

# Public Document Pack



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

Mr Dylan J. Williams  
Prif Weithredwr – Chief Executive  
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<b>RHYBUDD O GYFARFOD</b>	<b>NOTICE OF MEETING</b>
<b>PWYLLGOR CYNLLUNIO A GORCHMYNION</b>	<b>PLANNING AND ORDERS COMMITTEE</b>
<b>DYDD MERCHER 8 IONAWR 2025 am 1:00 y. p.</b>	<b>WEDNESDAY, 8 JANUARY 2025 at 1.00 pm</b>
<b>SIAMBR Y CYNGOR AC YN RHITHIOL DRWY ZOOM</b>	<b>COUNCIL CHAMBER AND VIRTUALLY VIA ZOOM</b>
<b>Swyddog Pwyllgor</b>	<b>Ann Holmes 01248 752518 Committee Officer</b>

## AELODAU / MEMBERS

Cynghorwyr / Councillors:

Geraint Bebb  
Jeff Evans  
Neville Evans  
Glyn Haynes (**Vice-Chair**)  
Trefor LI Hughes MBE  
John Ifan Jones  
R. Llewelyn Jones  
Jackie Lewis  
Dafydd Roberts  
Ken Taylor (**Chair**)  
Alwen P Watkin  
Robin Williams  
Liz Wood

***Please note that meetings of the Committee are streamed for live and subsequent broadcast on the Council's website. The Authority is a Data Controller under the Data Protection Act and data collected during this live stream will be retained in accordance with the Authority's published policy***

## **A g e n d a**

Any additional information to hand following publication of reports will be verbally reported upon to the meeting.

Before a decision notice is released conditions of approval or reasons for refusal given in written reports may be subject to minor amendments to account for typographical errors.

### **MEMBERS OF THE COMMITTEE**

#### **Councillors:-**

Geraint Bebb  
Jeff Evans  
Neville Evans  
Glyn Haynes (*Vice-Chair*)  
Trefor LI Hughes MBE  
John I Jones  
Robert LI Jones  
Jackie Lewis  
Dafydd Roberts  
Ken Taylor (*Chair*)  
Alwen P Watkin  
Robin Williams  
Liz Wood

**INDEX** the link to the Public Register is given for each individual application as shown

#### **1 APOLOGIES**

#### **2 DECLARATION OF INTEREST**

To receive any declaration of interest by any Member or Officer in respect of any item of business.

#### **3 MINUTES OF THE PREVIOUS MEETING**\_(Pages 1 - 4)

To present the minutes of the previous meeting of the Planning and Orders Committee held on 4 December 2024.

#### **4 SITE VISITS**\_(Pages 5 - 6)

To present the minutes of the planning site visits held on 18 December 2024.

*Please note that meetings of the Committee are streamed for live and subsequent broadcast on the Council's website. The Authority is a Data Controller under the Data Protection Act and data collected during this live stream will be retained in accordance with the Authority's published policy*

## **5 PUBLIC SPEAKING**

## **6 APPLICATIONS THAT WILL BE DEFERRED**

None to be considered by this meeting.

## **7 APPLICATIONS ARISING\_ (Pages 7 - 22)**

7.1 FPL/2024/230 – Mona House, Holyhead Road, Gwalchmai

[FPL/2024/230](#)

7.2 FPL/2024/65 – Bryn Cwr, Gwalchmai

[FPL/2024/65](#)

## **8 ECONOMIC APPLICATIONS**

None to be considered by this meeting.

## **9 AFFORDABLE HOUSING APPLICATIONS**

None to be considered by this meeting.

## **10 DEPARTURE APPLICATIONS**

None to be considered by this meeting.

## **11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS**

None to be considered by this meeting.

## **12 REMAINDER OF APPLICATIONS\_ (Pages 23 - 26)**

12.1 FPL/2024/209 - Penhesgyn Household Waste Management Centre, Penmynydd.

[FPL/2024/209](#)

## **13 OTHER MATTERS**

None to be considered by this meeting.

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## Planning and Orders Committee

### Minutes of the hybrid meeting held on 4 December 2024

- PRESENT:** Councillor Ken Taylor (Chair)  
Councillor Glyn Haynes (Vice-Chair)
- Councillors Geraint Bebb, Jeff M Evans, Neville Evans,  
T LI Hughes MBE, John Ifan Jones, R LI Jones, Jackie Lewis,  
Dafydd Roberts, Robin Williams and Liz Wood
- IN ATTENDANCE:** Planning Development Manager (RLJ),  
Group Engineer (Development Control) and Traffic (AR),  
Planning Solicitor (LMS),  
Senior Planning Officer (JBR),  
Planning Assistant (DPS),  
Committee Officer (MEH),  
Webcasting Officer (FT).
- APOLOGIES:** Councillor Alwen Watkin
- ALSO PRESENT:** Local Members: Councillor Douglas Fowlie (in respect of  
applications 12.1 and 12.2)
- Councillor Kenneth P Hughes
- 

#### 1 APOLOGIES

As noted above.

#### 2 DECLARATION OF INTEREST

None received.

#### 3 MINUTES

The minutes of the previous meeting of the Planning and Orders Committee held on 6 November, 2024 were confirmed as correct.

#### 4 SITE VISITS

None were considered by this meeting of the Planning and Orders Committee.

#### 5 PUBLIC SPEAKING

There were no Public Speakers.

**6 APPLICATIONS THAT WILL BE DEFERRED**

None were considered by this meeting of the Planning and Orders Committee.

**7 APPLICATIONS ARISING**

None were considered by this meeting of the Planning and Orders Committee.

**8 ECONOMIC APPLICATIONS**

None were considered by this meeting of the Planning and Orders Committee.

**9 AFFORDABLE HOUSING APPLICATIONS**

None were considered by this meeting of the Planning and Orders Committee.

**10 DEPARTURE APPLICATIONS**

None were considered by this meeting of the Planning and Orders Committee.

**11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS**

None were considered by this meeting of the Planning and Orders Committee.

**12 REMAINDER OF APPLICATIONS**

**12.1 FPL/2024/230 – Full application for the change of use of the existing ground floor of dwelling to form part of existing shop (A1 use) at Mona House, Holyhead Road, Gwalchmai**

The application was presented to the Planning and Orders Committee at the request of a Local Member due to concerns by the Community Council due to parking issues.

Councillor Jackie Lewis proposed that a site visit be conducted to the site. Councillor Trefor LI Hughes MBE seconded the proposal.

**It was RESOLVED that a site visit be undertaken in accordance with a Local Member's request.**

**12.2 FPL/2024/65 – Retrospective application for the construction of a slurry lagoon on land near Bryn Cwr, Gwalchmai**

The application was presented to the Planning and Orders Committee at the request of a Local Member due to concerns by the Community Council as regards to safety issues as the site is near the playground and concerns of odour from the site.

Councillor Jackie Lewis proposed that a site visit be conducted to the site.  
Councillor Geraint Bebb seconded the proposal.

**It was RESOLVED that a site visit be undertaken in accordance with a Local Member's request.**

**13 OTHER MATTERS**

None were considered by this meeting of the Planning and Orders Committee.

**COUNCILLOR KEN TAYLOR  
CHAIR**

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## PLANNING SITE VISITS

### Minutes of the meeting held on 18 December, 2024

- PRESENT:** Councillor Ken Taylor (Chair)
- Councillors Geraint Bebb, Neville Evans, John I Jones, Robert LI Jones, Jackie Lewis, Dafydd Roberts, Alwen P Watkin.
- IN ATTENDANCE:** Planning Development Manager (RLJ),  
Senior Planning Officer (SH),  
Planning Officer (OR),  
Group Engineer Development Control and Traffic Management (AR).
- APOLOGIES:** Councillors Jeff Evans, Glyn Haynes, T LI Hughes MBE, Robin Williams, Liz Wood
- 

**1. FPL/2024/65 – Retrospective application for the construction of a slurry lagoon on land near Bryn Cwr, Gwalchmai**

The Planning Officer presented the application to members of the Planning and Orders Committee. The application site was viewed from the farmyard adjacent the existing slurry lagoon.

**2. FPL/2024/230 – Full application for the change of use of the existing ground floor of dwelling to form part of existing shop (A1 use) at Mona House, Holyhead Road, Gwalchmai**

The Planning Officer presented the application to members of the Planning and Orders Committee. The application site was viewed from the existing access to the rear of the application site and from the proposed parking area to the rear.

**COUNCILLOR KEN TAYLOR  
CHAIR**

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Planning Committee: 08/01/2025

7.1

Application Reference: FPL/2024/230

Applicant: Amarjit & Jagvir Singh & Kaur

Description: Full application for the change of use of the existing ground floor of dwelling to form part of existing shop (A1 use) at

Site Address: Mona House, Holyhead Road, Gwalchmai



## Report of Head of Regulation and Economic Development Service (Sion Hughes)

Recommendation: Permit

### Reason for Reporting to Committee

The application is presented before the planning committee at the request of Local Member Neville Evans, who had concerns in regards to local issues of parking and traffic being exacerbated by the proposal.

At the planning committee held on the 4th of December 2024, members resolved to conduct a site visit. On the 18th of December a site visit took place. The members are now aware of the site and its surroundings.

## Proposal and Site

The site is located in the settlement of Gwalchmai in a prominent location adjoining the A5 highway. The site currently consists of a semi detached 2 storey pitched roof property which adjoins the village convenience store and is slightly further set back than the shop. Parking and amenity area is included to the rear. The proposal is made for the change of use of the ground floor of the building to form part of the existing shop together with internal works on the first floor to facilitate the creation of a flat. Externally, no changes are proposed to the frontage of the building with the exception of the installation of bird boxes for purposes of biodiversity net gain. To the rear, the existing lean to extension will be re-roofed with a flat roof to create a first floor balcony to serve the flat and an external stairwell will be installed in order to provide means of access to the flat. There will be no changes to the number of residential units on the site.

## Key Issues

The key issues of the scheme are as following;

- Principle of Development
- Highways
- Design
- Residential Amenity
- Ecology

## Policies

### Joint Local Development Plan

Policy PCYFF 1: Development Boundaries

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 4: Design and Landscaping

Policy AMG 5: Local Biodiversity Conservation

Policy TRA 2: Parking Standards

Policy TRA 4: Managing Transport Impacts

Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

Technical Advice Note 5: Nature Conservation and Planning (2009)

Planning Policy Wales (Edition 12, February 2024)

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

## Response to Consultation and Publicity

Consultee	Response
Cynghorydd Douglas Massie Fowlie	No response.
Cynghorydd Neville Evans	Called in to committee due to traffic and parking concerns.
Cyngor Cymuned Trewalchmai Community Council	No response.
Polisi Cynllunio / Planning Policy	Confirmed no retail policies applicable.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	Satisfied with parking provision and visibility splay of access.

Iechyd yr Amgylchedd / Environmental Health	Standard Environmental Protection Informatives.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Satisfied with bird boxes.
Dwr Cymru Welsh Water	Condition regarding surface water.

Publicity was afforded to the scheme via the posting of personal letters to occupiers of neighbouring properties. The latest date for making representations was the 11/10/2024. At the time of writing this report, no letters of representation had been received by the department.

### **Relevant Planning History**

48C108A - Full application for the change of use of the adjacent dwelling to commercial use together with alterations and extension to create additional retail area and the construction of one bedroom flat above at Mona House, Gwalchmai. Approved 06/02/2013

### **Main Planning Considerations**

#### **Principle of Development**

Following discussions with the policy department, it can be confirmed that no retail policies are applicable as no new retail units will be created. The scheme will only increase the floor area of the existing retail unit and no new retail units will be created. Subsequently, the scheme is acceptable in principle and the overall acceptability of the scheme is determined by the other material considerations as listed above.

#### **Highways**

Highway considerations were the principle concern of the Local Member and formed the basis of the the reason for the call in. As the scheme includes an increase in retail floor area of 37m<sup>2</sup>, there is an increase in parking requirement in accordance with the Highway Authority Parking Standards of 3 spaces. The scheme proposes the creation of 3 new parking to the rear of the site, with existing access provided from the A5 highway. The provision of 3 additional spaces together with a suitable means of access with adequate visibility of 2.4x45m was to the satisfaction of the Highway Authority and thus it is considered the scheme is acceptable from a highways perspective. It is noted that the Local Member stated that there are existing issues with parking and traffic in this location, however it is important to note that it is not the duty of the planning process to solve existing issues. In the context of this application, adequate parking has been provided in line with the Local Authority Parking Standards and therefore there is no material or policy reason to object.

#### **Design**

Policy PCYFF 3 is the main design related policy to be considered in non designated landscapes. The policy is made with the general thrust of ensuring proposals are high quality and complement and enhance the appearance of a site and area. As noted above, the scheme includes minimal external changes, with the only external change to the frontage of the building being the installation of bird boxes. The main external change is to the rear of the building where the existing lean to extension will be built up to provide a flat roof with balcony above and an external staircase. These changes will barely be visible from the public realm and as such it is not considered the existing character of building will be altered. Subsequently, the department are satisfied the scheme is in accordance with policy PCYFF 3.

#### **Residential Amenity**

PCYFF 2 provides policy level consideration for residential amenity and states proposals will be refused where they would have an unacceptable negative impact upon residential amenity. In the context of residential amenity, the principle consideration is the creation of the balcony to the rear which will serve the first floor flat. The balcony will face the rear of the property which overlooks the present garden area

of the property, although it is noted that there is consent forthcoming for 6 dwellings under application FPL/2023/176. It is noted that there will be 25m of distance between the rear and the balcony and the closest proposed property, which exceeds the maximum distance of 21m noted in the Supplementary Planning Guidance Design Guide. As such, it is not considered there would be any unacceptable overlooking to these new properties. The balcony will allow views into the adjoining neighbours garden area, however this area is already viewable from the first floor windows and as such it is not considered that the balcony would exacerbate the present situation to an extent that would generate unacceptable negative harm which would contravene PCYFF 2. It is further noted that no objections had been received from the neighbouring property.

## **Ecology**

Under policy AMG 5 and the Councils duty under The Environmental Act (2016), it is expected that all proposals demonstrate a net gain to biodiversity. Net gain will be achieved in this case by the installation of bird boxes. These measures were considered appropriate by the council Ecology officer in achieving net gain to biodiversity. The updated advice in Chapter 6 of Planning Policy Wales (PPW) is to apply a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks, and deliver net benefits for biodiversity. The first priority is to avoid damage to biodiversity in its widest sense and ecosystem functioning. Where there may be harmful environmental effects, planning authorities will need to be satisfied that any reasonable alternative sites (including alternative siting and design options) that would result in less harm, no harm or benefit have been fully considered. The application submission was supported by a Green Infrastructure Statement, which was assessed by the Local Authority Ecology Officer. The statement was considered satisfactory and commensurate with the scale of the application.

## **Conclusion**

The scheme has been assessed against all relevant policies of the Joint Local Development Plan where it was found to be in complete conformity. There were no other material considerations present which indicated that a decision other than one of approval is justified. The scheme proposes to extend an existing retail facility whilst retaining an existing residential unit. No negative impacts upon the local highway network were identified and impact against residential amenity can be sufficiently mitigated by the use of a obscure glazed screen. Due to the above, the department are obliged to recommend approval.

## **Recommendation**

That the application is permitted subject to the following conditions:

**(01) The development shall begin not later than five years from the date of this decision.**

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

**(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.**

- **Proposed Floor Plans and Elevations / Drg 5. Rev B**
- **Location Plan / Drg 1. Rev A**
- **Proposed Site Plan / Drg 3. Rev C**

Reason: To ensure that the development is implemented in accord with the approved details.

**(03) The car parking accommodation shall be completed in full accordance with the details hereby approved before the use hereby granted is commenced and thereafter retained solely for those purposes.**

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

**(04) No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.**

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF 1, PCYFF 2, PCYFF 3, PCYFF 4, AMG 5, TRA 2, TRA 4, PS 19.

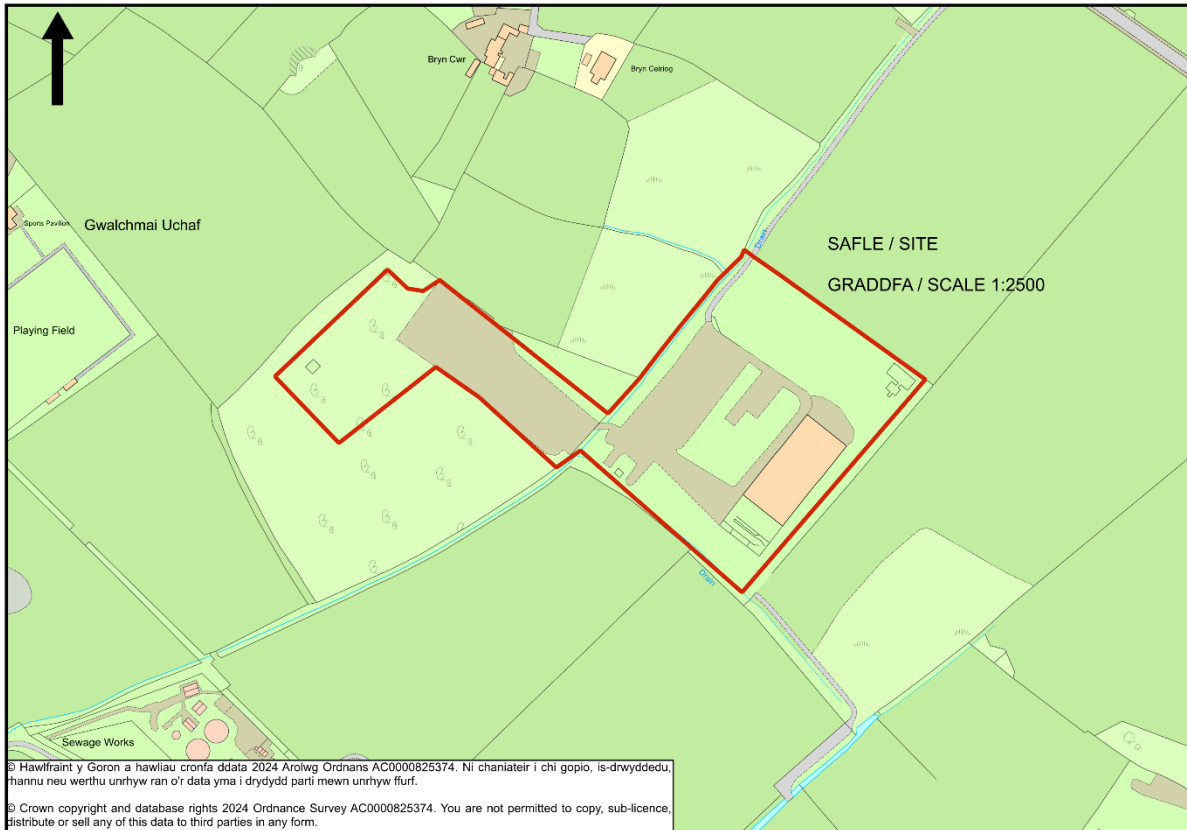
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: FPL/2024/65

Applicant: Mr Evan Williams

Description: Retrospective application for the construction of a slurry lagoon on land near

Site Address: Bryn Cwr, Gwalchmai



**Report of Head of Regulation and Economic Development Service (Owain Rowlands)**

**Recommendation:** Permit

**Reason for Reporting to Committee**

The application has been called into the Planning and Orders Committee at the request of Councillor Neville Evans. The reasoning behind the call-in is due to concerns of odour and air pollution, proximity to residential properties and public spaces as well as concerns surrounding a nearby swamp and well.

At the planning committee held on the 4th of December 2024 the members recommended a site visit takes place. On the 18th of December a site visit took place. The members are now aware of the site and its settings.



## Proposal and Site

The application site is an agricultural holding located to the south of the A5 in Gwalchmai. The applicant has around 77 acres of land on this site, which forms part of a 500-acre holding in the wider area.

The application presented is a retrospective application for the construction of a slurry lagoon. This application follows an enforcement investigation as the slurry lagoon was constructed and began operating without the benefit of planning permission.

## Key Issues

The applications main issues are:

- i. Principle of Development
- ii. Siting and Design
- iii. Environmental Considerations
- iv. Impact on Adjacent Residential Properties
- v. Ecology and Biodiversity

## Policies

### Joint Local Development Plan

Policy AMG 5: Local Biodiversity Conservation

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 4: Design and Landscaping

Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

Planning Policy Wales (Edition 12, February 2024)

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 6: Planning for Sustainable Rural Communities

## Response to Consultation and Publicity

Consultee	Response
Dwr Cymru Welsh Water	The proposed development would be outside the protection zone of the public sewer. All NRW rules should be followed during the construction and storage phase of the development. No foul or surface water connections are proposed as part of the development.
Cynghorydd Douglas Massie Fowlie	Questions regarding public feedback and officer recommendation during the first consultation period. Stated that residents are unhappy with the smell during the second consultation period.
Cynghorydd Neville Evans	Called the application into the Planning and Orders Committee due to concerns of odour and air pollution, proximity to residential properties and public spaces as well as concerns surrounding a nearby swamp and well.
Cyngor Cymuned Trewalchmai Community Council	Object to the development on health and safety grounds as the slurry lagoon is too close to Maes

	<p>Meurig, the football club, HWB Gwalchmai, a playground and the recently approved Crown Street development. The application has no record of monitoring work on the lagoon and no reference to NRW.</p>
<p>Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor</p>	<p>Queries regarding vegetation removal, livestock numbers and external lighting. Details of the number and species of trees to be planted are needed together with a long-term management plan to include planting recommendations. New vegetation and habitat creation will be needed to replace that lost in construction, together with a green infrastructure statement to comply with national policy. Satisfied with the information provided.</p>
<p>GCAG / GAPS</p>	<p>Requested further information on the scheme in terms of the groundworks required and the previous ruins on site. Stated that there is potential for archaeological remains in the area, but due to the retrospective nature, it is difficult to quantify what kind of archaeological remains may have been disturbed by the development. Condition that no further development such as site clearance, groundworks or spoil management can take place until a programme for archaeological work has been submitted to the Local Planning Authority.</p>
<p>Iechyd yr Amgylchedd / Environmental Health</p>	<p>Provided environmental informatives, together with advisory documents regarding slurry storage and odour management. Stated that the Environmental Health department can assess for statutory odour nuisance, whilst NRW are the enforcement body for the construction and operation of slurry lagoons. The Health and Safety Executive (HSE) document on managing slurry storage makes recommendations on the type of fencing to be used. If a site was deemed a statutory nuisance in terms of odour, Environmental Health could serve an abatement notice requiring further controls to be put in place or stopping use of the lagoon until such measures have been put in place. Requested that the applicant submit an odour management plan and stated that the public protection department agrees with the methodologies proposed within the report.</p>
<p>Cyfoeth Naturiol Cymru / Natural Resources Wales</p>	<p>Requested confirmation that the slurry lagoon has been designed and built in accordance with the Control of Agricultural Pollution Regulations standards. Requested additional details on calculations for the farm slurry production including confirmation of stock type and numbers, slurry transportation and yard washings. No objection to the development upon receipt of the requested information and provided advice on pollution of</p>

	controlled waters. Matters including odour nuisance and health would be matters for Environmental Health. NRW have no objection to the application on controlled waters or protected ecological sites issues.
Draenio / Drainage	The development will require SAB approval as the construction area with drainage implications is more than 100m <sup>2</sup> .
Mwynau a Gwastraff / Minerals & Waste	A development of this kind is better than no development in terms of impact on neighbouring properties and other sensitive areas nearby. If the lagoon has been built to modern standards according to Welsh Government guidance it would be difficult to do anything about it. Suggested a fencing plan due to the proximity to residential properties and playing fields. For the avoidance of doubt, suggested a condition to restrict the material that can be stored within the lagoon to farm material only, although this may be covered by NRW license.
Betsi Cadwaladr University Health Board	Would expect such facilities to prevent or minimise off-site odour using industry best practice.

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties. A site notice was also placed in three different places within the village. The latest date for the receipt of any representation was the 26/04/2024. At the time of writing this report, 18 letters of representation had been received at the department by 12 different parties.

Concerns were received during the consultation period that inadequate publicity has been carried out on this application. 25 residential properties in Gwalchmai were notified of the application through neighbour notification letters and three site notices were placed on poles in Gwalchmai Uchaf, two within the Maes Meurig estate and the other along Crown Street. The Local Planning Authority considers that adequate publicity has been carried out in accordance with the statutory requirements noted in section 8 of the Development Management Manual.

The 17 comments of objection raised the following points:

**Environmental:**

- Slurry contains a range of poisonous gases which pose health risks.
- Odours would be at their worst when the lagoon is agitated by the farmer or by rainfall.
- Increase in flies and birds around the site of the lagoon, with photos provided showing seagulls surrounding the lagoon.
- Concerns whether Natural Resources Wales have been adequately involved in the process.
- Allowing the application would increase the amount and frequency of slurry spreading locally.
- Planting 10 trees in not enough to mitigate the development.
- The applicant is disposing trade food waste into the lagoon from a local cheese manufacturer.
- Additional information should be submitted to support the application such as an ammonia assessment, odour assessment, safety audit, landscape and visual impact, ecological assessment.
- There is swamp land and a well nearby which could be affected by the development.
- The slurry lagoon can be smelt as far as the A55 and smells at different times during the day and night.
- Should not just be approved due to the slurry regulations being imposed on farmers.

**Impact on public health and residential amenity:**

- There is a playground and football ground, together with a proposed community hub, in close proximity to the slurry lagoon which are used all year round by the public.
- Impact on the high number of neighbouring residential properties and their curtilages. A map was provided showing the proximity of the lagoon to nearby properties.
- The main wind direction blows towards local properties which intensifies the effect of odour and emissions.
- The air pollution and odour being released from the slurry lagoon will impact physical and mental health as well as residential amenity.
- The lagoon is dangerous to public health due to the toxic gases, pathogens and bacteria being released into the air.

**Construction:**

- The lagoon has been constructed in the closest position to the village within the applicants' land ownership. Alternative locations would be available within his land ownership, further away from the village.
- This is a huge slurry lagoon measuring 60m by 40m with a depth of 3.5m.
- Measures should be in place to prevent individuals accessing the lagoon.
- A slurry lagoon cover should be mandatory but would still be inadequate to overcome the concerns on this occasion.
- The lagoon was constructed and is being used without planning permission. The application is only being submitted as the planning department found out.

**Other general comments:**

- All properties within a 400m radius of the slurry lagoon should be notified of this application. The planning department has not written to enough neighbouring properties.
- Official guidance states that a slurry lagoon should be a recommended distance of 400m away from residential properties.
- Effect of the proposed development on property value in the area.
- Increase in traffic during transport of material to the slurry lagoon.
- The lagoon is not being used for the purpose mentioned and will not be properly managed.

1 comment of support raised the following points:

- Important resource for the farm to maintain safe control over its waste and protect the environment.
- Need to support the applicant as a local young farmer.
- The lagoon is located some distance away from a residential property with negligible visual impact.

Following consultation with the Environmental Health department, the applicant was requested to submit an odour management plan to support the application. Upon receipt of the odour management plan a second consultation period began. The application was advertised in the same manner, by distributing personal letters of notification to the occupiers of neighbouring properties and placing three site notices within the village. The latest date for the receipt of any representation was the 15/11/2024. At the time of writing this report, seven letters of representation had been received at the department by seven different parties. All comments raised during the second consultation period raised the same concerns as the first consultation period and are covered above.

**Relevant Planning History**

48C190 - Full application for the erection of an agricultural shed for the storage of livestock, machinery and feed on land to the south of Bryn Ceiriog, Gwalchmai, SH 3975 9282. Approved 25/03/2015.

## **Main Planning Considerations**

### **Proposal and Site**

The application site is an agricultural holding located to the south of the A5 in Gwalchmai. The applicant has around 77 acres of land on this site, which is part of a total area of around 500 acres in the wider area.

The application presented is a retrospective application for the construction of a slurry lagoon. This application follows an enforcement investigation as the slurry lagoon was constructed and began operating without the benefit of planning permission.

The applications main issues are:

- i. Principle of Development
- ii. Siting and Design
- iii. Environmental Considerations
- iv. Impact on Adjacent Residential Properties
- v. Ecology and Biodiversity

#### **i. Principle of Development**

The proposed slurry lagoon was constructed to improve the existing slurry management system at the farm to conform with the requirements of The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. Furthermore, the non-spreading period over winter which has been imposed by the Welsh Government means that all farms must have a minimum slurry storage capacity of five months to comply with the regulations.

Section 5.6.8 of Planning Policy Wales states that planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation.

The development relates to an agricultural holding that has 77 acres of land as part of this site in Gwalchmai and a total of around 500 acres in the wider area. The stock levels as of September 2024 was over 200 dairy-beef animals, with stock numbers fluctuating due to the nature of the business. Due to the scale of the holding and number of stock, together with the new regulations imposed, the proposed lagoon is considered justified.

#### **ii. Siting and Design**

The application site consists of several parcels of land, including a large agricultural shed and the associated farmyard for the storage of machinery, silage and other agricultural products. The slurry lagoon has been sited on a parcel of land immediately west of the main farmyard but is accessible through a gateway across the extended yard. There is around 185m separating the slurry lagoon at the western extent of the farmyard and the agricultural shed on the eastern edge. The applicant claims that this location was chosen due to the nature of the landscape, allowing the bottom of the lagoon to be above the water level of the land. Furthermore, the lagoon would stand out more near the shed due to the low-lying topography and would restrict yard space compromising the operation of the farm business.

This is an earth banked slurry lagoon with its outer bank measuring around 60m by 80m, giving it a total area of 4800m<sup>2</sup>. The lagoon floor itself, where the slurry is stored, measures 60m by 40m, with 3.25m depth for slurry storage. Whilst this is a large slurry lagoon, as mentioned previously, due to the scale of the holding and number of stock, together with the new regulations imposed, the proposed lagoon is considered justified. The location of the development, within a rural setting, is appropriate and sustainable and allows the operation of the existing farm business.

Security fencing will be installed at the top of the bank, at 1.5m in height with two strands of barbed wire at the top and bottom, as is recommended in the Health and Safety Executive (HSE) guidance on managing slurry on farms. Stock proof fencing will be installed around the bottom of the outer bank. Condition (03) will ensure that the fencing is installed within 6 months.

The slurry lagoon is considered well screened by existing vegetation to prevent visual impact and ensure its integration into the surrounding natural environment, in accordance with policy PCYFF 4. Furthermore, the surrounding field boundaries consist of trees and hedges that restrict views of the structure. New planting is proposed along the north and west boundaries of the lagoon, which will further contribute to its integration into the site. As this is an earth banked slurry lagoon, vegetation will grow on the banks and blend in with the surrounding landscape. The slurry lagoon has been built to a high quality, in accordance with British Standards for agricultural buildings and structures and complying with the requirements of the Control of Agricultural Pollution Regulations.

### **iii. Environmental Considerations**

Natural Resources Wales (NRW) have no objection to the development which is to improve existing slurry management on the farm in accordance with the new rules and regulations imposed by the Welsh Government. Furthermore, the structure has been located, designed and built to comply with the requirements of the regulations. NRW are aware that the lagoon is already in place and operational and have no objection to the application on controlled waters or protected ecological sites issues.

Questions were raised during consultation as to why the slurry lagoon is not covered. Covering the lagoon would cost a significant amount of money which would have significant economic impacts on the business. A natural crust is formed within the slurry lagoon to the same effect. To address concerns that waste from elsewhere is being carried to and deposited at the lagoon, condition (06) will ensure that nothing other than biodegradable material derived from the farming unit known as Bodwina Farm, Gwalchmai will be deposited/treated at the site.

The Environmental Health department requested that the applicant submit an odour management plan to support the application. This is a working document that formalises and describes how odour issues will be managed on site. It should show how odours will be managed and controlled to prevent or minimise impact. The odour management plan was scrutinized by the Environmental Health department who stated that it is a comprehensive document referring to a technically competent manager routinely managing the area for odours during spreading and after spreading. The report has analysed factors such as wind direction, wind strength and proximity of neighbouring properties. There are control measures in place within the report and the public protection department agrees with the methodologies proposed within the report for this development.

### **iv. Impact on Adjacent Residential Properties**

The application site is located in a rural area on the outskirts of Gwalchmai. Gwalchmai Uchaf is located to the west of the site, and there is a cluster of properties along Crown Street to the north. Numerous concerns have been raised about the distance between the lagoon and the village, the odour from the lagoon impacting residential amenity and causing health concerns. The lagoon is also in close proximity to several public spaces in Gwalchmai Uchaf being the football ground, the childrens playground and the recently approved community hub.

The football field is around 80m away from the lagoon, whilst the childrens playground and recently approved community hub are around 240m away. Neighbouring property Bryn Cwr is around 160m to the north, whilst Bryn Ceiriog and 2 Bryn Cwr are 190m away. The five properties located along Crown Street to the north are around 220-230m away from the development. The slurry lagoon would be around 220m away from the boundary of the recently approved housing estate in Gwalchmai Uchaf and would be between 200m and 210m away from the nearest row of terraces in Maes Meurig, numbers 97-104. The other properties in Maes Meurig that border the football pitch are between 200m and 240m away from the development, whilst all other properties nearby are further away than the aforementioned distances.

It is acknowledged that there will be some occasional odour associated with the slurry lagoon and the operation of the farm enterprise, but this is considered a known feature of living in a rural community. If an odour is considered a problem, the Environmental Health department could investigate whether it constitutes a statutory nuisance. If a site was deemed a statutory nuisance in terms of odour, the Environmental Health department could use their powers to serve an abatement notice requiring further controls to be put in place or stopping use of the site until such measures have been put in place. The odour management plan has been submitted at the request of the Environmental Health department, who are satisfied with its contents, in terms of ensuring that odour is adequately managed on site.

Although introducing a slurry lagoon to the site, this is a necessary regulatory requirement which is linked to the existing farm operation, and not the introduction of a new use or enterprise to the area. Slurry spreading on this land would occur regardless of the presence of the lagoon, which would still lead to an occasional short-term smell associated with agricultural processes. There would have been an odour when the lagoon was used for the first time as a crust hadn't formed. Once a surface crust is formed all new slurry deposits will be passed under the crust with a pipe, with the crust remaining in place at all times except for when the lagoon is agitated.

During a normal year, the applicant would spread slurry approximately four times a year, for a few days at a time, after each cut of silage. It is inevitable that odours would occur during the infrequent occasions that the lagoon is agitated and as a result of spreading slurry on the land, however a surface crust would form a natural seal within a few days of agitation.

For all of the reasons set out above, the Environmental Health department have no concern with the development as it is an occasional odour which is reasonably and normally related to agricultural activity which is to be expected in a rural community. On balance, having given detailed consideration to all objections received in response to the development, it is not considered that the proposal would have such a detrimental impact on local amenity that it would warrant a refusal.

## **v. Ecology and Biodiversity**

The application site is located in a rural location with no sensitive or designated areas nearby. Ten new trees will be planted along the northern and western boundary of the lagoon, consisting of a mixture of lime, birch and hawthorn. Heather and gorse bushes will also be planted in the northern corner of the site. This planting will mitigate any vegetation removed during construction and will ensure overall biodiversity enhancement as part of the scheme, in accordance with policy AMG 5 and the Environment Wales Act (2016). Condition (04) will ensure that the planting is carried out in the next available planting season. A green infrastructure statement has also been submitted outlining the ecological considerations of the development to ensure compliance with Chapter 6 of Planning Policy Wales.

Natural Resources Wales (NRW) are the government body responsible for regulating the environmental aspects of slurry lagoons. NRW are aware that the lagoon has been built and is operational and are satisfied that it has been built in accordance with the Welsh Government regulations. They have no objection to the development on controlled waters or protected ecological sites issues.

## **Conclusion**

This is a retrospective application for the construction of a slurry lagoon, which was submitted following an enforcement investigation. The lagoon has been constructed to improve slurry management on the farm in accordance with new Welsh Government regulations, which requires among other things five months storage capacity for slurry over winter. It is a large lagoon on the western edge of the applicants' land ownership but is considered justified due to the scale of the holding and the number of stock. Whilst the lagoon is in close proximity to public spaces and residential properties, it is in connection to an existing enterprise where slurry spreading would occur numerous times a year regardless. The odour is considered an occasional smell relating to agriculture, which is to be expected in a rural community. The odour management plan submitted is considered satisfactory by the Environmental Health department, who have powers to monitor sites for statutory odour nuisance if complaints are received. The key

statutory consultees, being NRW and Environmental Health, are satisfied with the development which is considered to comply with the relevant local and national planning policies.

## **Recommendation**

That the application is permitted subject to the following conditions:

**(01) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission:**

- Location plan
- Proposed cross section
- Proposed fencing plan
- Proposed layout plan
- Proposed planting plan
- Proposed site plan
- Proposed layout & previous structure
- 4R Group - Odour Management Plan
- Planting management plan
- Green infrastructure statement

Reason: To ensure that the development is implemented in accord with the approved details.

**(02) The slurry lagoon hereby approved shall be used solely for the purposes of Agriculture, as defined by Section 336(1) of the Town and Country Planning Act 1990 (as amended) and for no other commercial or business use whatsoever.**

Reason: To ensure that the development will always be in the best interest of the agricultural industry.

**(03) Within six months of the date of this permission all fencing shall be installed in accordance with the proposed fencing plan, received 30th October 2024, and thereafter shall be retained as such for the lifetime of the development hereby approved.**

Reason: To ensure health and safety.

**(04) All planting and landscaping noted in the proposed planting plan, received 7th June 2024, shall be carried out in the first planting season following the date of this permission; and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The planting shall be retained for the life of the development hereby approved.**

Reason: To ensure biodiversity improvement on the site as required under the Environment (Wales) Act 2016 and policies AMG 5 and PCYFF 4 JLDP.

**(05) a) No further development (including site clearance, groundworks or spoil management) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and all archaeological work completed in strict accordance with the approved details.**

**b) A detailed report on the archaeological work, as required by condition (a), shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.**



Reasons:

- 1) To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2024 and TAN24: The Historic Environment.
- 2) To ensure that the work will comply with Management of Archaeological Projects (MAP2) and the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA).

**(06) Nothing other than biodegradable material derived from the farming unit known as Bodwina Farm, Gwalchmai shall be deposited/treated at the site.**

Reason: To define the scope of the permission.

**(07) The operation and management of the development shall take place in accordance with the 4R Group Odour Management Plan dated October 2024 submitted under application reference FPL/2024/65.**

Reason: To protect residential amenity.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: AMG 5, PCYFF 2, PCYFF 3, PCYFF 4, PS 19

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

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Planning Committee: 08/01/2025

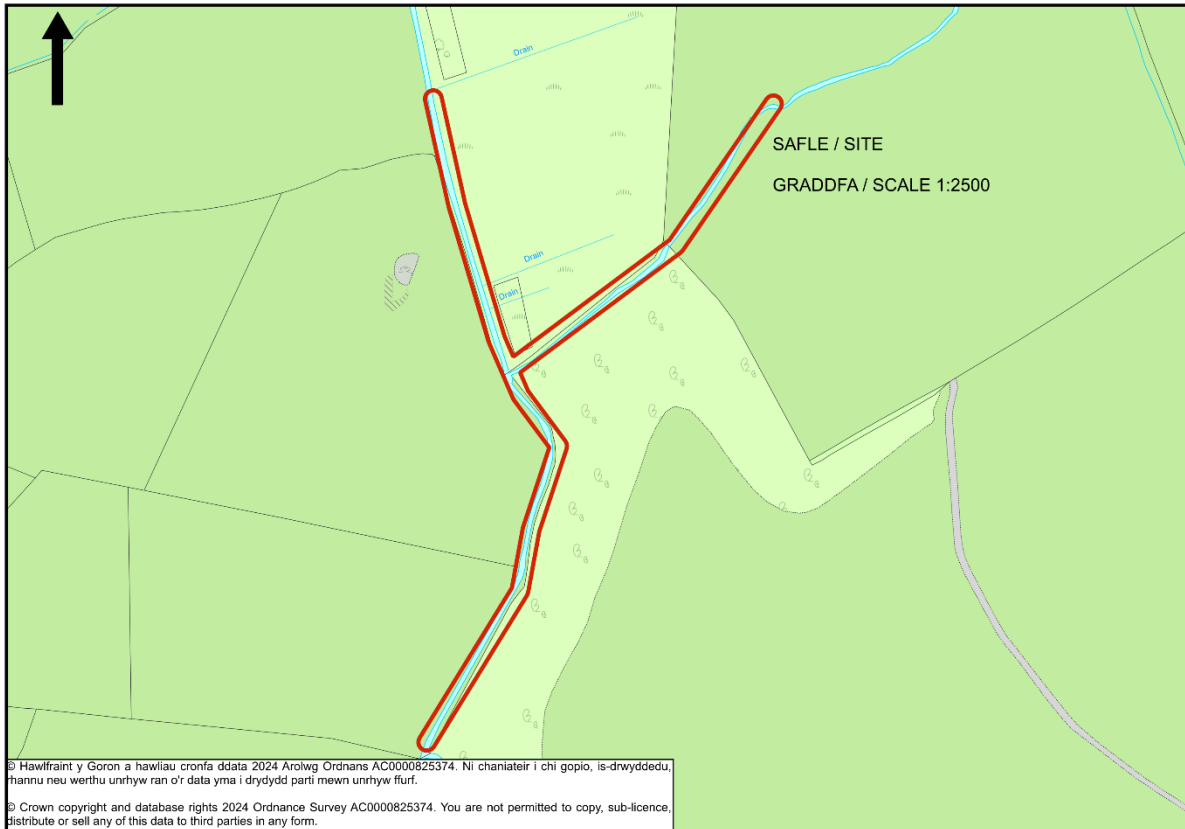
12.1

Application Reference: FPL/2024/209

Applicant: Mr Bob William-Parry

**Description:** Retrospective application for the retention of the river restoration works to the Afon Braint and the Afon Eyr Uchaf on land adjacent

**Site Address:** Penhesgyn Household Waste Management Centre, Penmynydd.



## Report of Head of Regulation and Economic Development Service (Colette Redfern)

**Recommendation:** Permit

### Reason for Reporting to Committee

The application is made by the Isle of Anglesey County Council.

### Proposal and Site

The proposal is for the retention of restoration works to the Afon Braint which will result in a more natural, diverse hydrological regime to improve habitat for aquatic species and improvements to flood management and water quality.

The site lies to the north-west of the Penhesgyn Household Waste Recycling Centre in an open countryside location between Penmynydd and Menai Bridge.

### Key Issues

The applications main issues are;

- i. Impact on environment

### Policies

#### Joint Local Development Plan

Policy PCYFF 1: Development Boundaries

Policy PCYFF 4: Design and Landscaping

Policy AMG 5: Local Biodiversity Conservation

Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

Planning Policy Wales (Edition 12, February 2024)

Technical Advice Note 5: Nature Conservation and Planning (2009)

Technical Advice Note 15: Development and Flood Risk (2004)

### Response to Consultation and Publicity

Consultee	Response
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments
Cyfoeth Naturiol Cymru / Natural Resources Wales	Requested further information and confirmed that the additional information was acceptable
Ymgynghorydd Tirwedd / Landscape Advisor	No response
Cynghorydd Sonia Williams	No response
Cynghorydd Robin Wyn Williams	No response
Cynghorydd Dyfed Wyn Jones	No response
Cyngor Cymuned Penmynydd a Star Community Council	No response
Draenio / Drainage	Standard comments
Dwr Cymru Welsh Water	No comments
Iechyd yr Amgylchedd / Environmental Health	Standard comments
Mr Robin Williams	No response
Adain Eiddo / Property Section	No response

The planning application was advertised by distributing letters to adjacent units and the placing of a notice near the site. The application was also advertised in the local newspaper. The expiry date to receive representations was the 27th September 2024. At the time of writing the report no letters of representations had been received at the department.

## Relevant Planning History

No relevant site history

## Main Planning Considerations

i. **Impact on environment** - The proposal involves works to the bed and banks of a defined main river and as such the environmental impacts of the scheme are a key material consideration. The main objectives of the scheme are to improve the ability of the river to deal with flood water whilst also improving its ecological value. The main engineering operations of the scheme involve the reprofiling of the river banks along with the creation of shallow wetland scrapes which are interconnected to the main river channel in times of flood. The reprofiling of the river banks involve widening the river channel along with reducing the level of the adjoining river bank which increases the cross sectional area of the river channel and thus allows a greater capacity for flood water. In turn, this will reduce the flood risk upstream of the site. The shallow wetland scrapes will also act as a reservoir for flood water and further improve the rivers capacity to accommodate flood water. Minimizing, adapting and mitigating the impacts of climate change is one of the key themes of the Joint Local Development Plan. This scheme will positively contribute towards this theme.

**Biodiversity and Ecology** - As noted above, the other key objective of the scheme is to improve the ecological value of the river's aquatic and riparian habitats. Within the river channel itself, a number of features will be installed, including boulders, flow deflectors and small dams. These features will create a variety of habitats such as deeper pools and riffles, whilst also creating areas of faster flows which will self clean the gravel beds and thus reinstate important trout spawning habitat. The shallow wetland scrapes will provide seasonal areas of standing water, which will provide important habitat for amphibians and birds. In addition to the above, a number of wetland tree species such as willow will be planted to further increase the biodiversity value of the area.

Under policy AMG 5 and the Councils duty under The Environmental Act (2016), it is expected that all proposals demonstrate a net gain to biodiversity. The above measures will deliver the required net gain and were welcomed by the council Ecology. The updated advice in Chapter 6 of Planning Policy Wales (PPW) is to apply a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks, and deliver net benefits for biodiversity. The first priority is to avoid damage to biodiversity in its widest sense and ecosystem functioning. Where there may be harmful environmental effects, planning authorities will need to be satisfied that any reasonable alternative sites (including alternative siting and design options) that would result in less harm, no harm or benefit have been fully considered.

The application submission was supported by a Green Infrastructure Statement, which was assessed by the Local Authority Ecology Officer. The statement was considered satisfactory and commensurate with the scale of the application.

A survey of the site found that Invasive species were present on the site and the agent confirmed that this would be disposed of in a safe manner at Penhesgyn Waste Recycling Centre.

During a site inspection it was observed that works had commenced on site and was near completion. The agent has confirmed that the invasive species was disposed of in a controlled safe manner.

## Conclusion

The proposal will not have a detrimental impact on the environment, biodiversity and ecology of the locality and complies with current policies.

## **Recommendation**

That the application is permitted subject to the following conditions:

**(01) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.**

- **Location plan**
- **Proposed site plan**
- **Water Vole and Otter Survey - Wildbanks Conservation - July 2024**
- **Penhesgyn Household Waste Recycling Centre Landfill River Restoration - North Wales Rivers Trust - June 2024**

Reason: To ensure that the development is implemented in accord with the approved details.

**(02) The development shall take place in accordance with Section 5.1 Conclusion contained within the Water Vole and Otter Survey by Wildbanks Conservation dated July 29th 2024 submitted under application reference FPL/2024/209.**

Reason: To safeguard any protected species

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.