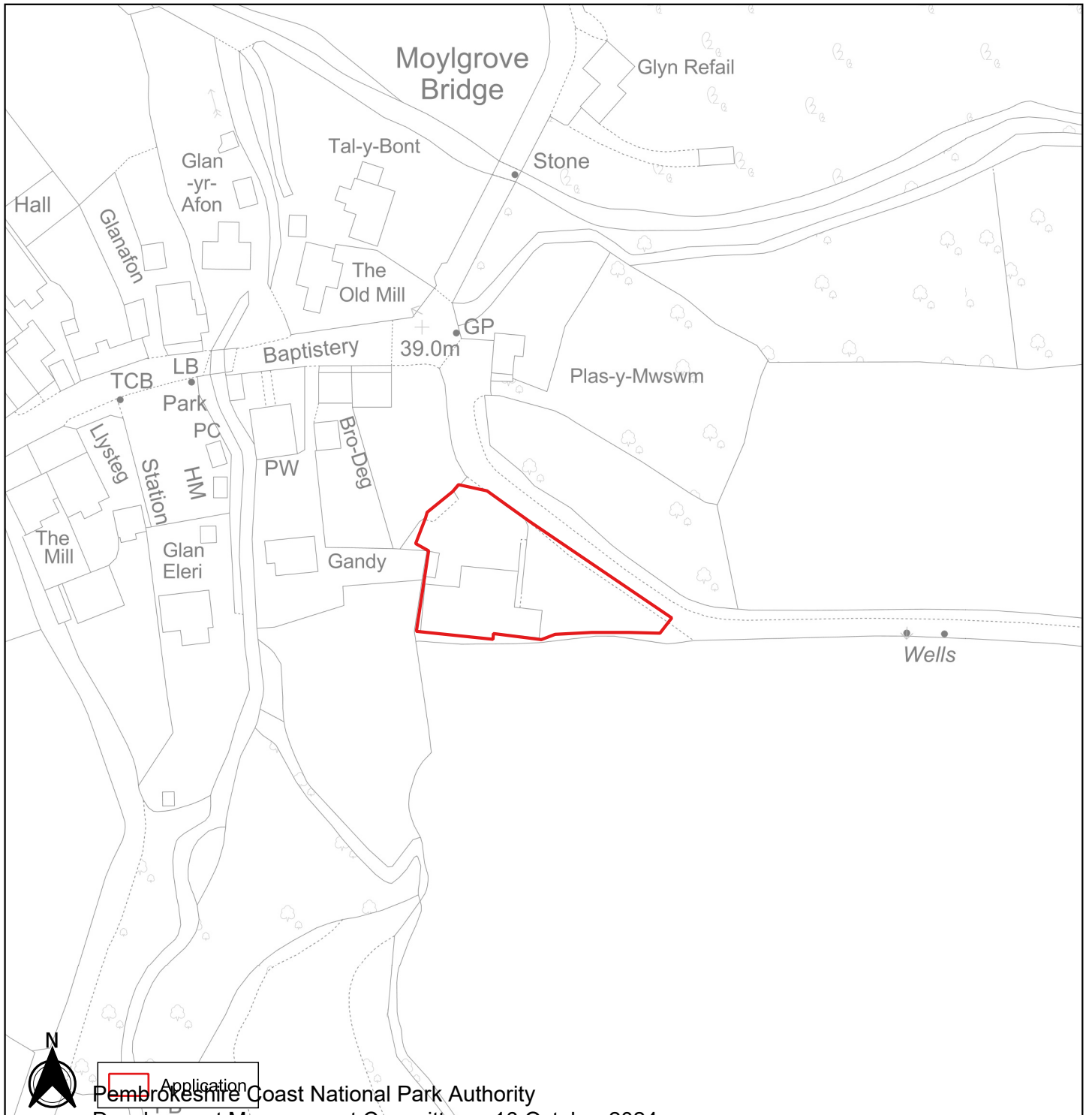
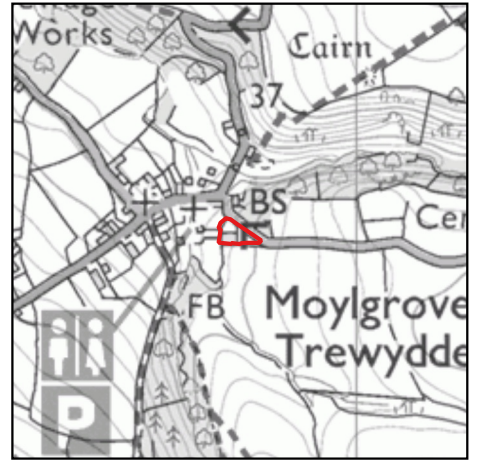
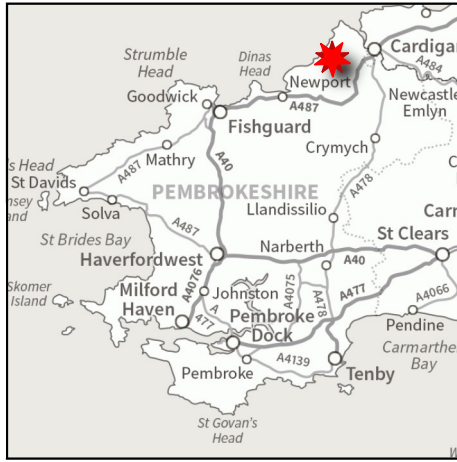




Parc Cenedlaethol
Arfordir Penfro
Pembrokeshire Coast
National Park

Graddfa/Scale: 1:1,250



Application
Pembrokeshire Coast National Park Authority

Development Management Committee – 16 October 2024

**PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY
COMMITTEE REPORT**



Ref No: NP/24/0198/FUL
Proposal: Proposed building(s) and change of use to outdoor adventure centre, storage space at first floor, and associated works
Site Location: The Old Bus Depot, Moylegrove, Cardigan

Recommendation: Approve

This application is being presented to the Development Management Committee as the Community Council have objected to the application, contrary to the Officer recommendation for approval.

A site visit by Members of the Development Management Committee took place on the 8th July 2024.

Since the site visit, a Holding Direction has been received from Welsh Government which does not allow for a positive decision to be issued prior to the Direction being lifted, but this does not prevent the application being considered by Members. The Direction is copied in as an Annexe to this report.

The recommendation is for delegated approval, subject to the Holding Direction being lifted.

Summary

The application for a two-storey adventure centre, and associated storage building has been submitted on the site of a former bus depot which has been disused for a number of years. Considerable objections have been received in relation to the proposal, raising a range of issues including concerns about design, impact on residential amenity, impact on the wider environment at Ceibwr and conflict with local policies and the Sandford Principle.

Through the application process a revised design has been submitted as an amendment which is considered to better respect the local vernacular of an edge of settlement development, and re-consultation has taken place.

The application has been subject to a Habitats Regulation Assessment and subject to the imposition of appropriate conditions the proposal is considered acceptable in terms of the Cardigan Bay Special Area of Conservation. The assessment of potential impacts on biodiversity has been informed by a draft survey undertaken by Natural Resources Wales, which has been shared with the PCNPA Ecologist.

Officers are satisfied that subject to conditions, the proposal complies with relevant National and Local Planning policies and that it is acceptable in terms of design, amenity and highways safety. A recommendation of approval is therefore made.

The full application documents can be viewed on-line at: [Citizen Portal Planning - application details \(agileapplications.co.uk\)](https://agileapplications.co.uk)

Consultee Response

Nevern Community Council: Objecting

CADW: No objection

Natural Resources Wales: No objection

Planning Ecologist: Draft HRA prepared and sent to NRW

PCC Public Protection: Conditional consent

Highways Authority: Conditional consent

Drainage Engineer: Advisory

Heneb – The Trust for Welsh Archaeology: No adverse comments

National Trust: No response

PCC Access Officer: Advisory

Dwr Cymru / Welsh Water: Conditional consent

Public Response

A site notice and neighbour notification letters were posted, in accordance with requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, which requires that proposed developments are advertised by way of either neighbour letters or a site notice. In this case, both methods of notification were utilised.

A number of objections have been received. These are summarised below:

- that the grant funding received has prejudiced the Local Authorities ability to determine
- that the grant application referred to increased visitors which the planning statement directly contradicts
- visual impact
- over-bearing impact on adjacent properties
- loss of privacy
- noise
- pollution from visiting vehicles
- insufficient parking
- late evening use likely to impact on residential amenity
- lack of community benefit
- danger from increased use of electric bikes on narrow roads
- lack of assessment of alternative sites
- lack of clarity over need for storage / upstairs use
- lack of drainage strategy
- risk of pollutants and contamination
- detrimental to wildlife and ecosystems
- distance between Ceibwr and site of development
- that the site should be used for affordable housing
- conflict with the Sandford Principle
- conflicts with PCNPA Local Plan Policies

The Community Council have objected stating: The previous plans were more adequate for the needs of this business, the proposed building is now too big and overbearing. There are less parking spaces on site, and as there is very limited parking in the village there is a concern about traffic management around the site. The proposal that clients will use electric bikes to go back and forth to Ceibwr Bay is also of concern as the roads are very narrow

and busy with cars and farm traffic. Councillors think that the proposal is not suitable for the area.

A number of reasons to support have also been received citing:

- support for the local tourist economy
- protection of local jobs
- redevelopment of a brownfield site
- visitors ability to walk and cycle to Ceibwr

Where material, the issues raised are discussed in the main body of this report.

Policies Considered

Planning applications need to be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise. The development plan comprises two documents, namely:

Future Wales, The National Plan 2040 (Future Wales), published by Welsh Government on 24 February 2021. On page 149, it states that “Policies 4 and 5 will help to ensure that rural areas in the south-west grow in an appropriate way, supporting rural economies and services.” On page 104, Future Wales states that “National Park Authorities are unique planning entities with a specific remit to reflect the distinctive characteristics of their areas...” and that “Future Wales policies respect the functions of National Parks in terms of their statutory purposes...”

The Local Development Plan (LDP2)

Please note that these policies can be viewed on the Policies page of Pembrokeshire Coast National Park website –

LDP2 Policies

LDP2 Policy 01 - National Park Purposes and Duty

LDP2 Policy 07 – Countryside

LDP2 Policy 08 - Special Qualities

LDP2 Policy 11 - Nationally Protected Sites and Species

LDP2 Policy 14 - Conservation of the Pembrokeshire Coast National Park

LDP2 Policy 29 - Sustainable Design

LDP2 Policy 30 - Amenity

LDP2 Policy 38 – Visitor Economy

LDP2 Policy 43 - Employment Sites and Live/Work Units

LPD2 Policy 60 – Impacts of Traffic

Planning Policy Wales 12

SPG - Landscape Character

SPG - Biodiversity

SPG -Sustainable Design and Development

TAN 5 – Nature, Conservation and Planning

TAN 12 – Design

Relevant Planning History

NP/20/0231/FUL – Demolition of former bus depot and development of one detached dwelling – refused 18/11/2021

Pembrokeshire Coast National Park Authority
Development Management Committee – 16 October 2024

EC20/0036 – Enforcement investigation into demolition of former bus depot, Moylegrove opened 26/03/2020 – closed 31/03/2020 no planning breach

1. Officer's Appraisal

Site and Proposed development

- 1.1 The application site is that of a former bus depot which has been disused for a number of years, the demolition of the previous buildings on site has already taken place. The site is situated to the east of the Centre of Moylegrove with an unclassified road (U3209) immediately to the northeast and open countryside to the south and south west. Its location outside the Centre boundary for Moylegrove means that it is considered to be a countryside location in planning terms. To the northeast of Moylegrove is the National Park coastline and Ceibwr Bay – a distance of approximately 1.6 miles from the application site by road.
- 1.2 Ceibwr Bay is one of the locations at which Adventure Beyond (the applicants) offer coasteering, kayaking and field studies activities.

2. Current Proposal

- 2.1 The application is for two buildings of steel frame structures to operate as an adventure centre, with storage at first floor level and associated storage in the subsidiary building.

The amended design shows a larger main building with a pitched roof which has a broadly agricultural style and proposes a materials pallet of corrugated steel cladding with black UPVC fascias, gutters and downpipes. The change of the colour of materials from a blue to a black box profile steel cladding is considered to be an acceptable choice of materials for the setting, reflecting an agricultural palette of materials that you might expect to find on an 'edge of village' setting.

A smaller storage shed with a similar material pallet is proposed to the east of the main building. Parking spaces for both cars and minibuses are shown on the plans.

- 2.2 The parking proposal has been amended a number of times to provide a balance between retaining the small shed, previously used by bats, and to provide as much car parking as is possible on the site.

3. Key Issues

- 3.1 The application raises the following planning matters:-

- Policy and Principle of Development
- Siting, Design and Impact upon the Special Qualities of the National Park
- Amenity and Privacy
- Transportation
- Land contamination
- Biodiversity & Landscaping
- Other matters

4. Policy, Principle of Development, and Impact on National Park

- 4.1 Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the National Park comprises Future Wales (the National Plan 2040) and the Local Development Plan 2.
- 4.2 Within Future Wales Policy 4 Supporting Rural Communities states that Strategic and Local Development Plans must identify their rural communities, assess their needs and set out policies to support them. On page 104, Future Wales states that: “National Park Authorities are unique planning entities with a specific remit to reflect the distinctive characteristics of their areas...” and that “Future Wales policies respect the functions of National Parks in terms of their statutory purposes...”
- 4.3 Policy 1 of the Pembrokeshire Coast National Park Local Development Plan 2 (LDP2) sets out the National Park’s purposes and duty, in order to ensure that development within the Park is compatible with these. Proposals within a countryside location need to demonstrate that they are essential in order to evidence that they comply with the conservation element of the National Park’s purposes. Matters of ecology and potential biodiversity impacts are also critical in understanding whether or not a proposal complies with the National Park purposes. Biodiversity matters are assessed in greater detail below.
- 4.4 The site is a brownfield site outside the settlement boundary of Moylegrove, which is identified as a Rural Centre (Tier 3) and is therefore classed as Countryside.
- 4.5 Policy 7 ‘Countryside’ strictly controls new development in the countryside and details the types of development that are acceptable, in principle. Criterion d) supports “a rural enterprise or tourist attractions or recreational activity...where the need to locate in the countryside is essential.” Criterion h) supports land being released at the edge of a Centre for a small employment site, however this application is outside of the Centre. To accord with Policy 7 d), the proposal would need to demonstrate that a countryside location is essential.
- 4.6 Policy 38 ‘Visitor Economy’ (Strategy Policy) seeks to attract visitors outside the peak season while ensuring that the National Park environment is conserved and enhanced as a landscape of national and international importance by permitting visitor attractions, recreational and leisure activities in or adjacent to Centres. Proposals in the countryside will need to demonstrate why a ‘Countryside’ location is essential. Countryside proposals should make use of existing buildings wherever possible (criterion e).
- 4.7 Policy 43 ‘Employment Sites and Live/Work Units’ (Strategy Policy) protects existing employment sites for employment uses. Criterion a) seeks to direct “small-scale employment proposals to appropriate locations in or adjacent to the Local Development Plan’s identified Centres or buildings suitable for conversion in the countryside”. The site is located outside of and is approximately 20 – 30 metres from the settlement boundary for Moylegrove. Any buildings that were on site have been demolished and the proposal seeks permission for two new agricultural style buildings. One building would be a store/bike store and the second building would provide an open space with kitchenette on the ground floor, together with toilet and shower facilities. On the first floor the building was initially shown to provide an art studio and storage space. This

has since been amended to show storage and space for workshops, but the planning statement does still refer to a wish to use the space over the winter months for artists. The 'art studio' element was removed from the formal description of development.

- 4.8 Criterion b) seeks to allow “rural enterprises in the countryside where a need to locate in a ‘Countryside’ location is demonstrated to be essential. Rural enterprises should make use of existing buildings wherever possible.” The proposal would support the continuing business of Adventure Beyond Ltd. The supporting statement submitted with the application reads: “Adventure Beyond (“AB”) offers a wide range of outdoor activities in various locations in Pembrokeshire as set out on our website: <https://adventurebeyond.co.uk/>. Ceibwr Bay, where we offer mainly coasteering, kayaking and field studies is one of our key locations.”
- 4.9 The application would support the continued business of an existing outdoor activity centre to provide storage for equipment and vehicles for activities at Ceibwr Bay. A number of objections have been raised with regard to the ‘need’ for storage and requesting further justification for this element of the scheme. ‘Justification’ is not necessary to justify the principle of development on a brownfield site and there is a clear need for storage of wetsuits, kayaks, paddles, and buoyancy aids common to this type of business.
- 4.10 The Supporting Statement submitted with the application states that the business currently utilises Morawelon Farm, and that there is a risk the lease will not be renewed and an alternative location for equipment and vehicle storage may be required. The use of the buildings at Morawelon does not currently benefit from planning consent, the temporary consent there having run out in 2022, following the expiry of planning permission.
- 4.11 NP/18/0621/FUL was approved for a temporary period of three years for the change of use of agricultural outbuildings to bunk accommodation, associated toilet & shower block & mixed use agricultural, recreational & educational building as a farm diversification scheme. The submitted planning statement reads “The Old Bus Depot Site is the only suitable commercial site for us to transfer our operations to.”
- 4.12 As an established business within the area, which requires a countryside location in which to operate, there is a clear need for the business to be located in reasonable proximity to Ceibwr Bay. The site proposed is not within the Centre of Moylegrove and is technically a countryside location, however it is very closely adjacent to the Centre boundary of Moylegrove. The necessity for a countryside location, the existing business use linked to Ceibwr Bay and the close proximity of the site to the Centre of Moylegrove means that the proposal is considered to comply with the requirements of Policy 43 Employment Sites and Live/Work units, Policy 7 Countryside and Policy 38 Visitor Economy. Furthermore, the land in question is previously developed land, which was used historically for employment use. Planning Policy Wales supports the use of previously developed land and identifies prioritising the use of previously developed land as a National Sustainable Placemaking Outcome.
- 4.13 To summarise the principle of an employment use together with other ancillary uses are considered acceptable in the proposed location and to meet the requirements of National and Local planning policies.

5 Impact on the Siting, Design and Impact upon the Special Qualities of the National Park

- 5.1 Policy 8 of the Pembrokeshire Coast National Park Local Development Plan (LDP) is a strategy policy which refers to the special qualities of the National Park and lists priorities to ensure that these qualities will be protected and enhanced. This includes ensuring that the historic environment is protected and where possible enhanced.
- 5.2 Policy 14 of the LDP seeks the conservation of the Pembrokeshire Coast National Park, resisting development that would cause significant visual intrusion, be insensitively or unsympathetically sited within the landscape, and/or fail to harmonise with, or enhance the landform and landscape character of the National Park.
- 5.3 Policy 29 of the LDP requires all development proposals to be well designed in terms of place and local distinctiveness.
- 5.4 Amended plans have been received following discussion around the most appropriate design for this location. The final design proposed is for two steel frame buildings, where corrugated steel is the chosen material. The design is considered to reflect a broadly agricultural style which is appropriate for this semi-rural location, slightly removed from the Rural Centre of Moylegrove.
- 5.5 The proposed location is within 500metres of a Scheduled Ancient Monument (PE386 Penrallt yr Esgob Cairn). CADW have been consulted and have advised that whilst there might be a very slight visual change in the view from the monument, this will not have any effect on the way that it will be experienced, understood and appreciated. Consequently, the proposed development will have no impact on the setting of the scheduled monument PE386.
- 5.6 Given the above, the proposed development is considered acceptable in terms of matters of siting, design and impact of the Special Qualities of the National Park and to comply with the relevant national and LDP2 policies in this regard.

6 Amenity and Privacy

- 6.1 Policy 30 of LDP2 seeks to protect the amenity of people living in the National Park and states that development will not be permitted where it has an unacceptable adverse effect on amenity, particularly where:
- a) the development would have a detrimental impact on the quality of the environment currently enjoyed by people living, working or visiting the Park; and /or
 - b) the development is of a scale incompatible with its surroundings; and / or
 - c) the development leads to an increase in traffic or noise or odour or light which has a significant adverse effect; and/or
 - d) the development is visually intrusive
- 6.2 The amended design is considered to be appropriate as a response to the specific location and not to result in a development form which is visually intrusive. The siting of the buildings is considered appropriate and not to result in a significant adverse impact on any neighbouring properties. Whilst the use of the adventure centre will result in a greater level of trip generation than the existing vacant use of the land, it is recognised that national planning policy supports the appropriate redevelopment of

previously developed land. Transport impacts are discussed in more detail below, however the increased trip generation associated with a business use is not considered to be of a scale that would have a detrimental impact on the quality of neighbouring properties or the surrounding wider area.

- 6.3 A number of issues regarding residential amenity have been identified through third-party representations.

The building has been described as overbearing due to its 2-storey nature. The original building was single storey, built to be able to service buses, but did not have a first floor. This proposal originally comprised a much more industrial looking building with a low shallow pitched roof and a full first floor. The application was revised, with the request that the building be made a more traditional rural shape with the pitch of the first floor being more towards the eastern end of the site in order to minimise impacts on the adjacent residential properties.

The distance between the first-floor windows and the windows of the nearest residential property are considered to be sufficient for the purposes of privacy. The windows have also been amended through revised details to be obscure glazed, and top hung to further illustrate that potential for overlooking is minimised from the first floor. These can also be conditioned to be retained as such in perpetuity. As there is a difference in levels between the two properties, it is understood that whilst there may still be a perception of being overlooked, the distances involved, combined with the obscure glazing proposed mean that there will be no actual overlooking.

The shadow line shown on plan CD1252 shows that although the building has been increased in height by 2.3 metres from the previous building, the shadow line falls significantly to the west of where the highest part of the pitched roof is now sited, approximately 15 metres away from the boundary.

The windows on the front elevation have not been suggested as being obscured due to the oblique angle of the development.

- 6.4 Issues of noise and disturbance have also been suggested as reasons for refusing the application, but the fallback position, of an industrial garage with no conditions relating to hours of use must also be given consideration. Conditions to limit hours of use have been suggested in order to safeguard residential amenity.
- 6.5 Overall, the development is considered to have an acceptable impact on amenity and is in accordance with Policy 30 of the LDP.

7 **Transportation**

- 7.1 The application site is situated on the east of Moylegrove near the edge of the centre boundary and the village is located approximately 5 miles east of Cardigan. The site has direct access onto the unclassified highway (U3209). The access is located 30 m off the junction with the C3029.
- 7.2 Policy 29 (Sustainable Design) requires proposals to be well designed in terms of Accessibility. Policy 59 (Sustainable Transport) is consistent with these objectives, seeking to permit development which promotes sustainable travel choices and reduces the need to travel by car by ensuring new development is well designed and provides appropriate access for pedestrians, cyclists, vehicles and public transport

where appropriate and not permitting proposals that cause significant concerns about potential transport impacts which cannot be satisfactorily mitigated. Policy 60 (Impacts of Traffic) prevents development where appropriate access cannot be achieved; where traffic would generate an unacceptable adverse effect in terms of congestion, times of generation or where there is an unacceptable adverse effect on road safety.

- 7.3 The Highway Authority have not objected to the proposal and consider that access and parking arrangements for the site are acceptable, subject to necessary conditions. The conditions necessary include requiring parking spaces and internal footpaths to be provided prior to the building being occupied; with further conditions ensuring that visibility splays are maintained and that a drain is implemented at the access to the highway prior to first use. The Highways Authority have also advised that a Construction Traffic Management Plan is necessary in order to ensure highway safety and appropriate access during construction.
- 7.4 Objectors have raised concerns regarding lack of sufficient parking, pollution from traffic, distance from Ceibwr Bay and the danger of e bikes using lanes. With regards to these objections - the site is considered to provide sufficient parking for the proposed use.
- 7.5 The Highways Authority have not raised concerns regarding traffic generated by the site or its relationship with Ceibwr. As part of the application Officers have sought further information from the applicant in the form of a Transport Statement in order to understand how the proposed use will operate in relation to Ceibwr Bay. The applicants have explained that at present visitors who are attending outdoor activity sessions are asked to meet and park at Ceibwr Bay, with Adventure Beyond using a van currently stored at Morawelon farm in Moylegrove to transport buoyancy aids and helmets or (for kayaking sessions) boats. This van currently drives through Moylegrove at least once per day when in use. The applicants have advised that their aim with the creation of the proposed hub is to centralise activity preparation and reduce the need or visitors to drive from Moylegrove to the coast and to park there. The proposal seeks to encourage visitors to park at the centre and then ride free rental bicycles to the coast with larger bulky equipment and some visitors then travelling in a van or minibus.
- 7.6 It is considered that the existing business already generates travel trips through Moylegrove, which will not be significantly increased by the proposed activity centre hub. The use of bikes is a proposed element which would reduce some carbon and assist in reducing parking pressure at Ceibwr Bay. This accords with the aims of LDP2 to support sustainable transport options. It is also recognised that the previous use of the site as a bus depot operated for many years with multiple journeys associated with that use.
- 7.7 Overall, there are no concerns as to the impacts of traffic and the proposal is considered to comply with the relevant local and national policies in relation to transportation.

8 Biodiversity & Landscaping/Green Infrastructure

- 8.1 PPW, TAN5 and LDP Policy 11 require biodiversity considerations to be taken into account in determining individual applications. The presence of a species protected under UK or European legislation is a material consideration when dealing with applications that are likely to result in disturbance or harm to the species or its habitat.

- 8.2 In order to comply with Planning Policy Wales (2024) and the Environment (Wales) Act 2016, planning authorities are expected to ensure every development positively contributes to biodiversity. Indeed, Planning Policy Wales 12 states that all development must result in a net benefit for biodiversity. Edition 12 of PPW also required that all application must be accompanied by a Green Infrastructure Statement and that this must show the step-wise approach has been followed.
- 8.3 Both an Ecological Assessment and a Green Infrastructure Statement have been received as part of this application. The Green Infrastructure Statement details how the step-wise approach advocated by Planning Policy Wales has been followed in order to avoid, minimise, mitigate and enhance biodiversity. The proposal includes provision of two bird boxes and a bat box on the proposed buildings. Planting of a mix of native bush/shrub species at the western end of the site will further enhance biodiversity. Additional planting of hedges on site is detailed as part of the Tree report with the application. Rainwater harvesting is also proposed as part of the development.
- 8.4 The current proposed site plan shows the existing shed on site to be retained and the bat report dated May 2024 proposes a bat loft to be included in the storage shed building. The proposed drawings associated with storage building show the location and details of the bat loft and these are welcomed. Retaining the tin shed and providing the bat loft will ensure that the proposal meets the duty to maintain and enhance biodiversity in terms of bats. It should be noted that the retention of the existing shed should be seen as meeting the duty to maintain and as opportunities to enhance biodiversity on site are limited, the new bat loft will address the enhancement duty requirement.
- 8.5 Considerable public concern has been raised in terms of the potential for this application to contribute to a perceived level of disturbance at Ceibwr which borders the Cardigan Bay Special Area of Conservation.
- 8.6 Habitats Regulation Assessment is a separate stage of assessment triggered by the potential for impacts on a designated Special Area of Conservation, as required by the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) The Habitats Regulations require that an appropriate assessment is made where a proposal **is likely to have a significant effect on** a European site.
- 8.7 The Local Authority are responsible for carrying out the initial assessment of whether a proposal is likely to have a significant effect and, where appropriate assessment is necessary, this is then consulted on with NRW.

The appropriate assessment must consider:

- The conservation objectives for the relevant European site
- The existing databases relating to these sites
- Impacts that are direct, temporary and permanent

The proposal may only proceed where the appropriate assessment concludes that there will be no impact on the integrity of the European Site.

- 8.8 In this case, the Habitats regulations assessment process has been followed and after carrying out appropriate assessment the LPA has concluded that there would be no

impact on the integrity of a European site. NRW have been consulted and agree with the conclusions.

- 8.9 Objectors make the point that the appropriate assessment has not considered the impact on nesting Auks. Nesting birds are however not a designated feature of the SAC under consideration.
- 8.10 The Cardigan Bay Special Area of Conservation was designated in December 2004 and the habitats and species for which it was designated, which are considered in the appropriate assessment are:
- grey seal
 - river lamprey
 - sea lamprey
 - reefs
 - subtidal sandbanks
 - sea caves
 - bottlenose dolphin
- 8.11 Whilst there is a statutory duty to consult NRW on the appropriate assessment, there is no general duty to consult the public unless the LPA considers it appropriate. In this case, the LPA did not consider it appropriate to consult the public but nevertheless the LPA published the appropriate assessment on-line prior to the previously scheduled Committee date and the LPA has received and considered the responses to the published draft received. The LPA has updated the appropriate assessment to make it more legible to members of the public unfamiliar with the process and re-consulted NRW, sending both the updated appropriate assessment and the relevant responses from third parties in order that NRW could fully consider the appropriate assessment.
- 8.12 As part of the appropriate assessment a recommendation regarding necessary planning conditions, which include a condition which ensures provision of an Access Management Plan being provided to the LPA for approval on an annual basis is identified as an appropriate mitigation measure. The provision of this Plan allows for the inclusion of best practice approaches encompassing codes such as the Pembrokeshire Marine Code and National Trust coast steering concordat to be formalised in a mechanism that is enforceable under planning legislation. This condition, alongside others recommended by the appropriate assessment, are therefore recommended to be included in any permission.
- 8.13 Having submitted the updated appropriate assessment to NRW, NRW responded on the 19th September 2024 and stated: '***in consideration of the mitigation measures detailed we agree with your conclusion that the development is unlikely to have an adverse effect upon the integrity of the SAC site***'.
- 8.14 As such, the LPA are assured that there will be no impact on the integrity of any European site as a result of this development proposal.
- 8.15 Members of the Development Management Committee have also had circulated the Habitats Regulation appropriate assessment and the relevant objections to the appropriate assessment received prior to the previously scheduled Committee meeting. Members will be updated in the event that further comments are received on the updated appropriate assessment.

- 8.16 In addition to the Habitats Regulation requirements the Local Planning Authority is separately required to consider its duty under the Environment (Wales) Act 2016. Section 6 of this Act states that public authorities that exercise their functions in relation to Wales have a duty to maintain and enhance biodiversity and promote the resilience of ecosystems. The Authority still has a duty to consider potential impacts on nesting Auks habitat through the Environment (Wales) Act. There has been a recent study by an accredited Ecological surveyor commissioned by NRW on the disturbance levels experienced as a result of the coastering activities at Ceibwr Bay. A copy of the draft report has been considered and informs the conclusion on potential impacts of the proposal, whilst the formal report has not yet been released by NRW. This recent study focused on the potential harm to nesting birds and concluded that there was not a significant risk from coastering to the species studied who are increasing in number at other known sites.
- 8.17 Officers in discussion with the PCNPA Ecologist are content that the conditions, including that requiring an Access Management Plan to be submitted annually, alongside the other specific onsite measures relating to biodiversity provide a suitable mechanism to ensure that wider biodiversity is maintained and enhanced.
- 8.18 Subject to appropriate conditions to ensure that the biodiversity enhancements proposed with the scheme are delivered and maintained appropriately; that an appropriate access management plan is put in place and that any future external lighting is controlled, overall, the proposed development is considered acceptable in terms of its impact on biodiversity and as such is considered to comply with Policy 11 of the LDP, the requirements of the Habitats Regulations and the Environment (Wales) Act 2016.

9 Other matters - contaminated land, drainage and grant status

- 9.1 PCC Public Protection have been consulted on the application. They note that the site dates back to the 1920s when it was a haulage yard, later becoming a bus depot operated in later years by Richard Brothers. Public Protection have advised that there is the potential for land to have become contaminated through previous iterations of use and therefore a detailed ground investigation study is recommended as a grampian condition prior to any other work taking place. Subject to the imposition of this condition, the proposal is considered acceptable in terms of contaminated land.
- 9.2 The application form confirms that mains drainage will be used for the site. Conditions ensuring that surface water is appropriately disposed of and does not either connect to the mains system or the highway network will ensure that the proposal meets the requirements of LDP2 policy in relation to surface water. A number of objections have been received to the lack of mains or drainage plans, but these can be reasonably conditioned, and a condition has been suggested to ensure details are approved prior to groundworks commencing. Condition 9 has suggested that a contaminated land study be submitted to and approved prior to further groundworks commencing. It is understood that a study was undertaken on the week commencing 28th August 2024, but the initial report had not been submitted at the time of drafting this report.
- 9.3 Objectors have suggested that the lack of a drainage strategy, which needs to be considered alongside the contamination reports should have been submitted by the applicants during the course of the application. The most recent Welsh Government Conditions Circular (2014) suggests that: *conditions should not repeat the provisions of other conditions or duplicate controls under other legislation unless there is a*

planning reason for doing so. For example, conditions relating to drainage should not be imposed where the matter can be adequately addressed through Building Regulations. As discussed in paragraph 3.14, a condition may, however, be needed if the alternative form of control might not be exercised in a manner or to the degree needed to secure planning objectives. A key question to ask is whether a condition is necessary in its own right on planning grounds'. In this instance, the need to consult both the drainage engineers in conjunction with the Pollution Protection section of the Council mean that a condition is both justifiable and reasonable. Refusal on the lack of details which are achievable through a condition would not be considered reasonable.

- 9.4 SAB approval has also been suggested as being required by PCC Drainage, which is a separate legislative process, but again, the need to ensure land contamination is also considered is considered to justify the need for a condition. The applicants will also need to seek SAB consent from PCC SAB board.
- 9.5 Objectors have raised concerns that the previous approval of grant funding by Pembrokeshire County Council to the scheme means that Members of Committee may have predetermined the application. Members have been advised of this concern and advised to discuss whether they take part in any decision making with regards to this application with the Monitoring Officer for PCNPA. The award of grant funding is not in itself material to the determination of the application.

10 Conclusion

- 10.1 The proposed scheme is acceptable in terms of its use and design and whilst the use will generate additional trips from the site, it is not considered that these would result in significant adverse impacts on amenity. Transportation matters and drainage are acceptable subject to the imposition of appropriate conditions. Matters of potential contaminated land can also be addressed by Grampian conditions. Biodiversity and nature conservation interests can be appropriately controlled by condition and a stepwise approach has been taken as part of the design approach. Matters of grant funding are not material in terms of a planning decision.
- 10.2 In reaching a recommendation, regard has been given to the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. It is considered that this recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
- 10.3 Overall, the proposal is considered to comply with relevant national and local planning policies and can be supported subject to the imposition of appropriate planning conditions.

11 Recommendation

Delegate Approval to the Director of Place and Engagement to grant permission subject to the withdrawal of the Welsh Government Holding Direction, and the following conditions:

1. The development shall begin no later than five years from the date of this decision.
Reason: Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out in accordance with the following approved plans and documents:

Proposed Section & Site Plan received 15/08/2024 CD1252-P02

Proposed Floor Plans & Elevations CD1252-P01

Landscape Management & Maintenance Plan rec'd 16/08/2024

Existing & Proposed Front Elevation & Shadow Line

Preliminary Contaminated Land Risk Assessment received 9th May 2024

Bat Survey received 25th July 2024

Green Infrastructure Statement received 16th August 2024

Construction & Traffic Management Plan received 13/08

Planning Statement received 15th August 2024

Transport Statement received 15th August 2024

Tree Report rec'd 10th April 2024

Ecological Report rec'd 10th April 2024

Reason: In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

3. 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

4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan CDI252- P02 hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason: To meet the objectives of the PPW and Policy 60 (Impacts of Traffic) of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

5. The 2.4m by 43m visibility splays shown on plan no. CDI252-P02 shall be maintained free of any obstruction exceeding 0.6m in height for as long as the development exists.

Reason: To meet the objectives of the PPW and Policy 60 (Impacts of Traffic) of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

6. The internal footpath shown on plan CDI252-P02 hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason: To meet the objectives of the PPW and Policy 60 (Impacts of Traffic) of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

7. The ACO drain shall be implemented at the access to the highway prior to first use in order to ensure that surface water run-off does not access the public highway drainage network.

Reason: To meet the objectives of the PPW and Policy 60 (Impacts of Traffic) of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

8. No development shall take place until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. This shall

include further information and plans on the following: a. Parking for vehicles, site personnel, operatives and visitors b. Expected levels of staff and any shift work c. Expected trip generation for the construction period d. Loading and unloading of plant and materials e. Storage of plant and materials f. Measures to prevent the deposit of materials on the highway.

Reason: To meet the objectives of the PPW and Policy 60 (Impacts of Traffic) of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

9. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In the interests of health and safety and to accord with Policy 30 Amenity of the PCNPA Local Development Plan 2(adopted September 2020).

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to the aforementioned condition, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In the interests of health and safety and to accord with Policy 30 Amenity of the PCNPA Local Development Plan 2(adopted September 2020).

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to the aforementioned condition, Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In the interests of health and safety and to

accord with Policy 30 Amenity of the PCNPA Local Development Plan 2(adopted September 2020).

12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In the interests of health and safety and to accord with Policy 30 Amenity of the PCNPA Local Development Plan 2(adopted September 2020).
13. Notwithstanding the submitted lighting shown on plans, a lighting scheme for PIR details and lumens for all external lighting proposed to be added to the buildings hereby approved shall first be agreed in writing through the submission of a scheme to the Local Planning Authority. Such scheme as is agreed shall be implemented and not added to thereafter without further written consent.
Reason: To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Environment (Wales) Act 2016 and Policies 9 and 11, and to ensure protection of residential amenity in accord with Policy 30 of the Pembrokeshire Coast National Park Local Development Plan.
14. The additional planting proposed within the Green Infrastructure Statement and as shown on plan CD1252-P02 with the Landscape Management Plan document (received 16/08/2024) shall be planted within the first planting season after the date of this decision.
Reason: To comply with Planning Policy Wales (2021) and the Environment (Wales) Act 2016
15. The biodiversity enhancements shown on plan CD1252-P02 with the Landscape Management Plan document (received 16/08/2024) shall be implemented prior to the first occupation of the buildings and shall be retained as such in perpetuity.
Reason: To comply with Planning Policy Wales (2024) and the Environment (Wales) Act 2016.
16. Prior to the first beneficial use of the proposed development, details of the design and information of 2 x A1 sized information boards must be submitted to and approved by the LPA in consultation with NRW. The boards must include as a minimum details of:
 - A summary of wildlife likely to be encountered during relevant activities
 - What wildlife disturbance is and how to recognise it in species likely to be encountered during coastering activities in Pembrokeshire
 - Relevant details of the Pembrokeshire Marine code
 - A summary of the Cardigan Bay Marine SAC and its designating features

In order to ensure the boards reflect the most up to date marine code, should any change to the marine code occur, the boards must be updated within 6 months of the publication of any new version of the code.

Reason: In order to ensure the protection and education of members of the public encountering wildlife on the activities at the coast and in accord with the Environment (Wales) Act 2016 and the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017.

- 17 The use of the building shall be restricted to the applicants, and shall not be rented/leased or occupied by any other operators unless the prior approval is first sought from the Local Planning Authority through a further application.
Reason: In order to ensure that the occupier is acting in accord with the National Trust Concordat and to ensure protection of the Cardigan Bay SAC and bird nesting site at Ceibwr.
- 18 Notwithstanding the submitted plans, and Planning Statement, no approval is hereby given for the use of the building as an art studio, art gallery, or for any commercial use or ancillary use other than an adventure centre and shall not be used outside of the hours 8am to 6pm, Monday to Sunday inclusive.
Reason: In the interests of complying with policies on controlling development in the countryside and in protection of the amenity of neighbouring residential properties in accord with Policies 7 and 43 of the Pembrokeshire Coast National Park Local Development Plan.
- 19 The small existing tin shed shall be retained on site as a biodiversity enhancement due to the previous presence of roosting bats.
Reason: To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Environment (Wales) Act 2016 and Policy 11 of the Pembrokeshire Coast National Park Local Development Plan.
- 20 Prior to commencement of the building's operational use as an adventure centre, a transport and access management plan shall be submitted to and approved by the Local Planning Authority to demonstrate how the management of activities are being implemented to limit disturbance to wildlife at Ceibwr Bay with an accompanying plan showing areas to be used seasonally. This shall be re-submitted on a yearly basis no later than the 1st of February each year to ensure it is kept up to date with the most recent ecological information available. Such management plan as is agreed shall be complied and details displayed on the information boards referred to Condition 16 above.
The transport and management plan shall include:
- The maximum number of people per day being transported to Ceibwr by minibus and private car
- The number and type of activities taking place at Ceibwr – to include snorkelling, paddleboarding, kayaking and coaststeering
Reason: To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Environment (Wales) Act 2016 and Policy 11 of the Pembrokeshire Coast National Park Local Development Plan.
- 21 Works must be undertaken in strict accordance with the recommendation made within the latest submitted bat report and proposed drawings.

Reason: To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Environment (Wales) Act 2016 and Policy 11 of the Pembrokeshire Coast National Park Local Development Plan.

- 22 An existing and proposed levels plan shall be submitted in the event of the need for the removal and replacement of the concrete slab. Such levels as agreed shall be implemented and retained thereafter. Any additional treatment to the slab, to include colour and material should be submitted to the LPA prior to any works which will result in a change in finished ground levels.

Reason: In the interests of ensuring development is as indicated on the approved plans.

- 23 Notwithstanding the submitted plans, the windows to the first floor of the western elevation shall be retained as top-hung, restricted, and obscure glazed in perpetuity.

Reason: In order to protect residential amenity and in order to accord with Policy 30 of the Local Development Plan.

Informatives:

Highway Informatives:

1. It is the responsibility of the Authority to provide the naming and numbering of all roads and new developments and to facilitate in the provision of service connections. To ensure suitable and accurate addressing is provided, contact the Street Naming & Numbering Officer on 01437 775224 at the earliest opportunity should this application be approved.

2. The developer is reminded it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecute persistent offenders. (Highways Act 1980, Sections 131, 148 and 149).

3. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The highway Authority will pass on the cost of any excess repairs compared to the normal maintenance costs to the applicant/organisation responsible for the damage.

4. All work and submissions carried out for the purposes of the above conditions (numbers 9 to 12 inclusive) must be prepared by a suitably competent person in accordance with Welsh Local Government Association and the Environment Agency Wales' 'Development of Land Affected by Contamination: A guide for Developers' (2012), and, BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice.

5. In line with the Welsh Governments decarbonisation targets, Welsh Government published the Electric Vehicle Charging Strategy, setting out its plans for charging electric cars and vans in Wales. In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, and to comply with the aims and objectives of the Electric Vehicle Charging Strategy. We would encourage the provision of electric vehicle charge points and recommend the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of parking spaces
- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be sufficient.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

Ecology Informatives:

It is recommended that the applicant be informed that all British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation of Habitats and Species Regulations 2017. British bats are also protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended).

It is recommended that the applicant and contractors be informed of the possibility of encountering bats unexpectedly during works.

If bats are encountered on site works should stop immediately an NRW should be contacted (Natural Resources Wales, - General Enquiries: enquiries@naturalresourceswales.gov.uk or 0300 065 3000 Mon-Fri, 8am - 6pm) a licence may then need to be applied for from NRW. Licences are not automatically granted by virtue of a valid planning consent and it may be possible that the necessary licence application may be refused.

Appendices to Report

Cyfarwyddiaeth Llywodraeth Leol a Chynllunio
Local Government and Planning Directorate



Llywodraeth Cymru
Welsh Government

Sara Morris
Director – Planning
Pembrokeshire Coast National Park Authority
Llanion Park
Pembroke Dock
Pembrokeshire SA72 6DY

By email: saram@pembrokeshirecoast.org.uk and katea@pembrokeshirecoast.org.uk

Ein Cyf/Our ref: qA2225426
Eich Cyf/Your ref: NP/24/0198/FUL
Dyddiad/Date: 06 August 2024

Dear Sara Morris

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77 CALL-IN REQUEST
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(WALES) ORDER 2012 – DIRECTION UNDER ARTICLE 18(1)
PROPOSED BUILDING AND CHANGE OF USE TO OUTDOOR ADVENTURE CENTRE,
WITH ART STUDIO AND STORAGE SPACE ABOVE, AND ASSOCIATED WORKS AT
LAND AT THE OLD BUS DEPOT, MOYLEGROVE, CARDIGAN, PEMBROKESHIRE
APPLICATION NO. NP/24/0198/FUL**

1. I am writing to inform you the Welsh Ministers have been asked to call in the application referred to in the heading to this letter for their own determination.
2. Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) enables the Welsh Ministers to give directions restricting the grant of permission by a local planning authority. I am authorised by the Cabinet Secretary for Housing, Local Government and Planning to issue such directions and, in exercise of this authority, I hereby direct Pembrokeshire National Park Authority, with effect from the date of this letter, not to grant planning permission in respect of:
 - (a) application no NP/24/0198/FUL referred to in the heading to this letter; or
 - (b) any development of the same kind as that in the above application, which is proposed on any site forming part of, or includes the land to which the above application relates.

without the prior authorisation of the Welsh Ministers.

3. I issue this direction to enable further consideration to be given to whether or not the application should be referred to the Welsh Ministers for their determination.

4. This direction prevents your authority only from granting planning permission; it does not prevent the authority from continuing to process or consult on the application. Neither does it prevent the authority from refusing planning permission.
5. Your attention is drawn to article 31 of the DMPWO which provides for the Welsh Ministers to vary or cancel this direction in respect of both the land and type of development covered.
6. I will ensure you are informed of the Welsh Ministers' decision as soon as it is made.
7. A copy of this letter has been sent to Archi-Tech, agent for the applicant.

Yours sincerely



Hywel Butts

Pennaeth Gwaith Achos Cynllunio / Head of Planning Casework

Cyfarwyddiaeth Llywodraeth Leol a Chynllunio / Local Government and Planning Directorate

Arwyddwyd o dan awdurdod Y Ysgrifennydd y Cabinet dros Lywodraeth Leol, Tai a Chynllunio; un o Weinidogion Cymru.

Signed under authority of the Cabinet Secretary for Housing, Local Government and Planning; one of the Welsh Ministers.