

PLANNING COMMITTEE	DATE: 01/11/2021
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	

Number: 3

Application Number: C21/0163/40/LL

Date Registered: 01/03/2021

Application Type: Full

Community: Llannor

Ward: Efailnewydd / Buan

Proposal: Construction of a new bridge, realign the A497 and approaches with improvements to the existing junction, tree felling and new landscaping

Location: Land near Pont Bodfel, Lôn Boduan, Efailnewydd, Pwllheli, Gwynedd, LL53 6DW

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 Full application to construct a new vehicular bridge, realign the A497 highway and the approaching routes from either side along with maintaining improvements to the existing junction, tree felling and undertaking new landscaping work.
- 1.2 The principal site of the proposed development is part of existing agricultural land and is located to the west of a residential property and within an open area in the countryside, approximately 0.9km to the north-west of the village of Efailnewydd and to the south of the existing bridge and highway. The A497 is one of the main routes linking the towns of Pwllheli and Nefyn. The existing Pont Bodfel is a Grade II listed structure and spans the Rhyd Hir river. The site is located within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest, the Gefail y Bont wildlife site abuts the northern side of the existing bridge and the area to the south of the bridge, where the new bridge is located, lies within the Western Llŷn Special Landscape Area. As can be expected, the nearby area and the Rhyd Hir river path is within a C2 flood zone.
- 1.3 In January 2019, the original bridge suffered significant structural damage caused by the river which led to closing the bridge. Consequently, an 8-mile temporary diversion was implemented. During this time, a temporary road and bridge arrangement was constructed to the south of the existing Pont Bodfel to re-establish traffic flow along the A497. This temporary arrangement and the traffic flow are controlled by traffic lights to this day. Structural repair works have been carried out on the existing Pont Bodfel to ensure that the historic structure is maintained. Consultations have been held with CADW and the Gwynedd Council Conservation Senior Officer where it was noted that it was not possible to modify the existing bridge, and as such, the long-term option of constructing a new bridge, to the south of the existing Pont Bodfel, is considered essential to ensure that the A497 is able to cope safely with existing traffic flows.
- 1.4 The main element of the work will be to construct a new bridge to the south, downriver from the existing Pont Bodfel. Consequently, there will also be a need to realign the A497 and the approach so that the road alignment meets the required standards. There is also an intention to carry out improvements to the nearby Gefail y Bont junction towards Llannor to merge safely with the new A407 route. The proposed scheme measures approximately 600m long, including the tie-ins on either side of the existing road. The proposed bridge will be a single-span 17m concrete arch with a 3m rise to match the height of the existing Pont Bodfel. It is proposed to construct the new bridge using precast concrete spandrel walls that will be infilled with concrete and then clad with locally sourced masonry. The causeways leading up to the bridge will be stone-faced gabion baskets, containing the same locally sourced masonry as the spandrel walls. The parapet walls and approaches will be a masonry clad concrete core containment wall, tying into the 'cloddiau' boundaries. The carriageway will be designed to accommodate 50mph speed of traffic and will be 7.3m wide. There will be masonry faced 'cloddiau' with soil infill and small indigenous trees and shrubs planted on top to match the existing boundaries of the surrounding area and the tie-ins on either side of the bridge, as a mitigation measure to compensate for those lost. Also, larger standard trees will be planted in areas between the existing bridge and the new one.

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1.5 The following documents have been submitted to accompany the application:

- Design and Access Statement
- Flood Consequence Assessment
- Welsh Language Assessment
- Hydraulic Modelling Report
- Archaeological Assessment
- Landscaping Scheme
- Ecology Impact Assessment
- Tree Survey

1.6 The Flood Consequence Assessment has been amended from its original submission as a result of the initial observations of Natural Resources Wales (NRW). Consequently, a second full consultation was held with NRW regarding the amended information. Similarly, the proposal was amended in relation to some Biodiversity matters and further observations were received on this amended information.

1.7 The application is submitted to the Committee as the size of the proposed development is more than what can be considered under the delegated procedure.

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

PS 1: The Welsh Language and Culture

ISA 1: Infrastructure provision

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PS 5: Sustainable development

PS 4: Sustainable transport, development and accessibility

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TRA 1: Transport network developments

TRA 4: Managing transport impacts

PS 19: Conserving and where appropriate enhancing the natural environment

AMG 2: Special landscape areas

AMG 5: Local Biodiversity Conservation

PS 20: Preserving and where appropriate enhancing heritage assets

AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.

AT 2: Enabling development

AT 4: Protection of non-designated archaeological sites and their setting

Also relevant in this case is the Council's adopted Supplementary Planning Guidance:

SPG Maintaining and Creating Distinctive and Sustainable Communities (2019)

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note 12: Design

Technical Advice Note 15: Development and flood risk

Technical Advice Note 18: Transport

Technical Advice Note 5: Planning and Nature Conservation

Technical Advice Note 20: Planning and the Welsh Language

Technical Advice Note 24: The historic environment

3. **Relevant Planning History:**

3.1 There is no recent Planning history relating to this specific site.

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4. Consultations:

Community/Town Council: Not received

Transportation Unit: No objection, suggest including standard conditions.

Natural Resources Wales: Significant concerns about the development as submitted with the need for an amended Flood Consequence Assessment (FCA).

Second consultation - although concerns remain about the application as submitted, we are satisfied that the concerns could be alleviated by including appropriate conditions to maintain the development in accordance with the amended FCA and a condition to submit and agree on a Construction Environmental Management Plan for the work.

Welsh Water: No observations

Public Protection Unit: It is suggested that a Construction Environmental Management Plan should be provided to protect local residents from the impact of noise, vibration and dust, a condition is also recommended to control hours of operation on the site.

Biodiversity Unit: The proposal would lead to the loss of habitats of high biodiversity value (hedges) locally that would lead to losing wildlife corridors on the site therefore affecting wildlife corridors locally. The proposal must be amended to preserve an ash tree of high biodiversity value near the site and ensure that mitigation measures are implemented to avoid harming species and protect and re-establish habitats in accordance with the ecological assessment.

After the above-mentioned observations were submitted, a meeting was held on the site between the Council's Senior Biodiversity Officer, the site ecologist and the project manager and the following response was received in due course:

No objection, suggest including standard conditions.

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Conservation Officer: There is no objection to the proposal in principle, lengthy discussions have already taken place regarding the design and location of the new bridge. It is inevitable that the new bridge would affect the setting of the original bridge, but it is not believed that the impact would damage the character of pont Bodfel. The new bridge would be located near the original one, meaning that its sides would be more visible (they were not previously visible) and without large vehicles using the original bridge this would secure the bridge's structure for the future.

Rights of Way Unit: No recorded rights of way appear to have been affected by the proposal.

Trees Unit: The Trees Assessment and the Arboriculture Method Statement have been produced to a very high standard. Every effort has been made to reduce any impact on the trees and their roots with the development and there is a need to use conditions to ensure that the work is completed exactly as outlined in the statement.

Land Drainage Unit: The Unit has no observations to offer in terms of drainage matters.

Language Unit: No observations from the Language Unit on this application.

CADW: Not received

Archaeological Service: The archaeological report reaches the Planning and professional requirements and we suggest that standard conditions are included to protect archaeological interests.

Fire Service: No observations

Police: Not received

Scottish Power: Not received

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Public Consultation: A notice was placed in the press, two notices posted on the site and nearby residents were informed. The advertising period has expired and no letter / correspondence of objection has been received.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The principle of erecting a new vehicular bridge is established in Strategic Policy PS 4 and policy TRA 1 of the LDP which state that Councils will support transportation improvements that would maximise accessibility for every travel mode and that improvements to the existing transport networks will be permitted. This is realised by improving this section of the road and the current situation as this is the best solution having considered all available possible options. To this end, approving this most recent application for the construction of a new bridge would improve the road network in this important location ensuring a better flow of the traffic using the A497.
- 5.2 Policy TRA 4 of the LDP states, where appropriate, a development should be planned and designed in a way that promotes the most sustainable modes of transport, paying attention to various users. The policy goes on to state that proposals that would cause unacceptable harm to the safe and efficient operation of the highway, including public transport and other transportation networks, including pedestrian and cycle routes and public rights of way, will be refused. The objectives of the above policies are reflected within TAN 18 Transport which states that the plan should help the communities served by them; meet needs by incorporating comprehensive design principles; be part of a network with good connections; be attractive and possess their own unique identity; be cost-effective in terms of their construction and their maintenance and be safe.
- 5.3 Given the content of this assessment, it is believed that the proposal to construct a new vehicular bridge in this location is acceptable in principle.

Visual amenities

- 5.4 The proposal is part of the local roads network and is therefore a prominent development in terms of local visual amenities within the local area. The development would involve using existing agricultural land to the south of the existing bridge. This report highlights the reasons why this development is needed and why it is not possible to modify the existing bridge to meet current requirements. Therefore, to ensure that the network is maintained, there is an obvious need for a new bridge. The bridge is of a standard form and reflects local elevations in terms of its form and use of natural stone. There will be extensive landscaping within the site to maintain existing elevations and improve them where needed. Although some trees will be lost, it is believed that this loss will be mitigated with the proposed landscaping plan which includes planting a number of indigenous plants.
- 5.5 It is accepted that there will be an impact locally on visual amenities especially during the construction phase, and the impact of the structure once completed will be permanent. Nevertheless, a feature such as the one proposed here is not entirely unexpected over a river, and in time, it is believed that it would become part of the local landscape. It is therefore considered that the proposal is acceptable according to the relevant requirements of policies PCYFF 2, 3 and 4 of the LDP.

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- 5.6 The site is located within an area designated as the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest and the West Llŷn Special Landscape Area. These designations extend over a vast part of the area and refer to the area's features and character. It is not believed that this proposal would impact the setting and the striking views within the historic landscape or the special landscape and therefore it is not believed that the proposal is contrary to the relevant requirements of policies AMG 2, PS 19, PS 20 and AT 1.

General and residential amenities

- 5.7 The site is in a rural location with dispersed residential dwellings nearby. The site currently includes a traffic lights arrangement to cross the temporary bridge, this means that cars must wait directly near a residential house and is likely to cause some disturbance. It is believed that ensuring an unobstructed flow of traffic would be an improvement and would also reduce impact on the nearest property. The Public Protection Unit noted that it would expect a management plan to be submitted and approved to ensure that the work during the construction phase would not cause disruption to a completely unacceptable level, and it is believed that it is reasonable to include this as a condition to protect local amenities.
- 5.8 It is not believed that the proposal would cause any obvious long-term harmful impact on residential amenities, and is therefore acceptable in terms of the relevant requirements of policy PCYFF 2 in terms of the impact on local property occupants.

Transport and access matters

- 5.9 This proposal responds to an event when the existing Pont Bodfel was damaged by the effects of severe weather. The A497 is one of the main links in the area and it is essential to maintain and improve it where needed. It is obvious that the size and form of the historic bridge is unable to meet current requirements in terms of its width etc., and due to its status as a listed structure, it is not possible to permit any substantial changes to it. Maintaining the highway is therefore essential and this current proposal secures this and improves safety on this section of the road.
- 5.10 Regular users of the road will be fully aware of the traffic management system that is in place to accommodate the road's temporary layout. A traffic management system will continue to be maintained during the bridge construction phase and the existing bridge will be used to enable the continuation of traffic flow along the A497. This will ensure that the construction phase of the new bridge will not lead to any further detrimental impact on travellers. The proposed work will provide road safety benefits and amenity benefits once the work is completed and is operational. The new road will provide a much safer alignment and improve the standard of the highway. Various options have been considered for the site. The option of modifying the existing bridge has not been considered due to its listed status and importance, therefore, two options/long-term solutions have been considered for the area to ensure that the A497 is able to deal safely with current and future traffic volumes. In considering the plans it was found that the proposal in question was the option that would have least impact on the area and would be most successful in terms of the highway's form and flow.
- 5.11 The current scheme has received careful consideration to secure a solution to a situation that has caused difficulties to the local community and road users for considerable time. It offers an improvement to the arrangement of this section of the A497 and its size and form are in keeping with the location and the scheme will provide a smooth and safe route for local road network users.

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Therefore, the proposal is acceptable based on the requirements of Policies PS4, TRA 1 and TRA4 of the LDP.

Biodiversity matters

- 5.12 The proposed development has been subject to detailed assessments in terms of its impact on the local area's biodiversity. Although it is not within any formal conservation designation, the site is close to a wildlife area and due to the river running through the site, precautionary steps are required to ensure there will be no damage because of the work. Specifically, an Initial Environmental Evaluation, a Preliminary Ecological Assessment, an Ecological Impact Assessment and Arboriculture Survey have been carried out. The results and recommendations have been included with the information submitted with this application.
- 5.13 The Biodiversity Unit initially expressed concerns about some elements of the proposal. Consequently, a site meeting was held between the Council's Senior Biodiversity Officer, the scheme's ecologist and the Project Manager and following this meeting, some elements of the proposal were modified. Specifically, the Biodiversity Officer had an opportunity to assess the location of the new accesses to agricultural land during the site meeting. Originally, there was concern about their impact on a nearby ancient ash tree. It was confirmed that the measures given within the amended plan ensure that this tree is protected in the long-term and that the location of the accesses minimise the impact on the tree. It is also noted that the scheme means that approximately 355m of hedgerows and habitats will be removed. The current boundaries are a combination of walls and 'cloddiau' and the Biodiversity Officer suggested that as much as possible should be retained, including the soil, and should be reused when creating the new boundaries. It is possible to include details of the method for reuse within the Construction Environmental Management Plan (to be agreed via a condition) and to schedule the work appropriately within the construction programme. It was also suggested that bat roosting features should be included with the new bridge along with piping or ledges for otters. The plan has been amended so that it is now acceptable as measures including planting and suitable landscaping have been included meaning that the Biodiversity Unit has no objections to the proposal. It is suggested that standard conditions are included to improve and protect biodiversity including pollution control, hedgerow management, control of invasive plants, scheduling the work, submission of a Construction Environmental Management Plan, adhere to measures and recommendations within the ecological report and agree on the type of wild plants to be planted within road verges and the wet lands.

The Biodiversity Unit, the Trees Officer and NRW have responded to the proposal and the associated information noting that there is no objection provided that formal conditions as noted above are included to ensure that the recommendations of the assessments are followed.

It is believed that this is reasonable and that it would ensure compliance with policies AMG 5 and PS 19.

Archaeological / Conservation Matters

- 5.14 A detailed assessment has been held of the impact of the development on local archaeological considerations and a full consultation has been conducted with the Archaeological Service regarding its content and findings. They have confirmed that the report has been completed to the expected standard and suggest including standard conditions to protect the local area's

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archaeological features. It is therefore believed that this proposal is acceptable and thus complies with the relevant requirements of policies AT 4 and PS 20.

- 5.15 As already noted, the original bridge spanning Rhyd Hir river is a Grade II listed structure. Since the bridge was damaged, CADW and the Council's Conservation Officer have held lengthy discussions on protecting the bridge and ensuring its continuation without making significant changes to its form and appearance. It was agreed that carrying out significant changes was not realistic as it would affect the character and listed status of the bridge. The available option therefore was to consider constructing a new bridge that would ensure the continued use of the A497 whilst also protecting Pont Bodfel. Policy AT 2 states that developments that secure the preservation of listed buildings will be permitted. By constructing a new bridge, it is believed that the long-term future of Pont Bodfel will be preserved as its use would be significantly reduced and therefore there would be less pressure on the structure itself. This is supported by criterion 3 of policy AT 2 as it would secure the long-term future of the heritage asset and where appropriate, secure its continued use for a sympathetic purpose, namely a foot bridge in this case.
- 5.16 The event that caused the original damage to Pont Bodfel has meant the need to consider what can be done to protect this listed structure and maintain movements along the busy A497 highway. The current proposal has been given careful consideration in terms of its impact on the setting of the listed structure and conservation experts such as the Council's Conservation Officer and CADW officers have had input into its planning. The location of the new bridge would be more or less parallel with the old bridge and therefore, more of the old bridge's structure will be visible. It is believed that this will highlight the structure in a previously unseen way and will secure the visual presence of the bridge. The setting of the new bridge in the location as shown is comparatively close to the old bridge but due to restrictions related to siting a new bridge and considerations such as flooding, biodiversity etc. and preserving the listed bridge from significant changes, it is inevitable that a new structure, nearby, would have some impact. Nevertheless, it secures the continuation of the historic bridge by diverting vehicular use away from it while the structure itself will be more visible when travelling along the new bridge. It is therefore believed that the proposal is acceptable based on the relevant requirements of policies AT 2, AT 4 and PS 20.

Sustainability matters

- 5.17 As a consequence of the damage caused to the original bridge in February 2019 and the need to maintain use of the A497 after the initial diversion, approximately 4,000 tonnes of sub-base / aggregates were imported to construct the temporary road. It is proposed to reuse this material in the new layout while the design includes a proposal to reuse material on the site as much as possible.
- 5.18 Work such as this involves using quite a lot of natural materials and energy to complete the development. Albeit, there are steps in place to avoid being fully reliant on importing new material and therefore it is believed that the proposal is seeking to reduce the impact on local resources and incorporate sustainable building principles in line with criterion 7 of policy PS 5.

Flooding matters

- 5.19 As referred to above, the site is within a C2 Flood Zone as noted in current flood maps and in Technical Advice Note 15: Development and Flood Risk (2004). Therefore, a Flood Consequence Assessment was submitted with the application. Concern was expressed by Natural Resources Wales in relation to this document as the assessment did not indicate how the risks and their outcomes would be managed. As a result, it was noted an amended assessment was needed to clearly demonstrate the flood risk management measures.

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- 5.20 The amended information was submitted in due course and a second consultation was held with Natural Resources Wales. In its latest response, it was noted that the concerns remained but it would be satisfied that these concerns could be overcome by including a condition for a Construction Environmental Management Report to be submitted and agreed prior to commencement of the development and that the Flood Assessment is included as part of a condition to ensure that the recommendations are implemented. By including these conditions, NRW would not object to the application.
- 5.21 Technical Advice Note 15: Development and Flood Risk notes that *"New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined ... will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted."* The only time where other new developments should be permitted in C1 and C2 zones is when the planning authority decides that there is justification to locate them there. There can only be justification for such a development including transport infrastructure, when it can be shown:-
- i. *Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement, or,*
 - ii. *Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region."*
- 5.22 When an application is submitted for a new development in a C2 flood zone and if the development is defined as one that is not very vulnerable to damage and meets the tests that have been outlined, any justification must reflect the fact that the development could face floods and therefore it must be planned on that basis. Section 7.2 of TAN 15 notes *"The question whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed to a level that is acceptable for the type of development being proposed, including its effects on existing development."* And then paragraph 7.3 notes, *"Where the development is justified, the assessment can be used to identify whether suitable mitigations measures can be incorporated within the design to ensure that the plan is as secure as possible and:*
- *that there is very little risk to lives;*
 - *that very little disruption is caused to people who live and work in the area;*
 - *that the damage to property is minimised;*
 - *that the proposed development has a minimal impact on the general flood risk;*
 - *that the disruption caused to the natural heritage is minimised."*
- 5.23 To obtain a full understanding of the implications of constructing a new bridge within the Rhyd Hir river flood zone, as noted, a detailed assessment was conducted in the form of hydraulic modelling and a Flood Impact Assessment was formulated. Various options were considered and in brief, it was not found that there was any risk of flooding affecting nearby houses or the new bridge.
- 5.24 It was found there would be some change to flooding depths due to the nature of the land, but it was noted that this would be a negligible change even during extreme periods. The greatest change between the two bridges will be evident when flood water is expected to rise up the slopes on either side of the bridge. It is intended to purchase this land as part of constructing the new bridge and therefore apart from this change the extent of flooding cases will be nearly the same with or without the new bridge.

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- 5.25 When considering the possible options, it can be clearly shown that the new section of road will not face floods and it would not contribute towards increasing or extending flooding or threaten any buildings. It is inevitable that constructing a permanent and substantial structure like this within a flood zone means some changes to the depth of flooding (increase/reduction) but it is seen that only during an extreme period could this happen and it would be limited to agricultural land that is already subject to flooding *without* the presence of the new bridge.
- 5.26 The modelling assessment shows there will be some increase in flooding levels on agricultural land outside the land that is to be purchased as part of the development. Although TAN 15 notes that floods should not be created elsewhere, it is believed that they would be negligible changes. It has been shown there would be an increase of up to 102mm during a likely event, but it is seen that this land is already subject to flooding to a depth of up to 850mm even before any new bridge is constructed. All the considered options therefore show that the extent of flooding when comparing the current situation against the proposal is negligible. It is not believed that this proposal would have a truly material impact on the landowner's ability to continue to farm the land. During periods of regular flooding, any impact would be invisible and even during a more extreme period, the impact would be restricted to a minor increase in depth on land that would be subject to flooding in any case. It is known that discussions have been held between the Council and landowners, and no concerns were expressed in terms of potential changes to flooding depths.
- 5.27 Having considered the amended Flood Consequence Assessment along with the other relevant information that was submitted, it has been sufficiently demonstrated that the development would not cause any increase in the risk to life or any significant risk to property. NRW has no objection to the amended plan and therefore, it is considered that the application has demonstrated that it complies with TAN 15 and policy ISA 1 of the Joint LDP.

Linguistic matters

- 5.28 The linguistic assessment submitted with the application provides an overview of the proposed development, the relevant planning policies, relevant Welsh language legislation along with providing an overview of the language profile for Efailnewydd / Buan and Gwynedd as a county. The statement also identifies any potential impacts on the language as a consequence of the development and identifies ways of mitigating the negative side effects and building on the positive side effects.
- 5.29 The findings of the assessment note there will be a positive impact as a result of the development by respecting the location and history of the local area, providing work opportunities for local workers, securing a safe and good standard highway link for local residents and visitors between Pwllheli and Pen Llŷn and supporting small companies to thrive and gain convenient access to local services, education and work.
- 5.30 The Language Unit has confirmed that it had no observations on this information and it is therefore believed that the proposal is acceptable based on the relevant requirements of policy PS 1.

6. Conclusions:

- 6.1 Having considered the above and all the material planning matters including the local and national policies and guidance and all observations received, it is believed that this proposal is acceptable and complies with the relevant policies as noted above.

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7. Recommendation:

7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to

Conditions

1. Time
2. In accordance with the plans
3. Biodiversity
4. Highways
5. Agree materials
6. Archaeology
7. Construction Environmental Management Plan to be submitted
8. Landscaping / Trees
9. Flooding matters