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Number: 6

**Application** 

C21/1151/44/LL

**Number:** 

Date Registered: 15/06/2022

**Application** 

**Full** 

Type:

**Community:** Porthmadog

Ward: Porthmadog

Proposal: Upgrade facilities including the installation of 10 touring

units and 6 glamping pods to replace 25 tents authorised by

a Lawful Use Certificate C12/1554/44/TC

Location: Tyddyn Adi Camping Site, Morfa Bychan, Porthmadog,

Gwynedd, LL49 9YW

**Summary of the** 

**Recommendation:** TO APPROVE WITH CONDITIONS

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## 1. Description:

- 1.1 This is a full application to upgrade facilities including the installation of 10 touring units and 6 glamping pods to replace 25 tents authorised by a Lawful Use Certificate C12/1554/44/TC at Tyddyn Adi site, Morfa Bychan. The work would also include landscaping between the caravan pitches and landscaping to enclose the pod sites.
- 1.2 The site has been long-established as a camping and touring caravan park for years, and it has permission and a lawful use certificate on three extensive fields. The field that is the subject of this application has a certificate of lawful use to site up to 75 tents on it under reference C12/1554/44/TC. The proposal seeks to exchange 25 of those tents for touring units and pods (16). The site is open to visitors from 1 March until 31 October and there is no intention to change this. The same certificate of lawful use includes authorising use of the field to the east for 150 tents.
- 1.3 The site is located in the countryside on the outskirts of the village of Morfa Bychan. The site is served by an existing access off the class 3 county road, with the vast majority of the access track to the site being public footpath number 40 Porthmadog. The site is surrounded by fields, with a section of it abutting the Golf Club and higher land is located to the north and north-west. The site lies within the Porthmadog and Tremadog Bay Special Landscape Area designation. A small river runs along the southern boundary of the field, with a small section of the field and the river embankment being identified as a C2 flood zone. The field to the east of the application site is designated as Glan Morfa Bach Local Wildlife Site.
- 1.4 The application is submitted to the Committee as it involves a site that is 0.5 hectares or more. A Planning Statement, Welsh Language Statement and Ecological Report were submitted regarding the application.

#### 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

TRA 2: Parking standards

TRA 4: Managing transport impacts

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PS 5: Sustainable development

PS 6: Mitigating the Effects of Climate Change and Adapting to Them

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PS 14: The Visitor Economy

TWR 3: Static Caravan and Chalet Sites and Permanent Alternative Camping

TWR 5: Touring caravan, camping and temporary alternative camping accommodation

PS 19: Conserve and where appropriate enhance the natural environment

AMG 2: Special Landscape Areas

AMG 5: Local Biodiversity Conservation

AMG 6: Protecting sites of regional or local significance

Supplementary Planning Guidance: Tourist Facilities and Accommodation (2021)

Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities (2019)

### 2.4 **National Policies:**

Planning Policy Wales (Edition 11, February 2021)

Future Wales: The National Plan 2040

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note (TAN) 12: Design

Technical Advice Note (TAN) 13: Tourism

Technical Advice Note (TAN) 18: Transport

Technical Advice Note 20: Planning and the Welsh language

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## 3. Relevant Planning History:

C13/0943/44/TC Application for a Certificate of Lawful Use to use the land to locate 16 seasonal touring caravans (in area 3) and 21 touring caravans (in area 2) between 1 March and 31 October in any specific year: Certificate Approved 9 January 2015

C12/1554/44/TC Application for a Certificate of Lawful Use to use the land to locate up to 75 tents (in area 4) and 150 tents (in area 5) between 1 March and 31 October in any specific year: Certificate Approved 9 January 2015

C02D/0515/44/LL Seasonal use of fields number 3586, 2776, 1482 and 0075 as a Camping Site: Refused 13 March 2009

C01D/0452/44/TC Seasonal use of fields 3586, 2776, 1482 and 0075 as a Camping Site: Refused 13 March 2009

C01D/0168/44/LL Siting of 40 Touring Units on an existing camping and touring caravan site: Refused 6 December 2001

2/24/124T Siting of 20 touring caravans on part of a campsite: Approved 28 March 1996

2/24/U.124 N – Legal use certificate for seasonal campsite: Approved 9 December 1986

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#### 4. Consultations:

Community/Town Council:

### Resolved: - To object the application for the following reasons:-

- As 6 glamping pods are a permanent feature, instead of the 25 seasonal tents
- As it is a permanent development and not seasonal / temporary
- As it changes the use of the site
- As there is a lack of spaces to camp with a tent, the provision should be kept as it is
- As campers make seasonal use of the site and leave the site at the end of the holiday season

Transportation Unit:

Not received.

**Biodiversity Unit:** 

### Observations 12 July 2021

Site data

- Adjacent to Wildlife Site Glan Morfa Bach (West)1119 & Bron-y-foel 121, both selected for their habitats: grassland, wetland, heathland.
- Japanese knotweed 165meters away.
- Within the 1km search area there are a number of reptile records including adder; (*Vipera berus*), grass snake; (*Natrix natrix*), sand lizard; (*Lacerta agilis*), slow worm; (*Anguis fragilis*) and common lizard; (*Zootoca vivipara*).
- The other relevant records relate to bat species in the area with lesser horseshoe bat; (*Rhinolophus hipposideros*), noctule bat; (*Nyctalus noctula*) and pipistrelle; (*Pipistrellus spp*).
- There are also two records of otter; (*Lutra lutra*) within the search area. This species is a 'feature' of the Pen Llŷn a'r Sarnau SAC. This development proposal is unlikely to impact otters or the Pen Llyn a'r Sarnau SAC.
- Grassland fungi have been recorded within 300 meters, and the camping field is

#### **Ecology Reports**

Preliminary Ecological Assessment, Tyddyn Adi Caravan & Camping Park, Morfa Bychan: Proposed Park Upgrading & Restructuring, 18th May 2022 Produced by Cambrian Ecology

This ecological report is acceptable, however contrary to the report, it is likely that the amenity grassland within the campsite is likely to be a neutral grassland of biodiversity value, as indicated by aerial

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photographs and CCW's phase 1 habitat survey. The proposal for camping pod will result in a small loss of grassland habitat, which is not likely to be significant.

Landscape Planting: Plans show planting scheme of silver birch, wild cherry and rowan. This is acceptable. Only native species should be planted. I also recommend hazel, blackthorn and hawthorn.

Biodiversity Enhancement: I would like to see more biodiversity enhancements especially for reptiles. I recommend that an un-mowed border (of 2meters) around the new planting scheme will create habitat for pollinators, bats, birds, reptiles and small mammals.

#### Recommendations

I have no objection to this proposal. I recommend the following conditions:

- 1. The recommendations in the ecology report must be followed.
- 2. Biodiversity enhancements

#### Original observations:

Thank you for consulting.

• As there are so many reptile records within the area and the process of works will require machinery and storage of materials within the site to install the proposed pods and units, a site assessment and reptile Reasonable Avoidance Measures should be produced by a suitably qualified ecologist; depending on the suitability of the site, reptile surveys may be required.

All planning applications must result in biodiversity enhancement on the site, the plans show proposed planting of native trees within the site, this will increase biodiversity and connectivity within the site.

# Caravan Licensing Enforcement Unit:

This development will be subject to the Legislation stated below relating to Health and Safety, Fire Safety and Public Health provision as follows:-

- 1. Health and Safety at Work etc Act 1974
- 2. The Caravan Sites and Control of Development Act 1960
- 3. The Public Health Act 1936
- 4. Model Standards 1989 Static Caravans The development must comply fully with licence conditions https://www.gwynedd.llyw.cymru/en/Businesses/Documents-Busnes/Permits-andlicences/Caravan/Model-Standards-1989-Holiday.pdf
- 5. Model Standards 1983 Touring Caravans / Tents The development must comply fully with the licence conditions

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https://www.gwynedd.llyw.cymru/en/Businesses/Documents-Busnes/Permits-andlicences/Caravan/Model-Standards-1983-Touring-Tents.pdf

- 6. The proposed development refers to pods. The pods appear to define them as 'structures' without wheels, rather than a 'caravan' on wheels, and therefore a site licence and conditions requirements (Model Standards 1989) would not be required under the Caravan Sites and Development Control Act 1960. However, the requirements of the Health and Safety at Work Act 1974 in point 1, Fire Regulations and other relevant Regulations would apply.
- 7. Boundaries Hedges In relation to hedges around the pods, this condition applies should the pods be defined as static caravans as opposed to structures as stated in point 6 and Model Standards 1989 would be relevant.
- 8. Application for a site Licence As a result of any planning application being granted in respect of a caravan or camping park, the applicant will be required to contact the Licensing Enforcement Officer, Pollution Control and Licensing Service, Gwynedd Council on 01766 771000 or trwyddedu@gwynedd.llyw.cymru to discuss an application for a site licence. The application for a site licence involves, completing and application form, and a copy of the detailed 1:500 site plan approved during the planning process.
- 9. North Wales Fire & Rescue Service We trust that a consultation will be made with North Wales Fire and Rescue Service on matters that are not part of the Model Standards 1989 & 1983).

Land Drainage Unit (Gwynedd Consultancy):

Thank you for the following consultation and apologies for the late reply. The unit has no observations to offer on this application in terms of land drainage, local flooding risk or coastal erosion.

Natural Resources Wales:

Thank you for consulting with us on the above application, received on 14 December 2021. We have no objections to the application but we do have the following observations:

**Flood Risk** Our Flood Risk Map confirms that the application site is partly located within C2 Zone of the Development Advice Map (DAM) as included in TAN15 and within the 1% (1 in 100 years) and 0.1% (1 in 1000 years) annual unpleasant flood outline from afon Treflys ('main' designated river).

The Design and Access Statement, V1.0 undertaken by Lambe Planning and Design, confirm that the proposed glamping pods are not permanent timber structures and no new hardstanding is proposed across the application site. It is considered that development units that are very vulnerable to harm (currently 25 high risk development

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units, 16 proposed high risk development units) on the site. Therefore, considering the nature of the proposed development (and in the absence of flood consequence assessment), we are of the opinion that the proposal could be acceptable, subject to the developer being informed of the potential flood risk and it is advised to establish a flood scheme should any flooding occur.

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

We refer the applicant to our website for more advice and guidance. Additional guidance including the "Preparing your Property for Flooding" leaflet is available. hiips://www.gov.uk/prepare-for-flooding

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

**Protected Species** We note that there is no information regarding protected species included in the application, and therefore we take it for granted that your Authority has screened the application and has concluded that there is no reasonable likelihood of protected species being present on the site.

Other matters The above comments only relate specifically to matters on our check-list, Advice Service on Development Plans: consultation topics (September 2018), which can be seen on our website. We have not considered the potential impacts on other matters and we cannot disregard the possibility that the proposed development can impact the interests of others. The applicant is reminded of the fact that it is their responsibility to ensure that all other licences/permissions relevant to the development are acquired, as well as planning permission. Please refer to our website for further details. Do not hesitate to contact me if you need further information or an explanation of the above.

Welsh Water:

Please note, there is no statutory duty to consult DCWW on an application for Lawful Use Certificate and in this instance, we would advise there is no nearby public sewerage or watermains network. Therefore, we offer no comments on this application for LUC.

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If you have any queries please contact the undersigned on 0800 917 2652 or via email at **developer.services@dwrcymru.com**.

Fire and Rescue Service: Not received.

Public Consultation: A notice was posted on the site. The advertisement period has expired

and no response was received.

# 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 The application involves upgrading the long-established caravan and camping site at Tyddyn Adi, Morfa Bychan, which has various permission over 3-4 fields for tents and touring units. At present, there is a certificate for 75 tents to use the field in question and the application seeks to exchange 25 of those tents for 10 touring units and 6 pods. It is noted from the Planning Statement and the drawings submitted with the application that the pods will not be permanent, but will rather be mobile with a tow-bar and wheels and will only have one room to include a bed, small kitchen with a microwave and fridge, and therefore will be a basic provision without a drainage connection. The intention is for them to be moved and stored over the winter. As these are touring and mobile type units, they will be considered under policy TWR 5 which applies to touring caravan, camping and temporary alternative accommodation sites.
- 5.2 Policy TWR 5 of the LDP permits proposals to develop new touring caravan sites and temporary alternative camping accommodation provided they conform to all the criteria noted. These include the need for the proposed development to be of a high quality in terms of design, layout and appearance and sited in an unobtrusive location which is well screened by existing landscape features and/or where touring units can be readily assimilated into the landscape in a way which does not significantly harm the visual quality of the landscape; avoids excessive areas of hard standing; have limited physical connection to the ground and is capable of being removed off the site out of season; any ancillary facilities should, if possible, be located within an existing building or as an extension to existing facilities; that the site is close to the main highway network and that adequate access can be provided without significantly harming landscape characteristics and features; occupation is limited to holiday use only; that the site is used for touring purposes only and any units are removed from the site during periods when not in use.
- 5.3 The 10 touring units would be located in the form of an arch around the north-western and south-western boundary of the field, with the 6 pods on an angle in the centre. The pods would be of a timber design and would provide basic accommodation only. A vast proportion of the field boundaries includes trees and hedges with a few weak points dotted around in the landscaping. Due to the site setting in a slight nook, with the land to the north, east and west providing a hilly backdrop, it is considered that the site is well hidden from the broader landscape. The site plan submitted as part of the application includes additional landscaping along the southern boundary of the site, adding hedges between the touring units and new hedges to enclose the pods to a vast

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degree. These have been included as visual mitigation measures and biodiversity enhancements for the proposed development and they will reinforce the existing growth to strengthen it.

- 5.4 It must be borne in mind that the proposal here is to exchange tents for touring units and pods, and it is not an application for additional units. It could be argued that with the natural finish of the pods and the additional landscaping intended to reinforce and separate the units, that the proposal would be a visual improvement. The numbers would also reduce, with the existing 25 tents exchanged for 16 caravans/pods, therefore they would give up 9 tent units as a compromise to the proposal. The 50 remaining tents of the 75 approved on the certificate will be placed in the eastern corner of the field.
- 5.5 It is considered that the design, layout and appearance of the proposal is of an acceptable quality and that it is located in an unobtrusive location that is well hidden by the existing landscape features. It is not believed that exchanging the units from tents to caravans and pods will not cause significant harm to the visual quality of the landscape in this site.
- 5.6 It is noted on the site plan that it is not intended to install hardstandings for the units and the Planning Statement states that it is not intended to connect the pods to the drainage system. The pods will be moved to a storage site over the winter, therefore, the physical connection to the ground will be restricted. Shower and toilet blocks already exist on the site, and the users of the proposed caravans and pods use the existing provision. There is no intention to build a new building as a part of the application.
- 5.7 In respect of proximity to the road network, the site has direct access to a third class county road and a track leads over two fields to the entrance of the campsite. The proposal in question does not intensify the use as such, as the proposal is one to exchange units, which will result in a small reduction in the numbers. No response to the proposal was received from the Transportation Unit. It is noted that the access track is also a public footpath, but the proposal would not change the situation from what is currently experienced. It is considered that the proposal is acceptable in terms of road safety.
- As a result of the above assessment, and with the use of appropriate planning conditions, it is considered that the proposal is acceptable in terms of the criteria of Policy TWR 5 of the LDP.

#### Visual amenities

- 5.9 The site lies within a countryside location. It is believed that the site on the whole is well screened from the vast majority of views, with weak spots dotted around in the landscape. However, the site is visible from nearby areas from the public footpath. As already discussed, the plan shows an intention to landscape with a low density setting, open spaces and rows of hedges within the site.
- 5.10 Bearing in mind that the site is already being used by tents, this additional planting is to be welcomed and it would add to the landscaping within the site and reduce its impact on the landscape. The site is not oppressive in the landscape as it currently stands and it is not anticipated that there will be a substantial detrimental impact on the landscape or Special Landscape Area. With further landscaping, it is believed that the proposal would assist to improve the character of the Special Landscape Area and make the site more attractive. Therefore, it is considered that the proposal is acceptable in terms of visual amenities and meets the requirements of policies PCYFF 3, PCYFF 4, TWR 5 and AMG 2 of the LDP.

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#### **General and residential amenities**

5.11 The nearest houses are approximately two fields away from the application site. Considering the distance, as well as the fact that this is a matter of exchanging existing tents for touring units and pods, it is not considered that there will be any significant change to the situation that is currently experienced. The site's use as a caravan and camping site is long-established and the proposal would not lead to activity that is any different to the existing. The proposal is therefore acceptable in terms of its compliance with PCYFF 2 of the LDP.

# Transport and access matters

5.12 The site has direct access to a class 3 road. There will be no need to make any changes to the access in order to serve the proposal. There would be a small reduction in the numbers as a result of the application to what is currently experienced. No response was received from the Transportation Unit. There are plenty of parking spaces available within the site. It is considered that the proposal is acceptable in terms of TRA 2 and TRA 4 of the LDP.

#### **Flooding**

5.13 Due to the site's proximity to the river that runs with the southern boundary of the field, a small section of the field is located within a C2 flood zone as included in the Development Advice Map of Technical Advice Note (TAN) 15. Caravan park developments are considered to be a development that are very vulnerable to harm in categories TAN 15, where developments should not be approved within C2 zones where the potential for flooding should not threat the lives of residents and users. A consultation response was received from Natural Resources Wales, which expressed that since the pods are not permanent structures and that there is no intention to place hardstandings, that the proposals can be acceptable provided that the developer is informed about the flood risk and advising him to establish a flood scheme. If the application in question would be a new caravan site development, the proposal would be contrary to policy. However, considering the fall-back situation of the site, which already has permission for 75 tents, exchanging the units would not be contrary to policy as it does not increase the risk in this case. It could be argued, due to the reduced numbers, that the risk would reduce. Considering that only a small section of the field is located within a C2 flood zone and the situation with the existing permission of the site, it is concluded that the proposal would not exacerbate or increase the flood risk in this case. Therefore, it is suggested that the fall-back situation means that the proposal is not contrary to policy TAN 15 and policy PS 6 of the LDP, with an advice note included to follow the advice of NRW's observations.

## **Biodiversity Matters**

5.14 The Biodiversity Unit was consulted due to the site's proximity to the Local Wildlife Site in the adjacent field. A response was received noting that an Ecological Assessment needed to be submitted since there are records of reptiles within the site, and the information was subsequently submitted. They are satisfied with the content of the Initial Ecological Assessment by Cambrian Ecology and they confirm that there is no objection to the proposal, provided that the work complies with the recommendations of the report and that biodiversity enhancements are achieved. There is an intention to plant new hedges and trees and it is considered that the landscaping and planting work would offer biodiversity enhancements that correspond with the

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principles of Planning Policy Wales. To this end, it is considered that the proposal complies with the requirements of policies PS 19, AMG 5 and AMG 6 of the LDP.

# The Welsh Language

- 5.15 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, 2019), along with Technical Advice Note 20.
- 5.16 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. 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 proposed development does not reach these thresholds.
- 5.17 Although no formal Statement/Report is required, consideration should be given to the Welsh language in accordance with the guidance in Appendix 5 of 'Maintaining and Creating Distinctive and Sustainable Communities SPG'. In relation to this, a Welsh Language Statement has been submitted by the applicant and notes the following points:
  - The family who run the site are Welsh, local and speak Welsh.
  - The proposal will create 1 full-time job and 2 part-time jobs.
  - New signs will be bilingual.
  - Welsh themed hampers will be provided to pod visitors.
  - There will be an advertisement board on the site, promoting and raising awareness of the Welsh language.
  - Local employment opportunities are provided and local contractors would be used.
- 5.18 To this end, it is considered that the proposal conforms to the guidance included in section 'CH' of Appendix 5 in the SPG.

## Sustainability

5.19 Policy PS 5 (Sustainable Developments) supports developments which are consistent with sustainable development principles, and where appropriate, developments should:

"Reduce the need to travel by private transport and encourage the opportunities for all users to travel when required as often as possible by means of alternative modes, placing particular emphasis on walking, cycling and using public transport, in accordance with Strategic Policy 4" (Bullet point 12, Policy PS 5)."

This is supported by bullet point 4 of Policy PS 14 (The Visitor Economy). It is considered that the policies of the LDP are consistent with local and national planning policies in terms of how it deals with sustainable development principles.

5.20 Although it is accepted that users of the touring units would use private vehicles to reach the site (due to the need to tow a caravan) there are various alternative transport options available once they reach the site, including cycling, public transport and on foot.

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5.21 It is noted that the bus stop is located near the entrance of Greenacres caravan site within a reasonable walking distance to the application site. In addition, the site is within walking or cycling distance to the beach and to the village shop and there is a network of footpaths nearby. In the context of all the relevant material planning considerations, it is considered that the location of the development is sustainable site and is acceptable in relation to the requirements of policies PS4, PS5 and PS14 of the LDP, and complies with the advice included in TAN 18 and PPW.

#### **Conclusions:**

6.1 Having considered the above and all the relevant planning matters including the local and national policies and guidance, as well as the observations received, it is believed that the proposal is acceptable based on the matters noted in the report and that it would not have a substantial impact on the landscape, amenities of the neighbourhood or road safety.

#### **Recommendation:**

- 7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the following conditions:
  - Time
  - In accordance with the plans.
  - Restrict the number of touring units to 10 touring units, 6 pods and 50 tents.
  - Holiday use only and keep a register.
  - Holiday season 1 March to 31 October
  - Pods to be moved to a storage site shown on the plan between 1 November and 29 February.
  - Complete the landscaping work in the first planting season.
  - In accordance with the recommendations of the Ecology Report Notes: Attention is drawn to the observations of the Caravan Licensing Officer

Notes: Attention is drawn to the observations of Natural Resources Wales regarding having a flood plan in place.