

PLANNING COMMITTEE	DATE: 11/12/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 2

Application Number: C22/0705/33/LL

Date Registered: 20/10/2022

Application Type: Full

Community: Buan

Ward: Efailnewydd / Buan

Proposal: Application for a proposed pick-your-own enterprise to include alterations to the existing vehicular access, provision of a car park for customers, installation of a polytunnel and shelter with solar panels above, provision of a shipping container for the installation of irrigation equipment and associated equipment with the solar panels and a shipping container for weighing the fruit and selling refreshments, installation of water collection tanks, and the erection of a building to provide toilets.

Location: Tŷ Cynan, Rhydyclafdy, Pwllheli, Gwynedd, LL53 7YL

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 An application for a proposed pick-your-own enterprise to include alterations to the existing vehicular access, provision of a car park for customers, installation of a polytunnel and shelter with solar panels above, provision of a shipping container for the installation of irrigation equipment and associated equipment with the solar panels and a shipping container for weighing the fruit and selling refreshments, installation of water collection tanks, and the erection of a building to provide toilets.
- 1.2 The site is located on the outskirts of the village of Rhydyclafdy in open countryside and within the Llŷn and Enlli Area of Outstanding Historic Interest.
- 1.3 It is noted that using land for a Pick-Your-Own fruit enterprise and market garden does not require formal planning consent, therefore using parts of the land to grow fruit and vegetables and using an area of hardstanding for parking fall outside this application. Nevertheless, the proposal does include the following developments, which require planning consent:
- Water collection tanks (two round tanks measuring 3.45m wide and 3.65m long) on a concrete floor measuring 3.8m by 7.75m.
 - Provision of an equipment room (5.9m by 2.9m and 2.5m high container), finished with vertical larch boards.
 - Provision of a container for weighing the fruit and sale of refreshments (5.9m by 2.9m and 2.5m high container), finished with vertical larch boards.
 - Provision of a hardstanding and installation of timber larch fence measuring 3.3m high around the area where the water collection tanks are located, equipment room and container for weighing the fruit and sale of refreshments.
 - Provision of building for an accessible toilet (2.3m by 2.8m and 2.5m high container) finished with vertical larch boards, as well as an access ramp.
 - Provision of polytunnel measuring 8.5m by 20m and 3.3m high, covered with polythene.
 - Growing shelter with solar panels and clear covers above. These shelters would be set out and form ridge roofs above the growing boards. Water would be collected via a system of rainwater goods at the bottom of the panels. The shelter would extend to a height of 3.1m. Collectively, the shelters would cover an area of approximately 58m by 48m.
 - Changes to the existing vehicular access, including widening it.
 - Provision of a 3m wide pedestrian path created from grass reinforced mesh.
- 1.4 The following documents have been submitted as a part of the application:
- Pre-application Consultation Report
 - Planning Statement
 - Transport Statement
 - Welsh Language Impact Assessment
- 1.5 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended), the development that is the subject of this application is defined as a "major development" due to the number of units proposed and the size of the site. In line with the appropriate procedure, a Pre-application Consultation Report was accepted as a part of the application. The report shows that the developer has informed the public and statutory consultees of the proposal prior to submitting a formal planning application. The report includes copies of the responses received.

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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 Culture

PS4: Sustainable transport, development and accessibility

TRA 2: Parking Standards

TRA 4: Managing Transport Impacts

PS 5: Sustainable Development

PS6: 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

PCYFF 5: Carbon Management

PCYFF 6: Water Conservation

PS7: Renewable Technology

AND 2: PV Solar Energy

PS13: Providing opportunities for a flourishing economy

CYF 6: Re-use and conversion of rural buildings, use of residential properties or new build units for business/industrial use

PS14: The Visitor Economy

TWR 1: Visitor Attractions and Facilities

PS19: Conserve and where appropriate enhancing the natural environment

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PS20: Preserving and where appropriate enhancing heritage assets

Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities

2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Letter of the Welsh Government's Minister for Climate Change, dated 11 October 2023 announcing an update to chapter 6 of Planning Policy Wales with immediate effect.

Technical Advice Note 5: Planning and nature conservation

Technical Advice Note 6: Planning for sustainable rural communities

Technical Advice Note 12: Design

3. Relevant Planning History:

3.1 C21/1075/33/LL - Proposed agricultural building - Approved - 14.01.2022

C20/0894/33/LL - Installation of 2 tents as glamping accommodation (seasonal) on a timber decking along with using the existing car park as a site to store 10 touring caravans over the winter - Approved - 01.03.2021

C17/0016/33/LL - Creation of touring caravan site for 10 caravans including a toilet block - Approved - 01.08.2017

C15/0614/42/DA – Application for a non-material amendment to an application approved under C14/0509/33/LL in terms of the type and size of windows / doors and the exterior finish of the property - Approved - 07.10.2015

C14/0509/33/LL - Erection of single-storey affordable house, detached garage and creation of vehicular access - Approved - 15.05.2015

4. Consultations:

Community/Town Council: At a meeting of Buan Community Council held today, it was resolved to APPROVE the application.

Transportation Unit: I do not have an objection in principle, but I note that there is potential for two access points to serve the site, and we will ask for confirmation on this point, and if there are any proposed assessments

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to the access point in the community. We will also ask for the following conditions to be imposed on the application:

P05A - The access must be constructed with visibility splays of 2.4 metres by 40 metres on either side. Within the lines of the visibility splays, anything that is greater than 1 metre above the level of the adjoining highway, will not be approved.

P26A - The applicant must take every care to prevent surface water from the curtilage of the site discharging onto the highway.

The Applicant shall take all appropriate measures to prevent surface water from within the curtilage of the sites to discharge onto

the county highway.

That the first 10m of the access road are surfaced with a bound material.

Natural Resources Wales:

Thank you for consulting with Natural Resources Wales regarding the above application. We have reviewed the planning application submitted to us, and from the information provided, we are not of the opinion that the proposed development impacts any matters listed on our Consultation Topics, Development Planning Advisory Service: Consultation Subjects (September 2018):

<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=cy>.

Therefore, we have no observations to make on the proposed development. Note that our decision not to provide observations does not mean that there may not be a possibility for the proposed development to affect other interests, including environmental interests of local importance. The applicants should be informed that it is they, together with planning permission, who are responsible for ensuring that they obtain all the permits/permissions relevant to their development.

Welsh Water:

In respect of the aforementioned planning application, we can confirm that Dŵr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. We note that our consultation response (Ref: PPA0007138) has been acknowledged and included at Appendix A of the accompanying Pre-Application Consultation (PAC) Report which highlights that a potable water supply can be provided to site and foul water flows can be accommodated within the foul only public sewerage system whereas surface water will need to be disposed by alternative means. With respect to the latter,

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the submitted application form indicates proposals to dispose surface water flows to the main sewer which we would advise that this is not permissible, and the development is subject to Schedule 3 of the Flood and Water Management Act 2010. Please note, we would look to object to any forthcoming SAB application which proposes to communicate surface water flows to a foul water sewer.

Accordingly, if you are minded to grant planning permission for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dŵr Cymru Welsh Water's assets:

Condition. No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development. 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. Advisory Notes As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Gwynedd County Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dŵr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. The applicant may need to apply to Dŵr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of

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Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dŵr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dŵr Cymru Welsh Water has rights of access to its apparatus at all times. In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

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 obligations is 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, it is likely that an application will need to be provided to the SuDS Approval Body for approval before construction work commences. No drainage materials have been submitted to date, and until an application is made to the SuDS Approval Body, there is no assurance that the site plan would enable compliance with the full suite of the national NDS standards. Early consultation with the SAB is recommended.

Language Unit:

We do not offer an assessment of the likely impact of the development ourselves or express an opinion which approves or objects the application in question. Instead, we will look at the opinion offered in the documents and on the evidence presented to support that opinion.

We encourage the applicant to use the latest data that is now available from the 2021 census.

We wish to refer the developer to the website of the Welsh Language Commissioner and the Welsh Offer in order to assist them to create a Language Plan and identify the development steps in terms of promoting the Welsh language.

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Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period ended, and no observations had been received regarding the proposal.

We notice that the applicant has provided a list of names and observations which support their proposal as a result of the offer of an opportunity for the community to support their application on their website.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The proposal includes a varied development as a result of providing a pick-your-own fruit enterprise on the site which is the subject of this application. The site is located on the outskirts of Rhydyclafdy in open countryside. The principle of a pick-your-own fruit enterprise is agricultural use as it involves using the land to grow produce. Part 3.8 of Technical Advice Note 6 confirms if a farm shop is used only for the sale of goods produced on that farm, with a minimal quantity of other goods from elsewhere then it is a use which is ancillary to the use as a farm and does not require specific planning permission. It is noted that this involves using the current farm buildings to sell the produce. In this case, the proposal involves the provision of a new construction and development specifically for the pick-your-own enterprise which is subject to planning consent.
- 5.2 The provision of a shop in the context of this proposal in the form of a cabin in order to weigh the produce as well as the sale of refreshments to customers, such as tea, coffee and cakes, etc. The cabin is small, and it is not considered large enough to sell many goods sourced elsewhere. Therefore, it is considered that this element of the proposal is acceptable and is in accordance with the objectives of the TAN - planning for sustainable rural communities.
- 5.3 The planning statement submitted as a part of the application noted that the proposal will provide a local facility of fruit and vegetables to the local community and businesses, as well as a tourist attraction. The application form notes that the business will employ 3 full-time members of staff and 9 part-time members of staff. The applicant runs a touring caravan site on the site already. Part 4 of policy PS13 supports the economic prosperity and sustainability of rural communities by facilitating appropriately scaled growth of rural enterprises, and part 4 of policy PS14 of the tourist economy supports appropriately scaled new tourist provisions and initiatives in sustainable locations in the countryside as a part of farm diversification, particularly where these would also benefit local communities and support the local economy.
- 5.4 Policy TWR 1 also supports applications to develop new visitor attractions or facilities or to improve and extend the standard of existing facilities, and there is a series of criteria for developments located outside the development boundary. The proposal can be considered acceptable since it develops an activity that is restricted to a specific location due to its appropriate use of a natural resource (namely the land being used to grow the produce). The criteria further note:
- i. The scale, type and character of the proposed development is suitable for its urban/rural setting - the development is of a type and scale similar to what is expected as a result of an agricultural undertaking.

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- ii. The proposed development is of high quality in terms of the design, layout and appearance - all elements of the proposal have received specific attention from the applicant in order to ensure that they are of a high standard.
- iii. The proposed development will support and extend the range of facilities within the plan area - the development is unique and there is nothing similar in the locality. It will be an attraction for those visiting the area.
- iv. The proposal is supported by evidence to demonstrate that there would be local employment opportunities - the application form confirms an intention to employ full and part-time workers.

5.5 It is considered that the proposal offers a facility for the local neighbourhood and businesses as well as an attraction that is suitable for tourism and that the proposal therefore complies with the requirements of policies PS13, PS14, TWR 1 and PCYFF 1 of the Local Development Plan.

5.6 The proposal also includes the provision of a growing shelter and a polytunnel. These shelters would be in the form of steel frames with solar panels and clear covers forming the roofs. These shelters cover an area of approximately 58m by 48m which is 2784 square metres. The polytunnel would measure 8m by 20m and 3.3m high. These structures equate to a construction for agricultural use to grow produce on the land and it is considered that they are reasonable for their proposed use. Policy CYF 6 of the LDP allows proposals to provide new units for industry or business in open countryside subject to criteria relating to ensuring that the scale and nature of the development are acceptable given its location and size of the building in question and that the development would not lead to a conflicting use with nearby uses or has an impact on the viability of similar uses nearby. It is considered that the proposals comply with these requirements and that the proposal is acceptable in terms of this policy in the LDP as well as TAN 6.

Visual, general and residential amenities

5.7. The proposal is a varied development which includes the provision of a framework for a shelter to grow produce, erect a polytunnel, provide an equipment room and a container to weigh the produce and sell refreshments and an accessible toilet, all finished in vertical larch boards, as well as the provision of water tanks, hardstanding and an area fenced with larch panels.

5.8 The site, despite being on the outskirts of the village, is relatively concealed since the land gradually drops away from the village, and although a class 3 road (Lôn Pin) runs past the site, there are only intermittent views through the high hedges along the road leading from the site.

5.9 The shelter frame above the produce growing boards is substantial, and includes solar panels and clear panels above, which equates to a 3.1m high building with a ridge roof and valleys. Despite being substantial, its height and location means that it would be unlikely to have a substantial detrimental impact on the landscape, including the Landscape of Outstanding Historic Interest.

5.10 It is proposed to provide the polytunnel on the site alongside the shelter frames, therefore it is not considered that it would have an additional impact on the landscape in comparison with the nearby shelter frames.

5.11 The proposal to provide water collection tanks, equipment room, container to weigh the produce and sell refreshments on an area of a purpose-built hardstanding will be surrounded with a larch panel fence. This area would measure approximately 20m by 10m and will be covered with a floor of gravel (except for the concreted area in relation to the water collection tanks). The fence

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would be 3.3m high and higher than the buildings/containers inside, but it will be possible to see the water collection tanks above since they are 3.6m high. This part of the development is also to be located near the shelter frames and it is not considered that this part of the development would cause a substantial detrimental impact on the landscape.

- 5.12 It is proposed to provide an accessible toilet with an access ramp on the outskirts of the car park area. This container would measure 2.3m by 2.8m and 2.5m high and finished in vertical larch boards as per the rest. Despite this being separate to the rest of the construction within the development, it is relatively small and located on an existing hardstanding area, therefore it is not considered likely to have a substantial detrimental impact on the landscape in this case.
- 5.13 Hedges run through sections of the site and along the road running past the site. The proposal does not mean that these hedges will be affected, except for the change to the existing access. No landscaping proposals have been submitted either, however considering the nature of the site and the development and its concealed location, it is not considered that a landscaping plan is appropriate.
- 5.14 The proposal that is the subject of this application is located approximately 80m away from the nearest residential property, which is located on the outskirts of the village. The proposal uses the current access to the site which is currently used as a caravan park. The proposal makes improvements to this access and provides passing places along the access track. The remainder of the development is located approximately 150m away from the nearest property/the village and behind the existing hedges. The applicant's proposal uses a booking system to arrange when the visitors arrive and leave the site. As previously noted, using the land to grow produce and then sell it from the site is not subject to planning consent in itself, and it is not considered that the development which is the subject of this application which facilitates this use is likely to cause substantial disturbance to the amenities of the local community than the residents closest to the site.
- 5.15 Based on the above therefore, it is considered that the proposal complies with the requirements of policies PCYFF 2, 3 and 4 in terms of visual impact, impact on amenities and landscaping; as well as policy PS20 in terms of the impact on the land designation.

Transport and access matters

- 5.16 The proposal includes making alterations to the existing access, as well as the provision of two passing places on the existing access track. The access and track are used for the existing caravan park on the site. The observations of the Highways Unit confirm that there is no objection to the proposal, subject to conditions which ensure that the access is completed in accordance with the plans, ensuring that the applicant takes all precautions to prevent surface water from the curtilage of the site discharging on to the highway, and that the first 10m of the access road is surfaced with a bound material. Their comments also note that there are two accesses to the site, one access leads to the residential house on the site from the centre of the village. To this end, the applicant has confirmed in his transportation statement that the access in the centre of the village is a private access to the applicant's house, and the access which is subject to the application is used for the caravan park already and that this one will be used by visitors to the provision for the pick-your-own fruit enterprise.
- 5.17 The proposal also includes a grass reinforced mesh footpath measuring 3m wide from the car park area towards the produce picking area. As a result of the changes proposed to the access, the passing places and footpaths, it is considered that the proposal is acceptable in terms of parking,

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road safety and accessibility, and therefore complies with the requirements of policies PS4, TRA 2 and 4 of the LDP.

Biodiversity matters

- 5.18 The site is located on hardstandings and existing agricultural fields in open countryside on the outskirts of the village. The site is not designated for any biodiversity value and is used as grazing land at present. The proposal, despite including a construction of a substantial surface area, facilitates agricultural use of the site and enables the sale of produce being grown on the site. The proposal does not include changing the existing hedges on the site, and the applicant shows an intention to plant additional trees along the access track, as well as a wild-flower meadow and orchard. It is considered that the framework structure and the trees could offer opportunities for biodiversity improvements (bird/bat boxes) but bearing in mind the possibility that this could also impact the produce it is therefore considered appropriate to impose a condition on the planning consent to agree to the improvement measures in advance so that an agreement can be reached on how the improvements could operate alongside the business.
- 5.19 Based on the above, it is considered that the proposal is acceptable and complies with the requirements of policy PS19 of the Local Development Plan as well as TAN 5 and Planning Policy Wales and the sequential step approach noted in chapter 6 as amended in October 2023.

Sustainability matters

- 5.20 The proposal includes developments and construction that would facilitate the use of the site for growing and selling their own produce. The business would provide produce for the local neighbourhood and businesses, as well as a tourist attraction. A touring caravan site already exists on the site.
- 5.21 The construction includes the installation of PV solar panels on steel frames to create a shelter for growing produce. The electricity generated will be used on the site, as well as the water running from the pv roofs / clear plastic panels that will be collected and used on the site. The proposal provides electric car charging points in the car park.
- 5.22 As a result of the above, it is considered that the proposal makes the best use of their situation and use of energy and therefore comply with the requirements of policies PS5 in terms of sustainable development, PS6 and PCYFF 5 in terms of reducing the demand for energy, PCYFF 6 in terms of water conservation and PS7 and 2 in terms of renewable technology and solar pv energy.

Language Matters

- 5.23 In accordance with criterion (1a) of Policy PS 1 'The Welsh Language and Culture', as this development will involve providing a construction with a surface area of 1000 square metres or more, it was required to submit a Welsh language statement with the application. Such a report was received and this concluded that the development would not have a negative impact on the Welsh language.
- 5.24 The observations of the Language Unit are neither an assessment of the likely impact of the development, nor does it express an opinion which approves or objects to the application in question. Instead, their observations encourage the applicant to use the latest data which is now available from the 2021 census instead of the 2011 data and refers the developer to the website of

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the Welsh Language Commissioner and Welsh Officer, in order to assist them to create a Language Plan and identify development steps in terms of promoting the use of the Welsh language.

5.25 By looking at the latest data for 2021, it appears that the percentage of people who possess Welsh language skills (all-Wales) across the county of Gwynedd and locally within the Efailnewydd a Buan ward is higher than the percentages for 2011. It is noted that a condition may be imposed to ensure that bilingual signage with Welsh first are used on the site, as well as including a note referring the applicant to information on how to create a Language Plan and identifying development steps in terms of further promoting the Welsh language.

5.26 This development will offer a resource for local people as well as tourists to the area, and it will offer employment for up to 3 full-time and 9 part-time employees. Therefore, on balance, there is no evidence to show that the proposal will have a detrimental impact on the Language and therefore it is considered that the proposal is acceptable in terms of policy PS1 of the LDP and the relevant supplementary planning guidance.

6. Conclusions:

6.1 Having considered the proposal in the context of relevant policies, it is considered that the proposal is acceptable with conditions as it would not have an impact on the landscape, the amenities of nearby residents, road safety, biodiversity or the Welsh language.

7. Recommendation:

7.1 To approve – conditions

1. Five years
2. In accordance with the plans
3. Highways Conditions
4. Welsh Water Condition
5. Welsh language advertisements
6. Anti-glare cover on the pv panels
7. The pv solar equipment must be disconnected and moved from the site after a continuous period of not producing energy.
8. The buildings approved here must only be used for agricultural purposes or as ancillary to agricultural use of the site and if their use for agricultural purposes within this unit ends permanently within 10 years of the date of completing the development substantially, unless the local planning authority approves an alternative use, the building will have to be demolished and moved away from the land and then the land restored to its previous condition before the development takes place.
9. Biodiversity enhancements
10. Details of electric car charging points

Notes

SUDS

Major development

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We wish to refer the developer to the website of the Welsh Language Commissioner and the Welsh Offer in order to assist them to create a Language Plan and identify the development steps in terms of promoting the Welsh language.