

PLANNING COMMITTEE	DATE: 28/04/2025
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 7

Application Number: C24/1026/08/LL

Date Registered: 20/12/2024

Application Type: Full

Community: Penrhyndeudraeth

Ward: Penrhyndeudraeth

Proposal: Application to locate a food truck with public toilet facilities and picnic areas. Retain hardstanding for car parking and an access route. Construction of 20 allotment sheds.

Location: Former Cookes Playing Fields, Station Road, Penrhyndeudraeth, LL48 6LT

Summary of the Recommendation: APPROVE WITH CONDITIONS

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1. Description:

- 1.1 The proposal includes the construction of 20 allotment sheds (which do not require planning permission), siting of a food truck with public toilet facilities and picnic areas, retention of hardstanding as a car parking provision and vehicular access. Every timber shed will measure 1.7m x 1.1m, with a height of approximately 2m on top of the individual allotments. The rest of the land is to be left undeveloped for biodiversity.
- 1.2 The site is situated in open countryside outside the Penrhyndeudraeth development boundary and within a Special Landscape Area. It is also noted that the site lies within flood zone C2 along with zones 2 & 3 Technical Advice Note 15 2021.
- 1.3 The application is submitted to the committee due to the size of the site.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.3 Anglesey and Gwynedd Joint Local Development Plan 2011-26, adopted 31 July 2017

ISA 1: Infrastructure provision

ISA 2: Community facilities

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PS 5: Sustainable development

AMG 2: Special Landscape Areas

AMG 5: Local Biodiversity Conservation

PS 19: Conserving and where appropriate enhancing the natural environment

PS 1: The Welsh Language and Culture

PS 4: Sustainable transport, development and accessibility

TRA 1: Transport network developments

TRA 2: Parking standards

TRA 4: Managing transport impacts

PS 13: Providing opportunity for a flourishing economy

PS15: Town centre and retail developments

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2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note 15: Development and flood risk

Technical Advice Note 20: Planning and the Welsh Language

3. Relevant Planning History:

3.1 Application C03M/0044/03/LL - full application to demolish the building and clear the site - approved 19.05.03

3.2 Application C17/0126/08/AC - Application to discharge conditions 3, 7 and 9 of planning permission C16/0036/08/L1. - Withdrawn 22.05.2017

3.3 Application C16/0036/08/LL - Partly retrospective application for the change of use of land to form allotments and the provision of sheds on them, together with the retention of car park, hardstanding and access track. - Approved with conditions 24-02-2016

4. Consultations:

Community/Town Council: Not received. (The Town Council is the applicant)

Transportation Unit: Not received.

Natural Resources Wales: Dyddiad/Date: 24 February 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Application to locate a food truck with public toilet facilities and picnic areas. Retention of hardstanding for car parking and an access route. Construction of 20 allotment sheds.

LLEOLIAD/ LOCATION: Former Cookes Playing Fields, Station Road, Penrhyndeudraeth, LL48 6LT

Thank you for consulting Natural Resources Wales (NRW) about the above, which we received on 24 January 2025

We have concerns regarding the application as submitted. However, we are satisfied that these problems can be overcome by attaching the following conditions to any planning permission granted:

- Land contamination

Land contamination

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We have reviewed the reports submitted to support the application:

1. Penrhyndeudraeth Town Council – Allotment Development – Phase I Desk Study Report. Caulmert Limited, Doc ref: 2674-CAU-XX-XX-RP-V-0300-S0.P0, Gorffennaf 2016.
2. Penrhyndeudraeth Allotment Development – Penrhyndeudraeth Town Council – Site Investigation Report. Caulmert Limited, Document Reference: 2764-CAU-XX-XX RP-V-0302, EWbrill 2017.
3. Llythyr adroddiad dyddiedig 18 Tachwedd 2024. Re: Penrhyndeudraeth Allotment Development (ref: 6507-CAU-XX-XXRP-V-0300.AD.C1).

We note that metal contamination could be commonplace across the site. However, the site inspection conducted in April 2017 focused on the proposed site plan in 2017, which appears to have been changed for this application. Also completed were manually dug test pools, up to a maximum of 0.5m, which focused on human health matters. We note, no assessment of the risk for controlled waters that needs to be considered was received. Therefore, we advise that the following series of land contamination conditions and information are imposed on any planning consent.

Condition 1: Land affected by contamination No development, or development phase, will commence until the following components of a plan to deal with the risks associated with contamination on the site, have been submitted and approved in writing by the Local Planning Authority.

- A preliminary risk assessment noting:
 - all previous uses
 - possible contaminants associated with these uses
 - conceptual model of the site noting the sources, paths and receptors
 - Potential unacceptable risks deriving from the contamination of the site.

2. Site investigation plan, based on (1) providing information for a detailed assessment of the risk to all receptors who may be affected, including those off the site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options and recovery evaluation strategy giving full details regarding the recovery measures required and how they are to be undertaken.

4. A verification plan that provides the details of data to be collected to demonstrate that the work noted in the recovery strategy in (3) are

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complete and note any requirements for monitoring the links with pollutants, maintenance and arrangements for contingency action in the longer term. The remedial strategy and its relevant components will be undertaken in accordance with the approved details.

Justification: To ensure that the risks associated with contamination on the site have been fully considered prior to the commencement of the development as there are regulated waters of environmental sensitivity; and where required that there are remedial measures and long-term monitoring implemented to prevent unacceptable risks from contamination.

Condition 2: Prior to the occupation of the development a validation report demonstrating that the work noted in the remedial strategy has been approved and the effectiveness of the remedial work to be submitted to the Local Planning Authority and approved in writing. The report will include sampling and monitoring results undertaken in accordance with the approved check plan to demonstrate that the site's recovery criteria have been satisfied. It will also include a monitoring and longer-term maintenance plan to monitor the links with pollutants, maintenance and arrangements for contingency action, as noted in the verification plan. The monitoring plan and long-term maintenance will be undertaken in accordance with the approved details.

Justification: To ensure that the methods noted in the verification plan have been implemented and completed and the risk associated with contamination on the site has been recovered prior to occupation or implementation, to prevent land users and the nearby land in the future, together with those of the regulated waters, property and ecological systems, and to ensure that it is possible to maintain the development safely without unacceptable risks to employees, neighbours and other receptors off the site.

Condition 3: Prior to the occupation/implementation of the development, a long-term monitoring plan for water quality and land contamination will be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- Details of the methods and triggers for actions to take.
- Timetables for the long-term monitoring and condensing mechanisms, e.g. three-year monitoring plan unless the monitoring reports show that follow-up monitoring is required or that there is no need (for x years).
- Schedules for submitting monitoring reports to the local planning authority, e.g. annually
- Details of any essential contingency and remedial actions and

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schedules for action.

- Details confirming that the contingency and remedial actions have been achieved. The monitoring plan will be undertaken in accordance with the approved details, within the agreed schedules.

Justification: A long-term monitoring plan for water quality and land contamination should be submitted prior to occupation or implementation, to ensure that essential monitoring measures are approved to control any potential harmful impacts on water quality and designated sites.

Condition 4: Unexpected contamination. If, during the development, it is found that contamination that was not previously noted is discovered on the site, then no further development (unless agreed otherwise in writing by the Local Planning Authority), will be carried out until a recovery strategy which details how this unexpected contamination will be dealt with, has been submitted to the Local Planning Authority and approved in writing. The remedial strategy will be undertaken as approved.

Justification: To ensure that the risks associated with the unspecified contamination on the site are dealt with via a remedial strategy, to reduce the risk to land users and the nearby land in the future, and to ensure that it is possible to undertake the development safely without unacceptable risks.

Condition 5: surface water drainage. No surface water drainage ground infiltration is approved on the site, except with the specific written permission of the local planning authority, that can be placed for those areas of the site where it was shown that there is no unacceptable risk as a result of regulated waters. The development will be carried out in accordance with the details of the approval.

Justification: Prevention of new and existing developments from contributing or being put at an unacceptable risk of water contamination or for it to have an adverse affect.

Information/advice to applicants

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in

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doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Foul Drainage

We note that the intention is to dispose of foul drainage to an existing private sewerage system. We do not have a record of this system being registered with us.

Government guidance on private sewerage in Welsh Government Circular 008/2018 stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer. According to our records, the proposed development is located within an area with a public sewer. Therefore, it would be better to connect the toilet block to the mains supply. We advise that the Applicant should thoroughly investigate the possibility of connecting with the mains sewer, by taking the following steps:

- Approach the sewerage undertaker to reach an agreement for a connection to the foul sewer.
- If the sewerage undertaker refuses connection to the public sewer, request that they adopt the proposed treatment system.
- If the sewerage undertaker refuses both of the above, you must appeal the refusal with Ofwat.

For further details, please see Natural Resources Wales / Private sewage treatment in an area with a public sewer

Continuing to discharge effluent into ground water or surface water asking for an environmental permit or register an exception with NRW. Septic tanks and small sewerage treatment works can be registered as ones that have been exempted from the requirement to obtain an environmental permit, if the specific criteria are met.

As a part of the application, we will assess whether the current system is still fit for purpose. Please note, if it is deemed that a new system is needed, it is unlikely that NRW gives a permit / exception because the public sewer is nearby. In this situation, in order to continue with the application with NRW, the applicant must show that it is not reasonable to connect to the foul public sewer, showing that they have considered to ask the sewer undertaker to adopt their proposed system. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). Applicants are encouraged to ensure they have all the required permissions, consents and any other approvals in place prior to commencement of works on the site.

Therefore, the applicant is advised to hold discussions before

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applying with our Licensing Team on 0300 065 3000, as soon as possible, to seek to ensure that there is no conflict with any planning permission granted and the requirements of the licence. Further information, including a step-by-step to register and the relevant application forms will be available on our website.

Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Flood Risk

Our Flood Risk Map confirms that the site is partly located within C2 Zone of the Development Advice Map (DAM) as included in TAN15 and the Flood Map for Planning (FMfP) indicates that part of the application site is at risk of flooding and falls partly within Fluvial Flood Zone 3.

Considering the size and nature of the proposed development (and in the absence of flood consequence assessment), we are of the opinion that the proposal could be acceptable, subject to the developer being informed of the potential flood risk and it is advised to establish a flood scheme should any flooding occur.

In areas that are at risk of flooding, we recommend that consideration should be given to incorporating mitigation measures / flood mitigation when designing and constructing the development. These could include flood barriers on the ground floor doors, windows and access points, implementation of suitable measures to prevent flooding to the internal fabric of the ground floor and location of sockets/electrical components on a higher level than the potential flooding levels.

We refer the applicant to our website for further advice and guidance is available. Additional guidance can be found, including this "Paratoi eich Eiddo ar gyfer llifogydd" (Preparing your Property for Flooding) guide.

The developer can also receive advice and information about protection from flooding from the ODPM publication 'Preparing for Flooding: Interim Guidance to Improve the Flood Resistance of Domestic Properties and Small Businesses', here.

Protected Sites

The application is located within 37m of the Pen Llŷn a'r Sarnau Special Area of Conservation (SAC).

From the information provided, we are of the opinion that the proposal is unlikely to have a substantial impact on the Pen Llŷn a'r

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Sarnau SAC, as there are no potential paths to the protected site.

Our advice may change if modifications are made to the proposed development before the application is decided. If there are any changes to the proposed development that may affect consideration of potential environmental impacts, please consult us again before you decide on the application.

As the competent authority under the Habitat and Species Protection Regulations 2017 (as amended), it is a matter for your Authority to undertake a Likely Significant Impacts test for the proposed development. Should you conclude that the proposal is likely to have a significant impact on the SAC/SPA/Ramsar site, either in isolation or in conjunction with other plans or projects, a proper assessment of the project's implications for that site must be carried out taking into account its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify.

Protected Species

We note that there is no information regarding protected species with the application and therefore we assume that your Authority has screened the application and concluded that there is no reasonable likelihood that protected species will be present.

Other matters

The above comments only relate specifically to matters on our checklist, Advice Service on Development Plans: consultation topics (September 2018), which can be seen on our website. We have not considered the potential impacts on other matters, and we cannot disregard the possibility that the proposed development can impact the interests of others.

The applicant is reminded of the fact that it is their responsibility to ensure that all other licences/permissions relevant to the development are acquired, as well as planning permission. Please refer to our website for further details.

If you have any further enquiries about the above, please do not hesitate to contact us.

Dyddiad/Date: 20 February 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Cais ar gyfer lleoli tryc bwyd gyda chyfleusterau toiledau cyhoeddus a llecynnau picnic. Cadw llain caled ar gyfer parcio ceir a llwybr mynediad. Adeiladu 20 o siediau rhandir. / Application for siting of a food truck with public toilet facilities and picnic benches. Retention of hardstanding for car

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parking and access track. The erection of 20 allotment sheds.

LLEOLIAD/LOCATION: Hen Gaeau Chwarae Cookes, Ffordd Yr Orsaf, Penrhyndeudraeth, LL48 6LT (Minor)

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 24 January 2025.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted: • Land Contamination

Land Contamination

We have reviewed the reports submitted to support the application:

1. Penrhyndeudraeth Town Council – Allotment Development – Phase I Desk Study Report. Caulmert Limited, Doc ref: 2674-CAU-XX-XX-RP-V-0300-S0.P0, July 2016.
2. Penrhyndeudraeth Allotment Development – Penrhyndeudraeth Town Council – Site Investigation Report. Caulmert Limited, Document Reference: 2764-CAU-XX-XX RP-V-0302, April 2017.
3. Letter report dated 18th November 2024. Re: Penrhyndeudraeth Allotment Development (ref: 6507-CAU-XX-XXRP-V-0300.AD.C1).

We note that metal contamination is potentially widespread across the site. However, the site investigation completed in April 2017 concentrated on the proposed layout of the site in 2017 which appears to have changed for this application. It also completed hand dug trial pits to a maximum of 0.5m and focussed on human health issues. We note that, there has been no assessment of risk for controlled waters which needs to be considered. We therefore advise the following suite of land contamination conditions and informatics be imposed on any planning permission.

Condition 1: Land affected by contamination No development, or phase of development, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
 - all previous uses.
 - potential contaminants associated with those uses.
 - a conceptual model of the site indicating sources, pathways and receptors.

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- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 2: Contamination verification report Prior to the occupation/operation of the development, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan.

The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Justification: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

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unacceptable risks to workers, neighbours and other offsite receptors.

Condition 3: Long term monitoring plan

Prior to the occupation/operation of the development, a long-term monitoring plan for water quality and land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken.
- Timescales for the long-term monitoring and curtailment mechanisms e.g., a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for x years).
- Timescales for submission of monitoring reports to the LPA e.g., annually.
- Details of any necessary contingency and remedial actions and timescales for actions.
- Details confirming that the contingency and remedial actions have been carried out. The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification: A water quality and land contamination long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts because of development on water quality and designated sites.

Condition 4: Unsuspected contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Condition 5: Surface water drainage No infiltration of surface

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water drainage into the ground at the site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Justification: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

Informative/ advice to applicant The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Foul Drainage

We note the proposal is to connect the foul drainage to the existing private sewerage system. We do not have a record of this system being registered with us.

Government guidance on private drainage in Welsh Government Circular 008/2018 stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer. According to our records, the proposed development is located within a publicly sewered area. It would therefore be preferable to connect the toilet block to the mains. We advise the Applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- Approach the sewerage undertaker to reach an agreement for a connection to the foul sewer.
- If the sewerage undertaker refuses connection to the public sewer, request that they adopt the proposed treatment system.
- If the sewerage undertaker refuses both of the above, you must appeal the refusal with Ofwat.

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For further details please see Natural Resources Wales / Private sewage treatment in an area with a public sewer

Continuation of discharge of effluent to ground or surface water will require an environmental permit or registration of an exemption with NRW. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met.

As part of the application, we will assess if the existing system is still fit for purpose. Please note, that if a new system is deemed to be required, it is unlikely NRW would issue a permit / exemption due to the close proximity of the public sewer. In this situation, to continue the application with NRW, the applicant will have to demonstrate that it is not reasonable to connect to the public foul sewer and demonstrate that they have considered requesting that the sewerage undertaker adopt their proposed system. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

The applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Flood Risk

Our Flood Risk Map confirms the application site lies within Zone C2 of the Development Advice Maps (DAM) contained in TAN15 and the FMfP identifies the application site to be at risk of flooding and falls into Flood Zone 3 Rivers.

Given the scale and nature of the proposed development (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and advised to install

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flood-proofing measures as part of the development.

In areas at risk of flooding, we recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels.

We refer the applicant to our website for further advice and guidance is available. Additional guidance including the leaflet “Prepare your Property for flooding” can be found here.

The developer can also access advice and information on protection from flooding from the ODPM publication ‘Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties’, can be found here.

Protected Sites

The application is located within 37m of the Pen Llyn a'r Sarnau Special Area of Conservation (SAC).

From the information provided, we consider that the proposal is not likely to have a significant effect on the Pen Llyn a'r Sarnau SAC, as no potential pathways to the protected site.

Our advice may change should modifications be made to the proposed development prior to the determination of the application. If there are any changes to the proposed development which may affect the consideration of potential environmental impacts, please consult us again before you determine the application.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), it is for your Authority to carry out the test of Likely Significant Effects for the proposed development. Should you conclude that the proposal is likely to have a significant effect on a SAC/SPA/Ramsar site, either alone or in combination with other plans or projects, an appropriate assessment must be made on the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify.

Protected Species

We note that there is no information about protected species with the application and, therefore, are assuming that your Authority has screened the application and concluded that there is not a

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reasonable likelihood of protected species being present.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries on the above, please do not hesitate to contact us.

06/03/25

Here is the response of our in-house expert to the developer's observations: All the information submitted focuses on human health (and rightly so as the site will be used as an allotment to grow vegetables to eat) and there has been no controlled waters risk assessment. The SI to date has identified metal contamination and a hotspot of hydrocarbon. If the developer can assess the risk of this contamination to controlled waters and it is low, we can remove our request for conditions. This assessment could include leachability testing of the soil samples taken or take more soils samples in the area where contamination has been observed to confirm the risk is low. The hydrocarbon hotspot could easily be mitigated by removal if localised (as it sounds like a localised spill), so less of a concern.

Welsh Water: Propose standard advice. The applicant is informed of Welsh Water's letter.

Public Protection Unit: Not received.

Biodiversity Unit: Trees and habitats are on the site and the applicant has not provided ecological information. The applicant should provide an ecological report and tree survey.

Here are my observation on the similar application back in 2016 (C16/0036/08/LL):

This site includes hard land (land that was a part of the development/construction site for Pont Briwet), as well as wetland

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and a track. The wetland is dominated by soft rush Juncus effuses. There are a few plants which are indicators of rush pasture S42, namely Galium palustre, Cardamine pratensis and Lotus pendunculatus, but they are not consistent enough through the vegetation; therefore, the habitat is not good enough to be classed as rush pasture habitat S42. It is a habitat of moderate value to biodiversity. There are a number of records of species which are important to biodiversity (otters, lizards, polecats, butterflies: grayling, smath heath), on/near the site. There are mammal paths (e.g. otters, badgers) on the site. The site is unsuitable for water voles as there are no ditches on the site. The development is unlikely to affect those species.

There are many invasive plants on the site (Japanese knotweed, Monbretia, Buddleia). There are trees on the boundaries of the hardstanding and parking area. The trees should be protected and retained. A map/tree plan should be provided.

The site is close to the sea and is in the flood area (NRW maps).

The land is wet with large vegetation (reeds). In my opinion, the site is not good for gardening, as the land is so wet and the reeds are difficult to dig as the roots are thick. Is there an intention to bring in soil?

I wish to suggest to the applicant that a plan to enhance the biodiversity will be produced.

I do not have biodiversity concerns if the following planning conditions are included in the planning consent:

- 1. Before the work commences, a plan must be provided to manage non-native invasive plants: Japanese knotweed, Monbretia, Buddleia) to the satisfaction of the Council. The plan must include a map which shows the location of the plants and measures to remove the invasive plants. The plan must be reviewed every three years.*
- 2. Trees should not be cut on the site.*
- 3. A tree plan must be provided.*
- 4. The site should not be cleared during the bird nesting season (i.e. between 1 April until 31 July), unless it can be proven that the work would not disrupt nesting birds.*

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Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period ended on 18/02/25, and correspondence was received, objecting on the grounds of:

- Hazardous access
- Increase in traffic
- Traffic would have to cross a pavement
- Food van and benches will disrupt privacy
- Will create environmental pollution, rubbish and noise
- Pollution from the toilets
- Sheds visually disrupt the landscape
- Will create an ideal location for illegal fly-tipping and crime
- Will create a sense of not being safe

As well as the above objections, objections were received that were not material planning objections and these included:

- Will create competition
- Dog problems with a flock of sheep

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The site abuts the development boundary of Penrhyndeudraeth and is in a relatively prominent location as it is adjacent to the Pont Briwet road and railway.
- 5.2 When considering the principle of these elements of the proposed use it must be ensured that the proposal complies with Policy ISA 2 (Community Facilities) of the Joint Local Development Plan. The policy assists to maintain and improve community facilities by:

1. Granting the development of new community facilities, provided that:
 - i. they are located within or adjoining development boundaries or they are located outside development boundaries but within clusters where the proposal will provide an essential facility to support the local community;
 - ii. in the case of new buildings, the local community cannot be satisfied by making dual use of existing facilities or converting existing buildings;
 - iii. where the proposal is for a facility being relocated, it can be demonstrated that the existing site is no longer suitable for that use;
 - iv. that the proposal is of an appropriate scale and type compared to the size, character and function of the settlement.
 - v. that the proposal is easily accessible by foot, cycle and public transport.

It is considered, due to the site of the proposed development abutting the Penrhyndeudraeth development boundary and that the development is easy to reach by foot, bicycle and public transport and that the application is in accordance with Policy ISA 2.

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- 5.3 Many other policies are relevant to the food truck as it is business use. Strategic Policy PS15 (Town centre and retail developments) in the JLDP provides the strategic guidance for retail within the Plan area and reflects the Plan's aim to develop a planning framework that protects and enhances the position of town centres as locations for retail and commercial developments.
- 5.4 Policy MAN 6 supports small-scale retail development in the countryside and it acknowledges that small shops can create additional employment opportunities and assist to diversify within the rural economy as well as provide services for local communities. Policy MAN 7 also applies to hot food take-away uses. It is considered that the principle of the development can be acceptable, subject to the criteria of the policy, which are mainly associated with the matters discussed below.

Visual amenities

- 5.5 It is intended to erect a single timber shed within each allotment. Sheds are not uncommon to see on allotments and due to their size and location attached to the fence, as well as natural vegetation around the site, it is not considered that the proposal would be harmful to the appearance of the site or disrupt the visual amenities of the area. The design of the toilet is in line with the sheds and allows for accessible access. It would be possible to ensure a quality appearance by imposing conditions to ensure that the colour of the sheds and toilet correspond to each other.
- 5.6 The proposed car park will be used by the users of the allotments and the food truck; it is accepted that there will be some visual impact as a result of that. Although the site is located in a sustainable location and that a pavement serves the site, it is accepted that the users of the allotments will need to use a vehicle at times to transport goods and gardening equipment but when weighing up any visual impacts, and the fact that the use of land as allotments is a permitted development, it is considered that some minor visual impact is better than vehicles parking on the pavement and creating road safety problems. Similarly, as there is an intention to install a food truck, it is a vehicle instead of a building and therefore will be seen in the context of other vehicles which are parked on the site. To restrict the visual impact, it is considered appropriate to impose conditions to ensure that the truck is installed on the site when it is in use, and that there is a need to move off the site every night.
- 5.7 With the use of conditions, it is not believed that the proposal would be contrary to policy AMG 2, PCYFF 3, MAN 6 and MAN 7 in terms of this aspect.

General and residential amenities

- 5.8 The site is located in an area on the outskirts of the town. There are residential houses nearby, with the nearest house approximately 20m away from the allotments. Considering the nature of allotment use, it is unlikely that the proposal of installing sheds disrupts any residential amenities. Also, there are other various uses nearby, such as a railway station and industrial/commercial units and therefore it is not a residential area only. Nor is it considered that the development will attract anti-social behaviour to the site as it is a fairly open site with natural surveillance due to its location by the nearby public road.
- 5.9 Nevertheless, the impacts associated with the food truck has an impact on residential amenities as a result of noise and odours. It is intended to install the truck near the car park, which is approximately 150m away from the nearest residential house, and considering the distance, it is considered that this will mitigate most of the impacts, particularly during the day when noise from vehicles and other industrial activities are in the background. Nevertheless, the area is likely to be quieter during the night and therefore it is considered appropriate to impose a condition to restrict opening hours. Also, a condition would be needed to agree on a waste management plan to ensure effective pest control, environmental protection and the appearance of the area.

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- 5.10 By imposing conditions, it is not considered that the development will have an unacceptable impact on the amenities of nearby houses. Therefore, it is considered that the application complies with all the requirements of policy PCYFF 2, PCYFF 3, MAN 6 and MAN 7.

Transport and access matters

- 5.11 Access to the site is gained through an existing gate off the nearby class 3 road. The location of the associated car park is convenient and ensures that there would not be on-road parking. No observations were received from the Transportation Unit, but it is anticipated that the development would create an unacceptable situation in terms of road safety and that as a result, is in accordance with Policy MAN 6, MAN 7, TRA 2 and TRA 4.

Biodiversity matters

- 5.12 The Biodiversity Unit were consulted on the application, and they note that the field is of comparatively low wildlife value, and considering that, it is unreasonable to ask for an ecological report. Nevertheless, conditions are suggested in order to ensure that suitable landscaping it being sustained, that a suitable arrangement is in place to dispose of invasive plants, no tree felling, and not conducting clearing work during the bird nesting season. Although the allotments do not require planning consent, other aspects of the plan require planning consent and therefore it is considered reasonable and necessary to impose conditions. It is therefore believed that the proposal is acceptable in terms of this aspect, and it therefore complies with the requirements of policies AMG 5 and PS 19.
- 5.13 On 07 February 2024, the Welsh Government published an update to Chapter 6 of Planning Policy Wales (PPW), which deals with green infrastructure, biodiversity net gain, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. Although no green infrastructure statement was accepted as a part of the application, the design and access statement shows commitment to the protection of biodiversity and the proposal to improve the site for biodiversity by creating a wildlife pool and planting of a bund with wildflowers. By imposing a condition to ensure biodiversity enhancement, it is considered that the proposal can comply with the principles of PPW.

Flooding matters

- 5.14 Since submitting the application, the Welsh Government has published a revised TAN 15 on 31 March 2025. The revised TAN 15 is entitled 'Development, flooding and coastal erosion' and Circular 002/2025 'Guidance on The Town and Country Planning (Flood Risk Area Development) (Notification) (Wales) Direction 2025', 'The Town and Country Planning (Flood Risk Area Development) (Notification) (Wales) Direction 2025' and 'Main Plan (Wales) Direction 2025' have been published. The Government's Planning Directorate.
- 5.15 Section 1 of the new TAN 15 states "This document replaces Technical Advice Note 14, published in 1998 and Technical Advice Note 15, published in 2004. Development Plans and planning decisions should no longer refer to those documents."
- 5.16 However, the clarification letter states that "...the publication of new guidance could have an impact on the processing of planning applications therefore there will be a transitional period for the implementation of the TAN. Planning applications submitted and registered prior to the publication of the new TAN will continue to be assessed against the previous version...".

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- 5.17 Therefore, official guidance from the Welsh Government for planning applications submitted and registered before 31 March 2025 states they are to be assessed for flood risk on the content of the 1st edition of the TAN 15 policy published in 2004.
- 5.18 It is also noted that the site lies within flood zone C2 along with zone 3 and in part within zone 2 of Technical Advice Note 15. Nevertheless, NRW note, bearing in mind the scale of the development and in the absence of a Flood Consequence Assessment, the scale of the risk is acceptable, subject to the developer being informed of the potential flood risks and advise him to impose flood prevention measures as a part of the development. As a result, it is believed that the proposal is acceptable in relation to policy PS 5.

Any other considerations

- 5.19 Observations have been received from Natural Resources Wales in relation to a concern that the land is contaminated, bearing in mind the historical use of the nearby Cookes works. It is suggested that conditions are imposed to ensure that detailed investigations will be carried out and that the results of these investigations are formally approved. By imposing conditions, it is believed that the proposal would be in accordance with the requirements of policy PCYFF 2, which asks to ensure the protection of health and safety.

Welsh Language Matters

- 5.20 In accordance with the Planning (Wales) Act 2015, it is a duty when determining a Planning application to consider the Welsh language, and this is reiterated in paragraph 3.28 of Planning Policy Wales (Edition 12, 2024) and Technical Advice Note 20.
- 5.21 In Gwynedd, the SPG 'Maintaining and Creating Unique and Sustainable Communities' provides guidance on how it is expected for language considerations to be incorporated in each development with policy PS1 setting thresholds for when it is expected to submit a language Report/Statement. The proposed development does not reach the thresholds in the policy. However, the policy states that some types of developments must consider the Welsh language. It is not considered that the development would be likely to have a detrimental impact on the language due to the nature and scale of the development. In order to ensure that the proposal was in line with policy PS 1, it is possible to impose a condition to ensure that any internal signs on the site are bilingual and give priority to the Welsh language.

6. Conclusions:

- 6.1 Based on the above assessment, and having considered the relevant matters, including the observations received, it is not considered that the proposal is contrary to the local and national policies and guidelines noted in the assessment, nor are there any material planning considerations that state otherwise.

7. Recommendation:

To approve in accordance with the following conditions:

- 1 - Time
- 2 - In accordance with plans
- 3 - Contaminated land conditions
- 4 – Biodiversity conditions, including ensuring enhancements
- 5 – Food truck only to be located on the site when it is in use.
- 6 - Restriction of food truck hours to 8-7 every day.
- 7 - Agreement on the details of waste management for the food truck
- 8 - Welsh Signs