP, with the exception of limited well sited and designed camouflaged mobile masts. However, it states that outside of these areas, there may be limited capacity for sensitively sited and well-designed mobile mast developments. While the site falls just outside the Area of Natural Beauty, the site forms part of the setting of the surrounding ANB.
8. DP 26 of the LDP is permissive of telecommunications developments provided that, amongst other things, they do not significantly harm the visual amenity and the landscape character of the area. In support of this policy Supplementary Planning Guidance: Telecommunications and Masts (SPG 15) provides detailed guidance about the manner in which the NPA will deal with telecommunication and mast developments which may have an effect on the landscape and character of Eryri.
9. The proposed development includes a 35m high lattice tower, which would support an array of antennas and dishes, with ground-based equipment cabinets surrounded by a fence. The proposal would be sited within but close to the edge of the plantation which extends down to the edge of Llynnau Mymbyr. Given the topography the area and the site's location on the rising slope to the south, the proposal would be largely screened from wider views from the south and southeast. Nevertheless, as evidenced by the appellant's photorealistic representations from key viewpoints, and from my own observations, the tower, antennas and dishes would rise well above the height of the

trees within the woodland and would be clearly visible, particularly from the A4086. Owing to its height and siting, it would break the skyline when viewed from the base of the valley from the A4086 in both directions.

10. Whilst some views of the mast would be against the backdrop of the trees and the rising rugged hillside to the south, these would be close views and the mast would still be noticeable. Despite its green colour and lattice structure, owing to its siting near a clearing in the woods, much of the mast would be visible from views across the lake from the A4086. I note the reasons why the mast is required to be so high and a lattice type design, nevertheless, its overtly industrial and modern appearance would be seriously at odds with and detract from the highly scenic rural landscape.
11. The appellant's LVIA concludes that it would have an overall localised Moderate- Minor adverse effect on the scenic qualities, natural beauty and tranquillity of the local landscape character. However, Natural Resources Wales (NRW) considers that these effects have likely been underestimated. As the Welsh Government's statutory advisor in relation to areas which are subject to national landscape designations, I attach significant weight to their comments. Given my observations on the siting, height and appearance of the proposal and the LCA's very high sensitivity to mobile masts, and having regard to NRW's comments, I find that the proposal would have a significant adverse impact on the landscape. This would cause serious harm to the special qualities of the ENP.
12. I note that the woodland within which the proposal would be sited, is intended to be managed in the long term by a low impact silvicultural system which would, in the medium to long term, replace the coniferous trees with deciduous trees. As I have found the impact of the proposal would be unacceptable with the screening of the existing coniferous trees, any potential replacement with deciduous trees in the future would likely lead to less screening of the proposal, especially during the winter months when the trees would not be in leaf. This would likely result in the proposal being more visually prominent in the landscape. This supports my view that the proposal would harm the landscape.
13. I conclude that the proposal would cause significant harm to the landscape of the ENP and would fail to conserve and enhance its special qualities. This would be contrary to policies DP 26 and DP 2 of the LDP. It would also be contrary to LDP Strategic Policy (SP) A, SP D, SP Ff, and DP 1, which seek to, amongst other things, conserve and enhance the special qualities and historic landscape of the ENP, and to the advice in PPW and SPG 7, SPG 13 and SPG 15.

Ecology and biodiversity

14. The site is within the Eryri Site of Special Scientific Interest (SSSI) and the proposal would be sited near a clearing within the woodland plantation. The proposal would result in the loss of a small area of coniferous trees, mosses, lichens, ferns, and boulders. PPW aims to protect and enhance habitats and biodiversity and to improve the overall resilience of ecosystems through a step-wise approach. It also sets out a presumption against development in an SSSI which is not necessary for the management of the site and states that development should only be proposed in such areas in wholly exceptional circumstances and only where development is considered to be appropriate and is not likely to damage a SSSI and there is broad and clear agreement for mitigation and enhancement as part of a development plan. LDP policies SP D, SP A and DP1 are consistent with PPW.
15. The Preliminary Ecological Appraisal (PEA) assesses the existing ecological conditions and includes a preliminary assessment of the likely significance of ecological impacts of the proposed development. I note the findings of the PEA and NRW's comments in

relation to the likely impacts on the SSSI. Nevertheless, given my conclusions on the proposal's landscape impacts and the consideration of alternative sites, which is set out below, I do not consider that wholly exceptional circumstances have been demonstrated in this case and the proposal fails to accord with PPW's step-wise approach.

16. Consequently, and in light of PPW's presumption against inappropriate development in SSSIs, I conclude that the proposal fails to demonstrate that it would not have a harmful effect on ecological and biodiversity interests, contrary to the objectives of PPW and SP D, SP A, and DP1 of the LDP.

Other material considerations

17. PPW supports the delivery of digital communications but recognises that the impact from new mobile telecommunications infrastructure will be greatest in sensitive landscapes and other designated areas and should be carefully planned. It recognises that it is these areas, which are mostly rural in nature, which are affected economically and socially by limited coverage and that proactive but considered planning is therefore essential to ensure greatest coverage whilst maintaining the character of these special areas. This is reflected in Policy 13 of Future Wales (FW) which supports the provision of digital communication infrastructure but recognises that infrastructure in rural areas should be carefully planned to mitigate any impact on designated landscapes.
18. I do not doubt the need for the proposal given the appellant's evidence regarding the lack of coverage of the ESN and SRN in the area, which I give significant weight to. In support of the appeal, the appellant has considered a number of alternative sites. Such alternatives have been considered and discounted by the appellant for various reasons including on the basis of coverage, issues associated with mast sharing and the resultant need for re-design, lack of tree coverage and natural screening resulting in potential visual impact on the area, and lack of space / access. I recognise that given the topographical constraints of the area and the open rural landscape there are limited locations within the site search area that could provide a suitable location for the proposed development in landscape terms.
19. However, some of these alternative sites, in particular those closer to the village of Capel Curig, the Outdoor Centre and closer to other masts, have been discounted as the appellant concluded that a mast of significant height and bulk would be needed to achieve the required coverage. Nevertheless, I have no evidence before me in relation to the likely height and bulk that would be required and their likely visual impact on the landscape and therefore I cannot come to a view on the associated harm with these alternatives and whether they would be worse than the appeal proposal. Consequently, based on the evidence submitted, I am not satisfied that there are no reasonable alternatives which might result in less harm than the proposal.
20. The proposed mast would include apparatus to support the ESN with the primary objective of providing coverage for the emergency services along the specified stretch of the A4086 and would provide coverage for 4 Mobile Network Operators in an area that has been identified as a Partial Non Spot in conjunction with the SRN. I recognise that the proposal would provide mobile connectivity and service for the emergency services, businesses, the rural community and visitors to the National Park. In particular, the provision of ESN coverage in this rural area would provide a public benefit which I attach significant weight to.
21. Nevertheless, having regard to my findings on alternative sites, I find that they do not outweigh the harm to the special qualities of the ENP, which would be significant and

likely to last in perpetuity, which I attach substantial weight to. I conclude that there are no material considerations that outweigh the harm I have identified.

22. The appellant has drawn my attention to a number of other appeals for telecommunication developments, which included ESN infrastructure in National Parks, including in the Dartmoor NPA and the South Downs NPA. However, 3 of those appeals related to 15m pole masts and one related to a 25m lattice mast and the Inspectors concluded that the harm to the character and appearance of the area and the rural landscape would be either neutral, limited or minor and that the significant public benefits outweighed the identified harm. I do not consider that these circumstances are the same as the appeal proposal and have therefore considered the appeal on its own merits.

Planning Balance and Conclusion

23. The proposal would cause significant harm to the landscape of the ENP which I give substantial weight to. I have balanced this harm against the public interest of delivering mobile infrastructure to support the ESN and the SRN, its associated benefits and the need for such infrastructure. The benefits of the proposal are significant, nevertheless, in my judgement, the harm to the landscape and ecology and biodiversity interests of the ENP outweighs the benefits of the proposal.
24. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed.
25. 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.

H Smith

INSPECTOR