

PLANNING COMMITTEE	DATE: 08/09/2025
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 3

Application Number: C24 /0960/46/LL

Date Registered: 16/04/25

Application Type: Full

Community: Tudweiliog

Ward: Morfa Nefyn and Tudweiliog

Proposal: Full application to change the land use to create a new cemetery for the village of Tudweiliog and the surrounding area along with works to create an access a parking site and landscaping

Location: Land West of Ysgol Gynradd Tudweiliog, Tudweiliog, Pwllheli, LL53 8ND

Summary of the

Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 A full application from Tudweiliog Community Council to change the use of existing agricultural land to create a new public cemetery to contain 393 graves for the village of Tudweiliog and the surrounding area. The proposed development would also involve the creation of a new vehicular access, the creation of an access walkway, car park and landscaping and erecting an earthen *clawdd*.
- 1.2 The site, as mentioned, is currently agricultural land and rises in height from the southern section of the site in a northerly direction. There are established hedges at some existing boundaries particularly on the southern verges. Access to the site is from an existing junction in the centre of the village of Tudweiliog from the B4417 Class 2 road, via a unclassified road and then an access road which serves a residential house further west. This road has also been designated as a public footpath. From the unclassified road off the junction with the B4417, there is access to neighbouring residential houses, a public house and Ysgol Gynradd Tudweiliog. The school also has a separate car park with dedicated entrances in and out of the unclassified road. The site and surrounding area are within the Western Llŷn Special Landscape Area and the Llŷn and Enlli Landscape of Outstanding Historic Interest designations.
- 1.3 In terms of the details of the application, it is seen that a new access is to be created with a walkway then leading to a parking area for 24 vehicles including spaces for disabled users with a separate parking and turning area for undertakers' vehicles. Pedestrian access will be created from the car park into the site and then permanent paths will be created through the centre of the site and along the western boundary where it will abut a new stone wall. The other boundaries of the site, where appropriate, are formalised by the installation of a standard post and wire fence while an earthen *clawdd* is to be erected between the car park and the cemetery itself which will consist of a hedge of native plants planted on top.
- 1.4 Advice was given prior to submitting an application regarding this proposal and this is submitted to the Committee due to the applicant's family connection with a member of staff in the Planning service.
- 1.5 Additional information including a drainage statement was received as part of the application following comments regarding sustainable drainage issues, along with details of the entrance following comments from the Transportation Unit.

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.

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

PS 1: The Welsh Language and Culture

ISA 2: Community facilities

TRA 2: Parking Standards

TRA 4: Managing transport impacts

PS 5: Sustainable development

PS 6: Alleviating and adapting to the effects of climate change

PCYFF 1: Development boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

AMG 2: Special landscape areas

AMG 3: Protecting and improving features and qualities that are unique to the character of the local landscape

AMG 5: Local biodiversity conservation

AT1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.

2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12 - 2024)

Technical Advice Note 12: Design

Technical Advice Note 15: Development, Flooding and Coastal Erosion

3. Relevant Planning History:

3.1 It appears that this site has no relevant Planning history.

3.2 A pre-application enquiry was submitted under reference Y24/0264 where it was confirmed that the proposal's principle was acceptable but that there were concerns about the location of the proposed development.

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4. Consultations:

Community/Town Council: Not received

Transportation Unit: I ask the applicant to provide a detailed plan for the proposed access point. The plan should include information regarding: The visibility splays from the access. The gradient of the access. The surface material of the access. The dimensions of the access. Curb line details between the access and the road. Whether the access will be gated or not?

Natural Resources Wales: We have concerns regarding the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted: Condition 1: Protection of Ground Water

Welsh Water: Standard conditions and advice

Public Protection Unit: Current guidance in Wales requires cemeteries to be:

1. located at least 250 metres away from any well, borehole, or well supplying drinking water or is used for food production;
2. they should also be at least 30 metres from any well or watercourse not used for drinking water supply or for food production;
3. and there shall be at least 10m distance from field drains;
- 4 there will be no burials into standing water and the bottom of the grave must be above the local water table.

The risk assessment for groundwater has referred to known extractions but does not refer to private water supplies in the area. Our records have been scrutinised, and I can confirm that there are no records of any well, borehole, or well supplying drinking water or being used for food production within 250m of the proposed site.

Noise - There is potential for noise from the cemetery construction work, and we would seek a condition regarding Building hours.

Land Drainage Unit: Since 7 January 2019, sustainable drainage systems (SuDS) are needed to control surface water for every new development of more than 1 house or where the construction area with drainage implications is 100m² or more. Drainage systems must be designed

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and constructed in accordance with the minimum standards for sustainable drainage as published by Welsh Ministers.

If an application for planning permission is made prior to approval from the Approved Body, the applicant will be required to submit a Drainage Statement as part of the application process.

No Drainage Statement, as described above, has been submitted with the application.

Re-consultation

Having considered what the applicant has told us in his email, we do not offer any objections on the grounds that if the infiltration process fails, surface water will be discharged in the watercourse, without having to make any third-party agreements.

However, when submitting the SDC application we expect further filter testing at the development location. We recommend doing these tests at a less shallow depth, to match the construction depth of the access road and parking. Filtration can work at shallow depths, which would allow tracking of the highest release point in the hierarchy. This would also eliminate the need for long and expensive transportation to the body of water.

Biodiversity Unit:

The proposal is to create a cemetery within an agricultural field. The aerial photos from 2022 and 2006 show that the field has been ploughed, therefore the grassland will not be of high biodiversity value. Aerial photos show that there are good hedges surrounding the field, which is an important habitat for biodiversity. Approximately 5m - 8m of hedge will be lost to create a new entrance to the field. The proposed plans indicate that the existing hedges will be retained, and a *clawdd* with a hedge will be created. I have no objection to this plan.

Rights of Way Units:

I refer to the above application. The public right of way (Footpath) number 27 in the community of Tudweiliog is affected by this proposal. The right of way runs on the track near the proposed development. We do not anticipate that the path will be severely affected but the applicant will need to ensure that the public path remains open and available to users before and after this development. In addition, the applicant will have to accept that if any damage is done to the footpath either during the development or in the future because of vehicle use, the Rights of Way Team will not be responsible for its maintenance.

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Public Consultation:

A notice was posted near the site and in a prominent location at the junction with the nearby highway and nearby residents were informed. The advertising period has expired, and 1 letter / correspondence was received from the headteacher of the primary school and the chair of governors responding to the request on the grounds of:

The school supports the principle of the development and appreciates that the village needs this.

The access to the proposed cemetery is located to the west of the school, and all visitors to the cemetery would use the narrow road bordering the school to reach the site. There are no arrangements submitted in terms of traffic impact control and mitigation as part of the application. Therefore, concern must be expressed that there would be a significant increase in the number of vehicles using the narrow road at times when children and their parents arrive and leave school and this raises safety issues.

A car park has been provided as part of the development. At times when the car park would be full, it is likely that the school car park would be used as there are no suitable parking spaces nearby. This would not be a concern on weekends, or when the school is closed. But it would raise safety concerns if the car park was used during the school term as it is used by school staff, visitors, parents and the school bus.

As part of determining the application, we request that a traffic management and mitigation and parking procedure be agreed through the highways department, the school and the community council.

Correspondence was received from the local member commenting on the application on the grounds of:

- A word to confirm that as a local member I am in favour of application C24/0960/46/11 to change the use of land to create a new cemetery for the village of Tudweiliog and the surrounding area near Ysgol Tudweiliog. Finding a suitable site for a new cemetery has meant a great deal of work for Tudweiliog Community Council and others. A new cemetery is urgently needed. I assume that the land is suitable and that there is space for parking and that the narrow lane at the entrance to the cemetery can be adapted.

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 It is a requirement that planning applications are determined based on the attributes of the specific scheme in question and in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case.
- 5.2 The site is located outside the current development boundary of the village of Tudweiliog and is therefore in the open countryside. Policy PCYFF1 of the LDP states that outside the development boundaries, proposals will be refused unless they are in accordance with specific policies in the LDP or national planning policies or that the proposal shows that its location in the countryside is essential, while criterion 1 of policy PCYFF 2 notes that the proposal should demonstrate its compliance with all the relevant policies in the plan.
- 5.3 Policy ISA 2 supports developments for public facilities as long as the proposal meets specific criteria and it is considered that criteria 1.i, 1.iii, 1.iv and 1.v apply to this particular application, namely:
- 1.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.
 - 1.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;
 - 1.iv - that the proposal is of an appropriate scale and type compared to the size, character and function of the settlement;
 - 1.v - that the proposal is easily accessible by foot, cycle and public transport.
- 5.4 It is seen that one of the main considerations of this policy is to aim to protect existing community facilities and encourage the development of new facilities where appropriate. Local leisure and community facilities are important to the health, social, educational, linguistic and cultural needs of the Plan area, as well as its economic well-being.
- 5.5 Please note that when a new facility is offered outside the development boundary, it must be demonstrated that the proposed location is the best available location and that it is accessible to the community. The nearest part of the site is located approximately 13m from part of the existing development boundary with the remainder of the site extending a considerable distance into land within open countryside. Confirmation has been received from the Community Council regarding the current situation of the village cemetery which is that potentially only two new graves can be provided there, and this is the only site available to satisfy the need. Although concern about the location of the proposal was highlighted through the pre-application enquiry, it is seen that the current situation of the village of failing to provide such a vital facility in the future is a complicated matter and an obvious solution is needed. It is very likely that other suitable lands were not available closer or directly adjacent to the development boundary and therefore this site had to be considered. It is therefore believed that after considering all relevant information and evidence, there is a justification for a new cemetery at this location and it is consequently in accordance with the relevant requirements of policy ISA 2.

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Visual amenities

- 5.6 Policy PCYFF3 states that proposals will only be permitted provided they conform to a number of criteria, including that the proposal complements and enhances the character of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment; that it respects the context of the site and its place within the local landscape; that it utilises materials appropriate to its surroundings and incorporates soft landscaping; that it enhances a safe and integrated transport and communications network; that it limits surface water run-off and flood risk and prevents pollution; that it delivers inclusive design allowing access by all and helps to create healthy and active environments, and considers the health and well-being of future users.
- 5.7 The proposal involves carrying out works which would change the appearance of the land from its current state to one which would include permanent uses and features. However, it is believed that the impact would only be visible from adjacent locations and would not create a very conspicuous feature from the nearest county road. It is considered that the layout and associated elements are appropriate for this type of development and that the inclusion of features such as a stone wall and earthen *cloddiau* convey the existing features generally found within the local area and the proposed landscaping would, in time, be a further aid to create a natural screen for parts of the site. The proposal is considered to be in accordance with the relevant requirements of policies PCYFF 3 and PCYFF 4.
- 5.8 The site is within the Western Llŷn Special Landscape Area and the Llŷn and Enlli Landscape of Outstanding Historic Interest. It is likely to have a local impact in terms of appearance and it is not believed that it would have a wider impact on the landscape designations. Therefore, the proposal is considered acceptable from the point of view of policies AMG 2 and AT 1.

General and residential amenities

- 5.9 There are no residential houses directly adjacent to the site, however, access to the cemetery would be via a road shared by other residential dwellings. Existing movements along this road are linked to the local public house and shop along with the primary school and therefore an element of increased footfall already exists. It is not deemed that there would be continued movement associated with the new cemetery, particularly following the initial construction phase (which will only provide an entrance, parking spaces and footpaths) and although there would be a period of intensified use at certain times thereafter, it is not believed that there would be excessive damage as a result of the development on the residential amenities of any nearby property. The proposal is therefore considered acceptable in relation to the relevant requirements of policy PCYFF 2.
- 5.10 The application was advertised on the site and nearby residents were consulted by letter. No response to the statutory publicity was received. While it cannot be assumed that due to the lack of formal objections, there is support for the proposal from nearby residents, it is unlikely that the proposed use would affect the amenities of nearby residents and is therefore unlikely to raise concerns. The proposal is not considered to be contrary to policy PCYFF 2 as well, for this reason.

Transport and access matters

- 5.11 The response from the Transport Unit shows that additional information is required in order to carry out a full assessment of the proposal. A revised plan containing details of the entrance and proposed arrangements has been submitted, the Transport Unit has been re-consulted but no response has been received at the time of writing this report. It is believed that the original comments of the Transportation Unit were technical elements regarding the arrangements and form of access raised rather than an objection to the proposal and therefore on receipt of additional information it is

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believed that an orderly and suitable development of the entrance can be ensured by including conditions for carrying out of the works and the approved details.

- 5.12 Full consideration will also be given to the representations received on behalf of Ysgol Gynradd Tudweiliog. It is believed that these matters are reasonable enough to try and seek a resolution to protect the existing school arrangements and facilities and to this end, it is considered reasonable to add a condition to ensure that a suitable programme or arrangement is agreed upon between the interested parties.
- 5.13 It is recognised that the access road is relatively narrow in places, but it is also noted that the further section where access is proposed is an unclassified road. However, it is unlikely that permanent and intensive movements are likely to occur on a regular basis. Having considered the additional information submitted, it is considered that the proposal is in accordance with policies TRA 2 and TRA 4 in the LDP.

Biodiversity matters

- 5.14 A Green Infrastructure Statement was submitted with the application. A response was received to the consultation from the Biodiversity Unit noting that the site has no high value in terms of biodiversity. Although part of an existing hedge is to be lost, the proposed plans indicate that the rest of the existing hedges will be retained, and a *clawdd* with a hedge will be created and there is no objection to the plan. It is believed that it would be reasonable to add an appropriate condition to ensure that the development is carried out in accordance with the statement recommendations. It is therefore believed that the proposal is acceptable as submitted and is consequently acceptable based on the relevant requirements of policy AMG 5 together with the Letter from the Minister for Climate Change relating to an update to chapter 6 of Planning Policy Wales in relation to green infrastructure and the step-wise approach.

Language Matters

- 5.15 In accordance with the Planning (Wales) Act 2015, it is a duty when determining a planning application to consider the Welsh language, where it is relevant to that application. This is further reiterated in para. 3.28 of Planning Policy Wales (Edition 11, 2021), and Technical Advice Note 20. The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development.
- 5.16 It is noted that there are some specific types of development where it will be required for the proposal to submit a Welsh Language Statement or a Welsh Language Impact Assessment. The thresholds in terms of when it is expected to submit a Statement / Report have been highlighted in Policy PS1 of the Joint LDP, along with Diagram 5 of the SPG. In terms of the type of developments in question, the following is noted: The proposal does not reach the thresholds for submitting a Welsh Language Statement or a Report on a Welsh Language Impact Assessment. However, Appendix 5 of the SPG notes that every housing, retail, commercial or industrial development where there is no need to submit a Welsh Language Impact Statement/Assessment should show how consideration has been given to the language.
- 5.17 Confirmation has been received on behalf of the Community Council that any public signs will be bilingual, with priority to the Welsh language and a new village cemetery being essential for the Welsh language. It is noted that the lack of a cemetery in a Welsh village such as Tudweiliog would have a negative impact on the Welsh language as, very often, services such as funerals in

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rural villages bring together many Welsh speakers and that it is consequently essential for the language and the community. Having considered the proposal in terms of linguistic considerations, it is deemed that it complies with the requirements of policy PS 1.

Drainage Matters

- 5.18 A detailed report in the form of a groundwater assessment has been submitted with the application which has been carried out to assess the risk arising from the use of the land as a cemetery on pollution matters etc. There is no objection to the proposal on the basis of these issues from the relevant bodies. In accordance with the requirements of paragraph 7.6 of Technical Advice Note 15: Development, Flooding and Coastal Erosion, a Drainage Strategy must be submitted as part of an application to outline the drainage scheme for surface water from the site, unless a separate application has been made to the approval body i.e. Cyngor Gwynedd's Land Drainage Unit. It is noted that additional information has been received in relation to this element and that the Drainage Unit is satisfied with the details and proposed arrangements and offers further advice for the submission of a sustainable drainage system application and consent in accordance with paragraphs 7.9-10 of TAN 15.

Response to the public consultation

- 5.19 It is acknowledged that objections have been highlighted regarding some elements or impacts stemming from this proposal and it is considered that all relevant planning matters have been duly addressed as part of the above assessment. A decision is made based on full consideration of all the material planning considerations and all the comments received during the public consultation and that no one was let down when considering this application.

6. Conclusions:

- 6.1 Having considered the above and all the material planning matters including the local and national policies and guidance, together with all the observations received, it is considered that this proposal as shown conforms with the requirements of the relevant policies as noted above, and that it is therefore acceptable for approval.

7. Recommendation:

- 7.1 To approve subject to conditions
- To approve – conditions
1. Time
 2. Compliance with plans
 3. Highway issues/agree on a Transport/parking Management Plan
 4. Biodiversity Matters
 5. Landscaping
 6. Drainage matters
 7. Protection of the public footpath
 8. Building control plan

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9. Natural Resources Wales Condition

10. Completion of boundary treatments