

PLANNING COMMITTEE	DATE: 11/04/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 9

Application Number: C22/0134/16/LL

Date Registered: 15/02/2022

Application Type: Full

Community: Llandygái

Ward: Llandygái

Proposal: Development of a natural compressed bio-gas fuel facility for vehicles including fuel pumps, equipment compound, creation of new accesses, landscaping and associated development.

Location: Plot C1, Parc Bryn Cegin, Llandygái, Bangor, LL57 4BG

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 Full application for the development of a natural compressed bio-gas fuel facility for vehicles including fuel pumps, equipment compound, creation of new accesses, landscaping and associated development.
- 1.2 The proposal relates to the development of a Bio-CNG (compressed bio natural gas) vehicle fuel facility, including fuel pump islands, machinery compound, creation of a new access and associated development on Plot C1 on Bryn Cegin Industrial Estate, located on the outskirts of the City of Bangor.
- 1.3 The facility would serve logistics and distribution operators in the local area, which could include operators on the industrial estate itself in the future, as well as on the nearby Llandygái Industrial Estate. The facility would operate for 24 hours a day, without staff, with drivers activating the pumps with an automatic fob.
- 1.4 The proposed work would be enclosed with a palisade security fence measuring 2.4m high, with the work including 4 x CCTV/lighting columns measuring 4.275m high, a switch-room, 2 air compressors, HV/LV transformer, back-up generator, 2 air coolers, 2 air compressors, 12 gas storage modules, gas loading machine, unloading trailer, fuel management panel and a car park. A sub-station and gas meter will also be located to the north of the works compound. The proposal provides an acoustic fence measuring 3.5m high around the site - a section of which is located above the retaining wall.
- 1.5 As well as the above aspects of the proposal, the facility would also include a black v-mesh fence measuring 2.4m along the southern boundary, as well as an enclosed acoustic timber shuttering fence measuring 2.8m with plants to screen the site from nearby properties along the northern and eastern boundary. The access points will remain open at all times in order to avoid any disruption to vehicles as they enter and exit the facility. The site is served via an existing internal service road to the west where new entrances and exits are proposed.
- 1.6 The colours of the finishes are a mix of colour from white, galvanised steel, black and dark green.
- 1.7 The site covers an area of around 0.7ha and includes the development of an empty plot within the industrial estate. The industrial estate is located to the west and south, there is agricultural land to the east, and to the north there is residential property known as 1 to 3 Rhos Isaf / Orme View. The site is designated within the Gwynedd and Anglesey Joint Local Development Plan (JLDP) 2017 as a Regional Safeguarded Strategic Employment Site.
- 1.8 The following documents have been submitted as part of the application:
 - Noise Impact Assessment
 - Drainage Details
 - Construction Environmental Management Plan
 - External Lighting Plan
 - Initial Ecological Assessment and Reptile Assessment
 - Transport Assessment
 - Landscaping Details

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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 made 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 (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven 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 2011-2026, adopted 31 July 2017

PS1 - The Welsh Language and Welsh Culture

PS4 - sustainable transport, development and accessibility

PS5 - Sustainable development

PS6 - mitigating the effects of climate change and adapting to them

TRA2 - parking standards

TRA4 - managing transport impacts

PCYFF1 - development boundaries

PCYFF2 - development criteria

PCYFF3 - design and place shaping

PCYFF4 - design and landscaping

PS13 - providing opportunities for a prosperous economy

CYF 1 - safeguarding, designating and retaining land and units for employment use

AT1 - conservation areas, world heritage sites and landscapes, parks and registered historic gardens

PS20 - protecting and where appropriate enhancing heritage assets

AMG5 - local biodiversity conservation

Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities, 2019

Supplementary Planning Guidance: Change of use of community facilities and services, employment sites and retail units (January, 2021)

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2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 11: Noise

Technical Advice Note 12: Design

Technical Advice Note 18: Transport

Technical Advice Note 20: Planning and the Welsh language

Technical Advice Note 23: Economic Development

Technical Advice Note 24: The Historic Environment

3. **Relevant Planning History:**

- 3.1 No recent planning history on this specific site, but there is a general planning history for the development of the Bryn Cegin industrial site.

4. **Consultations:**

Community/Town Council: Not received

Transportation Unit: Not received

Natural Resources Wales: No observations to offer

Welsh Water: Having reviewed the proposal we note that no foul connection to the public sewerage system is required. However, we note from the application form that it is proposed to dispose of surface water runoff via the public sewerage system.

We would advise that the public sewerage system in the vicinity of the site is foul only and therefore we would advise it is not permissible to discharge surface water runoff into a foul sewer. An alternative method of surface water disposal will need to be sought. In light of the above, we would request that if you are minded to grant Planning Consent for the above development that the Condition and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dŵr Cymru

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Welsh Water's assets.

Condition: No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

Public Protection Unit: Not received

Biodiversity Unit Not received

Land Drainage Unit Since 7 January 2019, sustainable drainage systems (SuDS) are required to control surface water for every new development of more than one dwelling or where the building surface area has drainage implications of 100m² or more. Drainage systems must be designed and constructed in accordance with the minimum standards for sustainable drainage as published by Welsh Ministers.

These systems must be approved by Gwynedd Council in its role as SuDS Approval Body (SAB) prior to commencement of the construction work.

Due to the size and nature of the development, an application will need to be provided to the SuDS Approval Body for approval before construction work commences. It appears that the developer intends to drain the site in a suitable sustainable manner; however, until an application is made to the SAB, there is no certainty that the site plan would enable compliance with the full suite of national SuDS standards. A consultation with the SuDS is recommended.

Gwynedd Archaeological Planning Service Thank you for consulting us on this application. The proposed development site was fully investigated as part of the archaeological excavations when Parc Bryn Cegin was established, in 2005-2006. There are therefore considered to be no archaeological implications for the proposed scheme.

Fire Officer Good morning

I am unable to find the above address on our list; can you let me know whether it is a new building, has its name changed, is it the same place as the address below?

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Parth 1 / Zone 1, Parc Bryn Cegin, Llandygái, Gwynedd, LL57 4BG.

SP Energy Networks

Not received

Police

I have had the opportunity to review the DAS Statement; this states that the quantity of CNG stored on-site is below HSE levels and accordingly I have no comments to offer at this time.

The Welsh Assembly
Government Transportation
Unit:

Not received

CADW

Scheduled Monuments

CN153 Henge Monument and Cursus

CN202 Parc Gelli Hut Group and Ancient Fields

CN252 Hut Circle Settlement NW of Tan-y-Marian

CN268 Enclosed Hut Circle Settlement at Cororion Rough

CN380 Cegin Viaduct (Penrhyn Railroad)

CN393 Carnedd Howel Round Cairn

Registered Parks and Gardens

PGW (Gd) 40(GWY) Penrhyn Castle (grade II*)

World Heritage Sites

Slate Industry of North Wales (nominated)

The proposed development will consist of a pump compound and Twelve gas fuel pump islands will be positioned in two horizontal rows of six within the main yard. Each island will incorporate a CCTV and lighting column to assist with operation

of the equipment and provide focused task lighting during hours of darkness.

The plant compound will be surrounded by security fencing with the southern boundary of the site secured with 2.4m black

v-mesh fencing. The northern and eastern boundaries will be secured

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with a 2.8m acoustic closed boarded timber fence with planting.

The above designated historic assets are located inside 3km of the proposed development, but apart from the assets

included in the nominated World Heritage Site (WHS), intervening topography, buildings and vegetation will block all views

between them. Consequently, the proposed development will have no impact on the settings of these designated historic assets.

The proposed development is in the setting of the Penrhyn Quarry and Bethesda, and the Ogwen Valley to Port Penrhyn section of the nominated World Heritage Site: However, the parts of the WHS that may have views of the proposed development are transport links and views from them do not contribute to their significance and it is likely that any views from them to the site will be significantly screened by existing vegetation and the proposed acoustic fencing with its associated planting. Consequently, the proposed development is unlikely to have any impact on the setting of the WHS.

Cadw therefore has no objections.

Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertisement period has expired and one letter / correspondence was received objecting on the following grounds:

- Located too close to houses and residents.
- There are bus fumes problems here already.
- The site does not provide jobs.
- A HGV fuel provision is located less than one mile away.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The site is located outside any development boundary but within the Parc Bryn Cegin Industrial Estate that is protected in the JLDP as an Employment Site. Within such designations, the main uses will be uses B1, B2 and B8, as well as some unique uses, and this site is part of one of the main designated sites in the Plan in Gwynedd as it is likely to be attractive to the market and likely to be developed in the short-term. Nevertheless, the site is mainly empty and therefore, there are plenty of opportunities for other B1, B2 and B8 businesses to develop on the site.
- 5.2 The use of the proposal as submitted falls under the unique use class, and considering that there are a number of empty plots on the site and since the proposal is a provision for business transport and that the facility would not be open to the public, it is considered that the principle of locating the station in Parc Bryn Cegin is acceptable and complies with the requirements of policies PCYFF 1, PS13 and CYF1 of the LDP.

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Visual amenities

- 5.3 The site forms a part of the Bryn Cegin industrial estate which is designated for industrial uses that mainly falls under use classes B1, B2 and B8. These types of developments are likely to include extensive buildings and equipment and can be large in terms of floor surface area and height.
- 5.4 The proposal as submitted involves providing equipment to enable HGV lorries to pick-up gas fuel from general fuel pumps. The highest parts of the development includes a vent on the compressor buildings that will measure around 5m at their highest. The buildings/containers themselves will measure around 2.5-3m high and the lighting and CCTV poles are around 4.3m high. There is substantial vegetation between the site and the A5 highway that runs past, and the site will not be visible from public spaces or the Special Landscape Area to the south. It is acknowledged that three residential houses are located immediately on the boundary of the site, and that these sites are at a substantially higher level than the proposal site. The proposal provides a security and acoustic fence as well as landscaping around the site. To this end, and bearing in mind the type of developments expected on this estate, it is not considered that the proposal causes a substantial or unacceptable visual impact on the area.
- 5.5 A number of monuments, Penrhyn Castle (which is Grade II* listed) and the Slate Area World Heritage Site are located around the site. CADW has confirmed that the proposal is unlikely to have a detrimental impact on these sites as a result of vegetation and existing developments.
- 5.6 Therefore, to this end, it is considered that the proposal complies with the requirements of policies PCYFF 2, 3 and 4, as well as PS20 and AT1 of the LDP in terms of the visual impact.

General and residential amenities

- 5.6 As noted above, the site abuts the rears of three residential houses known as 1 to 3 Rhos Isaf, which are located to the east of the site and between it and the A5. It is acknowledged that the houses are on a higher level and it is intended to level the application site so that there is a retaining wall between it and the acoustic fence on top. The acoustic fence would equate to the eaves level of the nearby residential houses and the highest equipment on the site.
- 5.8 A noise assessment and lighting plan have been submitted as a part of the application, which notes the following:
- The pumps will be lit during dark hours, but the compound lights would only be used during periods of work.
 - The impact of the lights would be minimal as they are centralised on specific areas (mainly under the pumps). The proposed boundary treatment (fence and landscaping) as well as the scale and location of the lights would mean that the light overspill would not go beyond the site's boundaries, and this overspill on the boundaries would be less than moonlight.
 - The noise assessment has been manufactured to the requirements of BS4142/BS8233/WHO Criteria and take into account the noise of activities as a result of floors on the curtilage and all equipment on the site.
 - The results of the noise survey shows that the current noise levels are mainly influenced by the traffic flow along the A55, the North Wales Expressway, located nearby and to the south from the site and the A5 to the east which leads to Bangor. During the day, the traffic flow is a very significant and controlling influence on the noise levels; however, when reviewing the noise data it is obvious that the traffic flow at night is substantially lower, with the background noise levels recorded on the site.

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- The results of the assessments show that it is not expected for the impacts of operational noise of the fuel filling station to have any substantial detrimental impact, subject to the context.
- The current background noise levels are consistently over 45 dB LAeq during the day and 38 dB(A) during the night, which are higher than the noise levels calculated from the operation of the equipment and therefore it can be expected for it to provide some useful noise masking that will mitigate the impact.
- The assessment shows that the internal noise values of the guidance will be achieved, even with the residential property windows open.

5.9 Public Protection's response was not received to the above assessments at the time of writing the report, but based on the results of assessments and subject to completing the development in accordance with the details submitted, it is not considered that the proposal is likely to have a detrimental impact on the amenities of nearby residents in terms of the impact of light or noise.

5.10 Measures to mitigate against the visual impact of the site have been discussed above and it is considered that this would be sufficient to protect the amenities of the nearby houses as well.

5.11 To this end, it is considered that the proposal complies with the requirements of policies PCYFF 2 and 3 in terms of general and residential amenities.

Transport and access matters

5.12 The application site benefits from an existing independent access point via an access road to the west of the plot. To facilitate the site's development and ensure that it is suitable for HGVs to be serviced, it is proposed to get rid of this entrance and provide two bespoke entrances. This access / egress arrangement will allow vehicles to enter and exit the facility separately with a one-way system installed within the site internally. Vehicles will enter via the northern entrance, a path will then lead to the curtilage where vehicles can pull-up at the pumping islands, and then exit via the southern exit point. This access arrangement will ensure that vehicles can complete the full internal refilling journey on the site by using the front equipment only. There will be no access gates or obstructions and no vehicles will queue on the public highway in order to enter the site.

5.13 A transport statement has been submitted as a part of the application, as well as a Construction Environmental Management Plan.

5.14 The Transport Unit has not provided a formal response on this application; however, a response was received to the pre-application enquiry which noted a number of points and new accesses and use of the site for overnight parking. Further discussions have taken place before the application was submitted, and the agent has provided copies of e-mails sent between them and the Transportation Unit, agreeing on the matters to be discussed.

5.15 To this end, confirmation has been received that the site is not used for parking lorries overnight, and the new accesses will be narrowed as a result of the observations of the Transportation Unit and a sweeping path analysis plan has been submitted to confirm that the lorry movements are acceptable.

5.16 To this end, it is considered that the proposal complies with the requirements of policies PS4, TRA 2 and TRA 4 of the LDP.

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Biodiversity matters

- 5.17 An initial ecological assessment has been submitted as a part of the application, which notes that there is potential for a hedge that is used for bird and bat nesting to be affected as a result of this proposal. Consequently, the assessment offers the following mitigation measures:
- Any site clearing work must take place outside the nesting season and follow a manual search for reptiles.
 - A lighting plan that has been agreed with an ecologist must be provided.
 - Landscaping plan to hide light as much as possible.
 - Provision of nesting boxes for birds and bats.
- 5.18 A landscaping and lighting plan has been provided as a part of the application which is acceptable in terms of safeguarding the amenities of the area and nearby residents as noted above; however, it is not clear whether it is suitable in terms of Biodiversity matters. No response had been received from the Biodiversity Unit at the time of writing the report, but based on the information to hand, it is considered that the proposal could be acceptable subject to conditions, to ensure that the mitigation measures can be completed on the site and to agree on landscaping and lighting plans beforehand.
- 5.19 To this end, it is considered that the proposal is acceptable in terms of policy AMG 5 of the LDP.

Archaeological Matters

- 5.20 The Gwynedd Archaeological Planning Service has confirmed that there are no archaeological matters on the site as a result of the work done at the time to develop the plots. It is considered that the proposal is acceptable in terms of policies PS20 and AT1 of the LDP.

Sustainability matters

- 5.21 The proposal is for the provision of a fuel pumping site to fill HGV lorries with gas fuel. The proposal works as a normal fuelling site, but there will be no access to the public, and the vehicles that have registered with the company beforehand will gain access to the fuel via an automatic fob. The site will be open 24 hours a day.
- 5.22 Information has been presented as a part of the application, confirming that the fuel is considered as alternative renewable fuel which creates fewer emissions and that lorries that run on this fuel release 85% less NOX and 75% less CO2 emissions.
- 5.23 Therefore, the proposal responds directly to sustainability and climate change matters and involves a broader provision of this type of fuel for national use. To this end, it is considered that the proposal is acceptable in terms of policies PS5 and PS6 of the LDP.

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Language Matters

- 5.24 In accordance with the Planning (Wales) Act 2015, it is a duty when making a decision on a planning application to consider the Welsh language, where it is relevant to that application. This is reiterated further in para 3.28 of Planning Policy Wales (Edition 11, 2021), along with Technical Advice Note 20.
- 5.25 The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Unique 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.
- 5.26 It is noted that there are some specific types of developments 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. The proposal does not exceed the threshold that has been set in the Policy for needing a Welsh Language Statement.
- 5.27 Excluding the developments that meet the thresholds for submitting a Welsh Language Impact Statement / Assessment noted in Policy PS1, guidance is provided in terms of the type of relevant applications where it is needed to give consideration to the Welsh language in Appendix 5 (The Screening Procedure) of the SPG (sections Ch to Dd). The guidance included within Appendix 5 notes that every 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.
- 5.28 No information was submitted by the agent in terms of the impact of the proposal on the Language, but it is noted that following the construction period, staff employment will not happen on the site itself. The site will include various signs, and although no details have been provided as a part of this application and that some signs will not require further permission, it is possible to place a note on any planning permission to ensure the use of bilingual internal signs. Signs that require an application will be advertised and assessed further at the time.
- 5.29 As the proposal will not provide long-term employment, it is not possible to confirm that the long-term impact of the development will be positive for the Welsh language, but at the same time, it cannot be considered that it is a negative impact either. Any impact during the period of developing the site will be short-term.
- 5.30 To this end, it is not considered that the proposal would cause significant harm to the character and balance of the Community language where it cannot be avoided or mitigated satisfactorily by using an appropriate planning mechanism and therefore it cannot be considered that the proposal is contrary to policy PS20 or the SPG in this case.

Any other considerations

- 5.31 It is noted that the land has been acknowledged as grade 3 land in the Agricultural Land Classification (ALC). Paragraph 3.58 of Planning Policy Wales (Edition 11, February 2021) states:
- "Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification (ALC)16 is the best and most versatile, and should be conserved as a finite resource for the future."*

Paragraph 3.59 of PPW adds:

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"When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 and 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade."

- 5.32 The need to protect the best agricultural land is highlighted in strategic policy PS 6: Alleviating the effects of climate change, states that proposals will only be permitted where it is demonstrated with appropriate evidence that they have fully taken account of and responded to a series of points that include:

"Safeguarding the best and most versatile agricultural land, promoting allotments, support opportunities to produce food locally and local farming to reduce the area's contribution to food miles (point 6)"

- 5.33 The Bryn Cegin industrial site is protected as a main employment site in accordance with Policy CYF 1 of the JLDP. The main employment sites are the sites that are most likely to be attractive to the market and likely to be developed in the short-term. As noted above, the proposal complies with the requirements of this policy and this development is needed in this site due to its transport links.

Response to the public consultation

- 5.34 Observations were received from the public, which have been noted in the response to the consultation table above. In response to these observations, the agent has provided the following:
- We understand that the Arriva bus station referred to is over 1km away to the north-west of Llandygái Industrial Estate and that it is not comparative or considered to be an influence to the proposal / site.
 - In terms of employment matters, it is considered that the proposal has a completely positive impact on Parc Bryn Cegin. The plot itself has stood empty for some time, alongside the broader park, which is also underused. The station will improve the infrastructure and facilities of the park for the benefit of existing businesses and it will also attract new occupiers to the estate.
 - The neighbour also refers to a local petrol station; however, the development is a completely different proposal as it would supply Biomethane (Bio-CNG) only as a renewable source of lower-emissions alternative fuel. It would have a positive impact on local emissions and air quality and further away as trucks that run on Bio-CNG operate with up to 85% less NOX and 75% less CO2 emissions. Bio-CNG machines are also 50% quieter.
 - The station will be open to local businesses (but there would be a need to register beforehand) and would provide an opportunity to give the site a boost and provide a substantial financial investment.
- 5.35 It is considered that the public's comments have been addressed appropriately in this report and that the observations do not change the application's recommendations in this case.

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6. Conclusions:

6.1 The proposal is for the provision of a compressed natural bio-gas fuel facility for vehicles on an idle site within the Bryn Cegin industrial estate. As a result of the above assessment which refers to all national and local planning policies and material planning matters, it is considered that the proposal is acceptable and complies with the requirements of the relevant policies and guidance.

7. Recommendation:

7.1 To approve – conditions

1. 5 years
2. In accordance with the plans
3. To complete the access in accordance with the plans
4. No lorries to park overnight
5. Landscaping plan
6. Lighting plan
7. Welsh Water

Notes

Highways

SUDS