

2. Prif Eitemau/Main Items

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbyniwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
1	A230293	17-04-2023	C & A Harries and Venville	Erection of a rural enterprise dwelling (TAN 6) and shed	Land Adj. Maespwll, Talgarreg, Llandysul, SA44 4HB	Refuse
2	A230893	14-12-2023	Mr Rhodri Llwyd (Ceredigion County Council (Highways))	Non Material Amendment of Condition 2 - Approved Plans	Aberaeron Harbour & South Beach Aberaeron	Approve
3	A230898	14-12-2023	Mr Rhodri Llwyd (Ceredigion County Council (Highways))	Variation of condition 2 of A211020 - Approved Plans	Aberaeron Harbour & South Beach, Aberaeron	Approve Subject to Conditions

2.1. A230293



Rhif y Cais / Application Reference	A230293
Derbyniwyd / Received	17-04-2023
Y Bwriad / Proposal	Erection of a rural enterprise dwelling (TAN 6) and shed
Lleoliad Safle / Site Location	Land Adj. Maespwll, Talgarreg, Llandysul, SA44 4HB
Math o Gais / Application Type	Outline Planning Permission - All/Some Matters Reserved
Ymgeisydd / Applicant	C & A Harries and Venville, Fflatri Isaf, Talgarreg, Llandysul, SA44 4HB
Asiant / Agent	Mrs Gwennan Jenkins (JMS Planning and Development), Hafan Y Coed, Maeshyfyd, Lampeter, SA48 8AN

Y SAFLE A HANES PERTHNASOL

Mae safle'r cais yn ymwneud â pharsel o dir sydd ar hyn o bryd mewn defnydd amaethyddol tua 1.2km i'r de-orllewin o Dalgarreg. Mae'r eiddo preswyl agosaf tua 85m i'r gorllewin.

Mae'r safle'n mesur tua 0.2 hectar. Mae gan y safle lethr bach o'r Gorllewin i'r Dwyrain gan fod y safle'n ffinio â'r nant. Mae dau strwythur syml ar ymyl orllewinol y cae sy'n cael eu defnyddio ar gyfer cysgodi anifeiliaid.

Mae'r safle hwn i'r gogledd o'r nant sy'n cael ei hadnabod fel Nant Glowen, tu hwnt i leoliad Chwarel Crug yr Eryr. I'r de, mae'r safle ger Heol Wledig.

Mae safle'r cais yn wledig ei gymeriad.

Nodir hanes cynllunio'r safle isod:

Rhif y cais	Cynnig	Penderfyniad	Dyddiad
920965	Amlinellu – Ffurio mynediad a chodi ysgubor wair.	Cymeradwyo yn ddibynnol ar amodau	07/09/1992
900237	Codi gweithdy, efail a stablau ar gyfer ceffylau.	Gwrthod	29/4/1990
901651	Gweithdy, efail a stablau ar gyfer ceffylau adferol.	Cymeradwyo yn ddibynnol ar amodau	04/04/1993

MANYLION Y DATBLYGIAD

Mae'r cais sy'n cael ei ystyried yma yn gofyn am gymeradwyaeth amlinellol ar gyfer codi sied B2, B8 ac annedd TAN6. Mae'r holl faterion yn cael eu cadw ac eithrio mynediad.

Cyflwynir i gefnogi'r cais mae paramedrau graddfa a nodir fel a ganlyn mewn perthynas â'r annedd arfaethedig:

- Uchder: 7.0m – 9.5m
- Lled ar hyd blaen edrychiad: 8.0m – 18.0m
- Dyfnder: 8.0m – 12.0m

Ac fel a ganlyn mewn perthynas â'r sied arfaethedig:

- Uchder: 5.0m – 7.0m
- o Lled: 12.0m – 14.5m
- o Hyd: 18.0m – 23.0m

Byddai'r sied yn elwa o ddefnydd B2 (Diwydiannol Cyffredinol) / B8 (Storio a Dosbarthu). Byddai'r defnydd hwn yn cael ei sicrhau trwy gyflwr.

POLISIĀU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Mae'r polisiāu canlynol o'r Cynllun Datblygu Lleol yn berthnasol wrth benderfynu'r cais hwn:

- DM01 Rheoli Effeithiau Datblygu ar Gymunedau a'r Gymraeg
- DM03 Teithio Cynaliadwy
- DM04 Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol
- DM05 Datblygu Cynaliadwy a Budd Cynllunio
- DM06 Dylunio o Ansawdd Uchel a Gwneud Lleoedd
- DM09 Dylunio a Symud
- DM10 Dylunio a Thirlunio
- DM11 Dylunio ar gyfer Newid Hinsawdd
- DM12 Seilwaith Cyfleustodau
- DM13 Systemau Draenio Cynaliadwy
- DM14 Cadwraeth Natur a Chysylltedd Ecolegol
- DM15 Cadwraeth Bioamrywiaeth Leol
- DM17 Tirwedd Gyffredinol
- DM20 Diogelu Coed| Gwrychoedd a choetir
- LU04 Diwallu amrywiaeth o anghenion tai
- LU05 Sicrhau bod datblygiad tai yn cael ei gyflawni

- LU06 Dwysedd Tai
- LU24 Darparu Gofod Agored Newydd
- S01 Twf Cynaliadwy
- S04 Datblygu mewn aneddiadau cysylltiedig a lleoliadau eraill
- S05 Tai Fforddiadwy
- Cymuned a'r Iaith Gymraeg Canllawiau Cynllunio Atodol (SPG) 2015
- SPG Mannau Agored Ebrill 2014
- Taflen Gymorth SPG y Gymuned a'r Gymraeg 2015
- SPG Safonau Parcio Cyngor Sir Ceredigion 2015
- SPG Asesiad Trafnidiaeth 2015
- Amgylchedd a Dylunio Adeiledig SPG 2015
- SPG Cadwraeth Natur 2015
- SPG Tai Fforddiadwy 2014
- Tafleni Cymorth SPG Tai Fforddiadwy 2014
- Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040
- Polisi Cynllunio Cymru (argraffiad 11, Chwefror 2021)
- TAN12 Dylunio (2016)

- TAN18 Trafnidiaeth (2007)
- TAN2 Cynllunio a Thai Fforddiadwy (2006)
- TAN20 Cynllunio a'r Iaith Gymraeg (2017)
- TAN5 Cadwraeth Natur a Chynllunio (2009)

YSTYRIAETHAU PERTHNASOL ERAILL

DEDDF TROSEDD AC ANHREFN 1998

Mae adran 17(1) o Ddeddf Trosedd ac Anhrefn 1998 yn gosod dyletswydd ar yr Awdurdod Lleol i arfer ei swyddogaethau amrywiol gan roi sylw dyledus i effaith debygol arfer y swyddogaethau hynny, a'r angen i wneud popeth o fewn ei allu rhesymol i atal, trosedd ac anhrefn yn ei ardal. Mae'r ddyletswydd hon wedi'i hystyried wrth werthuso'r cais hwn. Ystyrir na fyddai cynnydd sylweddol nac annerbyniol mewn trosedd ac anhrefn o ganlyniad i'r penderfyniad arfaethedig.

DEDDF CYDRADDOLDEB 2010

Mae Deddf Cydraddoldeb 2010 yn nodi nifer o 'nodweddion gwarchoddedig', sef oedran; anabled; ailbennu rhywedd; beichiogrwydd a mamolaeth; hil; crefydd neu gred; rhyw; cyfeiriadedd rhywiol; priodas a phartneriaeth sifil. Mae rhoi sylw dyledus i hyrwyddo cydraddoldeb yn cynnwys:

- dileu neu leihau anfanteision a ddioddefir gan bobl oherwydd eu nodweddion gwarchoddedig;
- cymryd camau i ddiwallu anghenion pobl o grwpiau gwarchoddedig lle mae'r rhain yn wahanol i anghenion pobl eraill; ac
- annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle mae eu cyfranogiad yn anghymesur o isel.

Rhoddyd ystyriaeth ddyledus i'r ddyletswydd uchod wrth benderfynu ar y cais hwn. Ystyrir nad oes gan y datblygiad arfaethedig unrhyw oblygiadau sylweddol ar gyfer neu effaith ar bersonau sy'n rhannu nodwedd warchoddedig, yn ychwanegol at unrhyw berson arall.

DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar y Cyngor i gymryd camau rhesymol wrth arfer ei swyddogaethau i gyflawni'r saith nod llesiant o fewn y Ddeddf. Paratowyd yr adroddiad hwn i ystyried dyletswydd y Cyngor a'r 'egwyddor datblygu cynaliadwy', fel y nodir yn Neddf 2015. Wrth gyrraedd yr argymhelliad, mae'r Cyngor wedi ceisio sicrhau bod anghenion y presennol yn cael eu diwallu heb gyfaddawdu ar allu cenedlaethau'r dyfodol i ddiwallu eu hanghenion eu hunain.

YMATEBION YMGYNGHORI

Cyngor Cymuned Llandysiliogogo – Dim gwrthwynebiad

Priffyrdd – Dim gwrthwynebiad

Draenio Tir – Angen cymeradwyaeth SUDs.

Ecoleg – Dim gwrthwynebiad STC

Cyfoeth Naturiol Cymru – Dim gwrthwynebiad

Derbyniwyd cyfanswm o dri chynning trydydd parti yn gwrthwynebu'r datblygiad arfaethedig. Mae'r pryderon a godwyd yn ymwneud ag effaith y llwyth ychwanegol ar brif bibell y dŵr, effaith traffig trwm ar ddiogelwch priffyrdd ehangach, colli gwrychoedd, a'r effaith ar fioamrywiaeth.

CASGLIAD

Mae adran 38 (6) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 yn nodi: "Os oes angen rhoi sylw i'r cynllun datblygu at ddiben unrhyw benderfyniad sydd i'w wneud o dan y Ddeddfau Cynllunio rhaid i'r penderfyniad fod yn unol â'r cynllun oni bai bod ystyriaeth berthnasol yn nodi fel arall".

Egwyddor Anedd Menter Wledig

Yn unol â pholisïau cynllunio cenedlaethol a lleol, mae datblygiad preswyl wedi'i gyfeirio at aneddiadau cynaliadwy a dylid ei gynnwys o fewn ffiniau aneddiadau presennol. Strategaeth y CDLI yw y bydd 51% o ddatblygiadau tai newydd ar draws y Sir yn digwydd yn y Canolfannau Gwasanaethau Trefol, 24% yn y Canolfannau Gwasanaethau Gwledig a 25% mewn aneddiadau a lleoliadau eraill (gan gynnwys aneddiadau cysylltiedig).

Mae'r safle y tu hwnt i unrhyw anheddiad neu grŵp o anedd diffiniedig ac felly ystyrir ei fod wedi'i leoli o fewn 'lleoliad arall' at ddibenion polisi cynllunio. Mae Polisi S04 y CDLI yn ceisio rheoli amlhau datblygiad tai ychwanegol o fewn lleoliad arall yn unol â pholisi a chanllawiau cynllunio cenedlaethol sy'n cyfeirio datblygiad i'r aneddiadau mwyaf cynaliadwy. Mae Maen Prawf 2a o S04 yn cael ei ailadrodd isod.

2. Yn achos datblygiad tai:

a. Dim ond yn yr 'Aneddiadau Cysylltiedig' y caniateir darparu tai cyffredinol. Mae'r holl 'leoliadau eraill' yn amhriodol ar gyfer datblygu tai oni bai y gellir cyfiawnhau hynny ar y sail ei fod yn cwrdd ag arddangosiad:

- i. angen tai fforddiadwy heb eu diwallu yn yr ardal leol ac yn cyd-fynd â Pholisi S05; neu*
- ii. angen menter wledig i fyw ynddo yn unol â TAN 6.*

Mae TAN 6, paragraff 4.3.1 yn amlinellu enghreifftiau o'r adeg y mae polisi cenedlaethol o'r farn ei bod yn briodol rhoi caniatâd cynllunio ar gyfer anedd menter wledig newydd. Bydd anedd newydd ar fenter wledig sefydledig ond yn cael ei chefnogi ar yr amod bod y meini prawf canlynol yn cael eu bodloni:

- a. mae angen swyddogaethol sydd eisoes wedi'i sefydlu'n glir;*
- b. mae'r angen yn ymwneud â gweithiwr llawn amser ac nid yw'n ymwneud â gofyniad rhan-amser;*
- c. mae'r fenter dan sylw wedi'i sefydlu ers o leiaf tair blynedd, yn broffidiol i o leiaf un ohonynt ac mae'r angen am fenter a'r busnes am y swydd ar hyn o bryd, yn gadarn yn ariannol, ac mae ganddo obaith clir o aros felly;*
- d. ni ellid cyflawni'r angen swyddogaethol gan anedd arall na thrwy drosi adeilad addas presennol sydd eisoes ar ddaliad y tir sy'n cynnwys y fenter, nac unrhyw lety presennol arall yn yr ardal sy'n addas ac ar gael i'r gweithiwr dan sylw ei feddiannu; a*
- e. Mae gofynion cynllunio arferol eraill, er enghraifft lleoli a mynediad, yn cael eu bodloni.*

Mae'r rhain yn cael eu hystyried yn eu tro isod:

Y Prawf Swyddogaethol

O ran "gofyniad swyddogaethol", mae TAN6 yn nodi ym mharagraff 4.8 bod:

"angen prawf swyddogaethol i sefydlu a yw'n hanfodol, er mwyn i'r fenter weithio'n iawn, er mwyn i un neu fwy o weithwyr fod ar gael yn rhwydd ar y rhan fwyaf o amser. Dylai ymwneud â sefyllfaoedd annisgwyl a allai godi, y mae angen i weithwyr fod wrth law ar eu cyfer y tu allan i oriau gwaith arferol ar gyfer y fenter benodol. Gallai gofynion o'r fath godi, er enghraifft, os oes angen i weithwyr fod wrth law nos a dydd i ddelio ag argyfwng a fyddai'n bygwth hyfywedd a bodolaeth barhaus y fenter heb sylw ar unwaith. Lle mae annedd (au) presennol ar y fenter, yna rhaid dangos bod angen i weithwyr ychwanegol fyw ar y safle er mwyn gweithredu'r fenter yn briodol yn hanfodol".

Mae'r fenter dan ystyriaeth gan yr ymgeisydd yma yn ymwneud â busnes Gwaith Daear a Gwaith Coed. Mae'r busnes yn seiliedig ar ddarparu gwasanaethau ffensio a gwaith daear i safleoedd preifat a masnachol, gan gynnwys eiddo preifat, contractau cyngor, ffermydd amaethyddol a'r sector twristiaeth. Mae'r gwaith ar ffermydd yn cynnwys ffensio, gwaith daear, cloddio deunydd, creu pyllau slyri, lloriau concrit ac adeiladu sied.

Mae'r busnes yn cwmpasu Ceredigion i gyd.

Mae'r datganiad a gyflwynwyd i gefnogi'r cais yn nodi bod angen i'r busnes storio peiriannau ac atodiadau mewn man diogel. Byddai'r gwaith cynnal a chadw ar y peiriannau a'r trelars yn cael ei wneud o'r sied arfaethedig. Cyfeirir hefyd at yr angen i fod yn agos at ffynhonnell o bren a chyfanrwydd ac awydd yr ymgeisydd i dreulio mwy o amser gyda'i deulu, gan y byddai ar y safle i ymgymryd â'r busnes.

Mae nodyn cyfarwyddyd TAN6 Anheddau Menter Wledig yn cadarnhau bod *"angen swyddogaethol hanfodol yn ymwneud â gweithgaredd rheoli penodol neu gyfuniad o weithgareddau sy'n gofyn am bresenoldeb gweithiwr yn barod ar y rhan fwyaf o adegau os na ddylid rhagfarnu gweithrediad cywir menter bresennol ac na ellir ei gyflawni trwy unrhyw ddulliau ymarferol eraill fel gwyliadwriaeth electronig"* mae'n mynd ymlaen i ddatgan *"Mae'n angen a bennir gan gymeriad a gofynion rheoli'r fenter, ac nid gan unrhyw ddewisiadau personol neu amgylchiadau unrhyw un o'r unigolion dan sylw"*.

Ar ôl ystyried y datganiad a ddarparwyd, mae swyddogion o'r farn nad oes angen swyddogaethol i fusnes yr ymgeisydd gael ei leoli yn yr union leoliad hwn. Er bod llawer o'r gwaith a wneir gan yr ymgeisydd ar ffermydd, ystyrir bod y fenter dan sylw yn fusnes adeiladu yn hytrach na chynrychioli gwir fenter wledig fel y'i diffinnir gan TAN6. Yn ystod oriau gwaith, byddai'r rhan fwyaf o amser y gweithwyr yn cael ei dreulio oddi ar y safle. Mae'r ymgeisydd yn cadarnhau yn eu datganiad bod gwaith diweddar wedi digwydd mor bell i ffwrdd â: Llandysul, Castellnewydd Emlyn, Plwmp, Cei Newydd, Aberystwyth, Llangwryfon, Llanbedr Pont Steffan, Llanybydder

Gellid diwallu angen diogelwch y busnes trwy oruchwyliaeth electronig ac nid yw dewisiadau'r ymgeisydd yn ystyriaeth gynllunio berthnasol. Ystyrir y gellid diwallu anghenion gwasanaeth y fenter mewn lleoliadau mwy cynaliadwy eraill er enghraifft ar gyrion anheddiad cysylltiedig neu o fewn ystâd ddiwydiannol bresennol.

Nid yw awydd partneriaid yr ymgeiswyr i gael eu lleoli'n agos at ei man gwaith yn berthnasol i'r fenter wledig sydd dan ystyriaeth yma.

Y Prawf Amser

Mewn perthynas â'r "Prawf Amser", mae TAN6 yn nodi ym mharagraff 4.9:

“Os sefydlir gofyniad swyddogaethol, yna bydd angen ystyried nifer y gweithwyr sydd eu hangen i'w fodloni, y bydd graddfa a natur y fenter yn berthnasol ar eu cyfer. Lle nad oes annedd yn gysylltiedig â'r fenter wledig ar hyn o bryd, rhaid i'r gweithiwr y mae angen swyddogaethol am lety newydd fod yn weithiwr llawn amser. Ac eithrio ail anheddau ar ffermydd sefydledig, ni ddylai fod yn gysylltiedig â gofyniad rhan-amser, na gofyniad nad yw'n ymwneud â'r fenter. Os yw hwn yn ail annedd (neu fwy), rhaid i bob annedd bresennol gael ei feddiannu gan weithwyr llawn amser y mae'n hanfodol eu bod hefyd yn aros ar y safle am resymau swyddogaethol, neu gan weithwyr a'u dibynyddion a gyflogir ddiwethaf mewn menter wledig”.

Mae'r busnes yn cael ei gefnogi gan 1 gweithiwr llawn amser. Er nad oes dadl am hyn, mae'r Awdurdod Cynllunio Lleol o'r farn bod y gweithiwr yn cael ei gyflogi'n bennaf ym maes adeiladu yn hytrach nag mewn menter wledig ddilys. Ni ddangoswyd pam fod rhaid i weithiwr llawn amser fod yn bresennol bob amser ar y tir.

Prawf Ariannol

O ran y Prawf Ariannol nododd TAN6 ym mharagraff 4.10:

“Dylai'r fenter wledig a'r gweithgaredd dan sylw fod yn gadarn yn ariannol a dylai fod â rhagolygon da o aros yn gynaliadwy yn economaidd am gyfnod rhesymol o amser, fel arfer o leiaf 5 mlynedd.

Bydd angen tystiolaeth o berfformiad economaidd gwirioneddol neu bosibl. Er mwyn asesu cynaliadwyedd economaidd, bydd angen dangos bod gan y busnes obaith rhesymol o ddarparu elw marchnad i bob gweithredwr am faint o fewnbynnau rheoli a llafur â llaw, gan gynnwys y swydd y ceisir annedd y fenter wledig ar ei chyfer, am o leiaf bum mlynedd ar ôl i'r datblygiad arfaethedig gael ei gwblhau. Dylid asesu hyn ar sail yr hyn sy'n incwm realistig ar gyfer sgiliau'r gweithredwr.

Mae'r cyfrifon a ddarparwyd i'r LPA yn dangos bod y fenter yn gwneud elw cymedrol iawn. Fodd bynnag, roedd yn derbyn bod yr elw hwn wedi'i gyflawni ar ôl i luniadau ar gyfer yr ymgeisydd gael eu cymryd. Ystyrir bod y luniadau a gymerwyd yn cynrychioli elw marchnad deg ar fewnbynnau llafur yr ymgeisydd.

Mae TAN6 yn datgan:

“Mae angen prawf ariannol hefyd i asesu maint yr annedd y gall y fenter fforddio ei adeiladu a'i gynnal. Ni ddylid caniatáu anheddau sy'n anarferol o fawr mewn perthynas ag anghenion y fenter, neu'n anarferol o ddrud i'w hadeiladu mewn perthynas â'r incwm y gall ei gynnal yn y tymor hir. Gofynion y fenter yn hytrach na'r perchennog neu'r meddiannydd sy'n berthnasol i bennu maint yr annedd sy'n briodol”

Mae'r cais yn amlinellol, gyda graddfa derfynol yr annedd arfaethedig yn fater o ystyriaeth yn y dyfodol. Er gwaethaf hyn, ystyrir bod y fenter yn broffidiol, ac yn gallu aros felly wrth ariannu annedd a sied o faint cymedrol, tra'n darparu elw marchnad ar fewnbynnau llafur yr ymgeisydd. Byddai graddfa derfynol yr annedd a'r sied yn cael eu hystyried ar y cam materion a gadwyd

yn ôl.

Prawf Anheddau Eraill

O ran y Prawf Anheddau Eraill, nododd TAN6 ym mharagraff 4.11:

Rhaid darparu tystiolaeth i ddangos nad oes unrhyw annedd(au) nac adeiladau eraill sy'n addas i'w haddasu, sydd ar gael i ddiwallu'r angen. Os oes annedd(au) presennol ar y fenter mae angen dangos pam na ellir defnyddio'r rhain i ddiwallu anghenion y fenter ar gyfer gweithiwr preswyl, a pham na ellir aildrefnu trefniadau llafur neu breswyl i sicrhau bod y llety presennol yn diwallu anghenion y fenter heb fod angen annedd bellach.

Mewn achosion lle mae'r awdurdod cynllunio yn arbennig o bryderus am gam-drin posibl, gallai fod yn ddefnyddiol ymchwilio i hanes y fenter i sefydlu'r patrwm defnydd diweddar o dir ac adeiladau ac a oedd, er enghraifft, unrhyw anheddau neu adeiladau sy'n addas i'w haddasu i anheddau wedi cael eu gwerthu'n ddiweddar. Gallai gwerthiant o'r fath fod yn dystiolaeth o ddiffyg angen.

Mae nodyn cyfarwyddyd Menter Wledig TAN6 yn nodi "Wrth brofi cynigion anheddau mentrau gwledig mae'n angenrheidiol i ymgeiswyr ddangos, ac i awdurdodau cynllunio lleol gael eu sicrhau, nad oes dewis arall rhesymol yn lle annedd newydd ar gael".

Mae yna adeilad a ddefnyddiwyd unwaith fel ysgubor wair ar y safle. Mae'r ymgeisydd wedi egluro bod y sied hon mewn defnydd amaethyddol sy'n bodoli eisoes ac yn cael ei ddefnyddio i storio'r gwair a'r offer ar gyfer y ceffylau, felly nid yw ar gael i'w addasu ac mae angen ei chadw at ddibenion amaethyddol.

O fewn eu datganiad mae'r ymgeisydd yn awgrymu nad oes unrhyw anheddau gyda'r sied ofynnol (na lle i godi un) o fewn milltir i Dalgarreg sy'n fforddiadwy i'r ymgeisydd. Fel uchod, mae'r Awdurdod Cynllunio Lleol yn ystyried bod yr ymgeiswyr yn dymuno byw wrth ymyl sied storio, fel dewis personol yn hytrach na deillio o angen swyddogaethol dilys. Ystyrir bod anheddau ar gael ar y farchnad agored a fyddai'n fforddiadwy i'r ymgeisydd.

Egwyddorion B2 a B8 o ddefnyddio sied

Mae Polisi S01 yn nodi'r mathau hynny o ddatblygiad ar wahân i dai gael eu darparu ar safleoedd dynodedig fel y nodir yn Natganiadau'r Grŵp Aneddiadau ac a ddangosir ar y Map Cynigion ac ar safleoedd nad ydynt wedi'u dyrannu, bydd cynigion yn cael eu hystyried yn unol â pholisïau cynllunio eraill.

Ystyrir bod safle'r cais wedi'i leoli o fewn 'lleoliad arall' gan fod polisi cynllun o'r fath yn berthnasol i S04.

Ystyriodd Maen 3 o S04 ddatblygiad economaidd ac mae'n darllen fel a ganlyn:

Yn achos datblygiad economaidd:

a. cais arfaethedig ar safle a ddyrannwyd fel y nodir yn Natganiadau'r Grŵp Aneddiadau ac a ddangosir ar y Map Cynigion neu

b. safle nad yw wedi'i ddyrannu a naill ai:

i. o 'raddfa fach' sy'n diwallu angen lleol penodol; neu'n

ii. unol â gofynion TAN 6 o ran menter wledig.

Diffinnir testun ategol S04 ar raddfa fach o ddibenion maen prawf 3 fel datblygiad cyflogaeth B2 neu B8 gydag arwynebedd llawr gros o lai na 1500 metr sgwâr. Yn seiliedig ar y paramedrau graddfa a gyflwynir, ystyrir y byddai'r datblygiad arfaethedig yn bodloni maen prawf 3 o S04 ond mae maen prawf 4 o S04 yn glir bod yn rhaid ym mhob achos i ddatblygu cynigion datblygu mewn 'lleoliadau eraill' yn unol â TAN6. Ni ddiffinnir B2 a B8 fel mentrau gwledig at ddibenion TAN6 ac o'r herwydd mae'r sied arfaethedig yn methu â bodloni maen prawf 4 o S04.

Caiff yr holl Ystyriaethau Cynllunio eraill eu hystyried yn eu tro ymhellach o fewn yr adroddiad hwn.

Effaith ar y Gymraeg

Mae Polisi DM01 sy'n rheoli effeithiau Datblygu Cymunedau a'r Gymraeg yn ei gwneud yn ofynnol i Asesiad Effaith Cymunedol ac Ieithyddol (CLIA) gael ei ddarparu mewn perthynas â datblygiadau tai o fewn canolfannau aneddiadau a gwasanaethau cysylltiedig lle byddai'r ddarpariaeth yn dod ymlaen ar gyfradd gyflymach na'r hyn y cyfeirir ato yn y Datganiad Grŵp Aneddiadau perthnasol.

Mae'r safle datblygu arfaethedig o fewn 'lleoliad arall' ac o'r herwydd nid oes angen CLIA mewn perthynas â'r datblygiad arfaethedig.

Cymeriad ac Effaith Weledol

DM06 yw polisi gwneud lle y CDLI ac mae'n nodi y dylai Datblygu gael ystyriaeth lawn, a chyfrannu'n gadarnhaol at gyd-destun ei leoliad a'i amgylchoedd. Gwneir y cais yn amlinellol, gyda'r dyluniad, ymddangosiad, cynllun, tirlunio, a graddfa'r mater a gedwir i'w ystyried yn y dyfodol. Er gwaethaf hyn, ystyrir y byddai darparu annedd a sied ar wahân i unrhyw adeiladau cyfagos, ynghyd â pharaphernalia cysylltiol yn arwain at effaith drefoli ar gymeriad a golwg weledol ardal a dymunoldeb y dirwedd wledig yn groes i DM17.

Dwysedd

Mae'r ffin llinell goch a ddarperir yn mesur tua 0.2 hecтар. Yn seiliedig ar ddarparu un uned, mae hyn yn cyfateb i ddwysedd o tua 5 annedd yr hecтар. Mae hyn yn cael ei ystyried o dan y dwysedd canllaw fel y nodir ym mholisi LU06 y CDLI lle mae dwysedd o 15-25 uned yr hecтар yn cael eu hargymell ar gyfer anheddau gwledig sengl oherwydd yr angen i sicrhau bod cynigion datblygu yn cael eu gwneud a defnydd effeithlon o dir. Fodd bynnag, mae LU06 hefyd yn cydnabod y gall dwyseddau fod yn amrywiol os oes cyfiawnhad. Cydnabyddir yn yr achos hwn fod y cynnig hefyd yn cynnwys darparu sied, sy'n cael ei hystyried yn ddigon cyfiawnhad dros ddwysedd tai is yn yr achos hwn.

Amwynder Preswyl

Mae Maen 7 Polisi DM06 yn ceisio diogelu amwynder preswylwyr eiddo cyfagos rhag niwed sylweddol mewn perthynas â phreifatrwydd, sŵn a rhagolygon. Mae yna eiddo preswyl cyfyngedig i gyffiniau'r safle.

Felly, ystyrir y gellir cyflawni'r datblygiad heb achosi unrhyw niwed sylweddol i amwynder preswyl, a chytunir ar y dyluniad terfynol a'r cynllun ar gam faterion a gadwyd ynghynt.

Effaith ar y Briffordd

Ar lefel leol, mae Polisi DM03 yn cynghori y bydd datblygiad yn cael ei leoli er mwyn lleihau'r angen i deithio. Mae Polisi DM03

hefyd yn nodi y dylid darparu darpariaeth parcio fel rhan o gynigion datblygu yn unol â Safonau Parcio Ceredigion CCA.

Byddai mynediad i gerbydau i'r datblygiad arfaethedig ar hyd ffordd ddi-ddosbarth. Ymgynghorwyd â'r Awdurdod Priffyrdd Lleol ar y cais ac yn dilyn cyflwyno gwybodaeth ychwanegol mewn perthynas â symudiadau cerbydau nid yw'n cynnig gwrthwynebiad i'r fynedfa arfaethedig yn ddiabyddol ar amodau.

Mae Polisi DM04 yn tynnu sylw ymgeiswyr at yr angen i wneud y mwyaf o'r cyfleoedd ar gyfer cerdded, beicio a defnyddio trafnidiaeth gyhoeddus. Dylid cyflawni hyn drwy ddarparu cysylltiadau â llwybrau presennol o ddatblygiad newydd, ail-godi seilwaith sydd wedi syrthio i segur lle bydd hynny'n gwasanaethu datblygiad newydd mewn ffordd gynaliadwy a darparu gwell iechyd ac ansawdd bywyd trwy ymgorffori nodweddion mewn datblygiad sy'n manteisio ar gysylltiadau â dulliau teithio nad ydynt yn geir ar gyfer symudiad dynol a chludo nwyddau. Ni ystyrir bod y datblygiad arfaethedig mewn lleoliad da mewn perthynas â chyfleusterau a gwasanaethau, a byddai preswylwyr y dyfodol yn dibynnu'n llwyr ar geir preifat.

Ecoleg

Mae DM14 a DM15 o'r Cynllun Datblygu Lleol yn ceisio cynnal a gwella bioamrywiaeth a diogelu safleoedd pwysig gwarchoddedig. Dim ond os gellir dangos bod y cynnig datblygu sy'n effeithio ar safleoedd, cynefinoedd neu rywogaethau gwarchoddedig naill ai'n uniongyrchol, yn anuniongyrchol neu ar y cyd yn cael ei ganiatáu dim ond os gellir dangos bod y cynnig yn cyfrannu at amddiffyn, gwella neu reoli cadarnhaol neu'r safle, cynefin neu rywogaethau, neu mewn amgylchiadau penodol eraill a nodir yn y polisi. Mae CCA y Cyngor ar fioamrywiaeth yn darparu canllawiau ar asesu effaith datblygiad ar safleoedd dynodedig neu rywogaethau a warchodir.

Mae safle'r cais o fewn dalgylch ACA Teifi.

Gan gymhwyso cyngor Cyfoeth Naturiol Cymru (CNC) mewn perthynas â mewnbynnau ffosffad i SAC Teifi, ystyrir bod y prosiect yn dod o fewn y mathau o ddatblygiadau y gellir eu sgrinio fel rhai nad ydynt yn debygol o gael effaith sylweddol oherwydd manyleb y maes draenio a phellter o ollyngiadau eraill i gyrsiau daear a dŵr. Mae CNC yn cytuno â'r dull hwn.

Ymgynghorwyd ag Ecolegydd Cynllunio CSC mewn perthynas â'r datblygiad arfaethedig ac nid yw'n cynnig gwrthwynebiad i'r cynllun arfaethedig.

Perygl Llifogydd a Gwaredu Dŵr Arwyneb

Mae'r safle ger ardal sydd â risg uchel o lifogydd afonydd o 'Nant Glowen'.

Ystyrir bod y safle yn ardal llifogydd A fel y dangosir ar Fap Cyngor Datblygu CNC, a Pharth Llifogydd 1 fel y dangosir o'r Map Llifogydd ar gyfer cynllunio sef y wybodaeth ddiweddaraf a'r wybodaeth orau sydd ar gael mewn perthynas â llifogydd. Nodir fodd bynnag fod y safle yn gyfagos i ardal sydd â risg uchel o lifogydd mewn afonydd o 'Nant Glowen'.

Mae adran gwasanaethau technegol y cyngor eu hunain wedi cynghori bod angen cymeradwyaeth SUDs ac yn rhoi manylion am sut i leihau'r risg o lifogydd dŵr wyneb. Yn gyffredinol, ystyrir y gellid rheoli'r gwaredu dŵr wyneb yn briodol drwy broses gymeradwyo'r CDU, ac felly ni ystyrir bod y datblygiad arfaethedig yn cynyddu'r risg o lifogydd.

Diogelu Mwynau

Nod Polisi LU30 yw sicrhau nad yw adnoddau mwynau cyfanredol yn cael eu sterileiddio'n ddiangen gan ddatblygiadau eraill. Mae safle'r cais yn eistedd o fewn parth byffer diogelu mwynau lle mae'r cyfanrediad yn cael ei gloddio'n weithredol. Ystyrir bod y datblygiad arfaethedig yn anghydnaws â diogelu'r adnodd mwynau mewn gwrthdaro â LU30.

ARGYMHELLIAD:

Argymhellir gwrthod y cais am y rhesymau canlynol:

1. Mae safle'r cais o fewn 'lleoliad arall', y tu allan i anheddiad sefydledig lle mae rhagdybiaeth gyffredinol yn erbyn datblygiad preswyl newydd oni bai ei fod yn eithriad penodol a ragnodir gan bolisi cynllunio. Ar ôl ystyried y cynnig datblygu, ystyrir nad yw'r cynnig datblygu yn dangos cydymffurfiaeth â phroffion annedd mentrau gwledig a

gynhwysir gyda Nodyn Cyngor Technegol 6. Felly, ystyrir bod y cynnig yn groes i ddarpariaethau Rhifyn 11 Polisi Cynllunio Cymru, Cymru'r Dyfodol 2040, Nodyn Cyngor Technegol 6 a Pholisïau S01, S04 a DM04 Cynllun Datblygu Lleol Ceredigion 2007 -2022 (mabwysiadwyd 2013).

2. Byddai datblygu tŷ annedd a sied gysylltiedig yn y lleoliad hwn yn arwain at effaith drefoli ar yr hyn sydd fel arall yn lôn wledig ddymunol ar draul cymeriad ac ymddangosiad gweledol yr ardal yn gwrthdaro â DM06 a DM17 Cynllun Datblygu Lleol Ceredigion 2007 -2022 (mabwysiadwyd 2013).
3. Mae safle'r cais wedi'i leoli o fewn parth clustogi diogelu mwynau a nodwyd. Ystyrir bod y defnydd arfaethedig yn anghydnaws â diogelu'r adnodd mwynau yn groes i bolisi LU30 Cynllun Datblygu Lleol Ceredigion 2007 -2022 (mabwysiadwyd 2013).

Rheswm dros Gyfeirio

Mae Aelod Lleol y ward wedi gofyn i'r cais gael ei gyfeirio i'r pwyllgor rheoli datblygu i'w ystyried oherwydd y rhesymau a ganlyn

- Diffyg anneddau o'r fath hyn trwy'r sir, heb son am yn yr ardal yma.
- Credaf bod angen trafodaeth am y functional test gan fy mod yn credu bod agweddau o'r cais medru dod o dan TAN6.
- Cynladwyedd y safle yma i amgheinion yr ymgeisydd.
- Ffurf adeiledig ar y safle yn barod.

Rhif y Cais / Application Reference	A230293
Derbyniwyd / Received	17-04-2023
Y Bwriad / Proposal	Erection of a rural enterprise dwelling (TAN 6) and shed
Lleoliad Safle / Site Location	Land Adj. Maespwll, Talgarreg, Llandysul, SA44 4HB
Math o Gais / Application Type	Outline Planning Permission - All/Some Matters Reserved
Ymgeisydd / Applicant	C & A Harries and Venville, Fflatrri Isaf, Talgarreg, Llandysul, SA44 4HB
Asiant / Agent	Mrs Gwennan Jenkins (JMS Planning and Development), Hafan Y Coed, Maeshyfyd, Lampeter, SA48 8AN

THE SITE AND RELEVANT PLANNING HISTORY

The application site relates to a parcel of land currently in agricultural use some 1.2km south west of Talgarreg. The nearest residential property is located some 85m to the west.

The site measures approximately 0.2 ha. The site has a slight slope from West to East as the site bounds the stream. There are two simple structures on the western edge of the field which are used for animal shelter.

The site is bound to the North by the stream known as Nant Glowen beyond which sits Crug yr Eryr Quarry. To the south the site is bound by the County Road.

The application site is rural in character.

The planning history of the site is set out below:

Application Number	Proposal	Decision	Date
920965	Outline – Formation of access and erection of hay barn.	Approved subject to conditions	07/09/1992
900237	Erection of workshop, smithy and stabling for horses.	Refused	29/4/1990
901651	Workshop, smithy and stabling for remedial horses.	Approved subject to conditions.	04/04/1993

DETAILS OF DEVELOPMENT

The application under consideration here seeks outline approval for the erection of a B2, B8 shed and a TAN6 dwelling. All matters are reserved except for access.

Submitted in support of the application are scale parameters set out as follows in respect of the proposed dwelling:

- Height: 7.0m – 9.5m
- Width along front elevation: 8.0m – 18.0m
- Depth: 8.0m – 12.0m

And as follows in respect of the proposed shed:

- Height: 5.0m – 7.0m
- o Width: 12.0m – 14.5m
- o Length: 18.0m – 23.0m

The shed would benefit from a B2 (General Industrial) / B8 (Storage and Distribution) use. This use would be secured by way of condition.

RELEVANT PLANNING POLICIES AND GUIDANCE

These Local Development Plan policies are applicable in the determination of this application:

- DM01 Managing the Impacts of Development on Communities and the Welsh Language

- DM03 Sustainable Travel

- DM04 Sustainable Travel Infrastructure as a Material Consideration

- DM05 Sustainable Development and Planning Gain

- DM06 High Quality Design and Placemaking

- DM09 Design and Movement

- DM10 Design and Landscaping

- DM11 Designing for Climate Change

- DM12 Utility Infrastructure

- DM13 Sustainable Drainage Systems

- DM14 Nature Conservation and Ecological Connectivity

- DM15 Local Biodiversity Conservation

- DM17 General Landscape

- DM20 Protection of Trees| Hedgerows and Woodlands

- LU04 Meeting a Range of Housing Needs

- LU05 Securing the Delivery of Housing Development
- LU06 Housing Density
- LU24 Provision of New Open Space
- S01 Sustainable Growth
- S04 Development in Linked Settlements and Other Locations
- S05 Affordable Housing
- Community and the Welsh Language SPG 2015
- Open Space SPG April 2014
- Community and the Welsh Language SPG Help Sheet 2015
- CCC Parking Standards SPG 2015
- Transport Assessment SPG 2015
- Built Environment and Design SPG 2015
- Nature Conservation SPG 2015
- Affordable Housing SPG 2014
- Affordable Housing SPG Help Sheets 2014
- Future Wales: The National Plan 2040
- Planning Policy Wales (edition 11, February 2021)

- TAN12 Design (2016)
- TAN18 Transport (2007)
- TAN2 Planning and Affordable Housing (2006)
- TAN20 Planning and the Welsh Language (2017)
- TAN5 Nature Conservation and Planning (2009)

OTHER MATERIAL CONSIDERATIONS

CRIME AND DISORDER ACT 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

EQUALITY ACT 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-Being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

CONSULTATION RESPONSES

Cyngor Cymuned Llandysiliogogo Community Council – No Objection

Highways – No Objection STC

Land Drainage – SUDs approval required.

Ecology – No Objection STC

Natural Resources Wales – No Objection

A total of three third party representations have been received objecting to the proposed development. Concerns raised relate to the impact of the additional load on the water main, impact of heavy traffic on wider highway safety, loss of hedgerows, and the impact on biodiversity.

CONCLUSION

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that: “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material consideration indicate otherwise”.

Principle of Rural Enterprise Dwelling

In accordance with national and local planning policies residential development is directed towards sustainable settlements and should be contained within existing settlement boundaries. The Strategy of the LDP is that over the plan period 51% of new housing development across the County will occur in the Urban Service Centres, 24% in the Rural Service Centres and 25% in other settlements and locations (including linked settlements).

The site sits beyond any defined settlement or group of dwelling and as such is considered as being located within an ‘other location’ for planning policy purposes. Policy S04 of the LDP seeks to control the proliferation of additional housing development within other location in accordance with national planning policy and guidance which direct development to the most sustainable settlements. Criterion 2a of S04 is repeated below.

2. In the case of housing development:

a. General housing provision will only be permitted in the ‘Linked Settlements’. All ‘Other Locations’ are inappropriate for housing development unless justified on the basis that it meets a demonstrated:

- i. unmet affordable housing need in the locality and accords with Policy S05; or*
- ii. need for a rural enterprise dwelling in line with TAN 6.*

TAN 6, Paragraph 4.3.1 outlines examples of when national policy considers it appropriate to grant planning permission for a new rural enterprise dwelling. A new dwelling on an established rural enterprise will only be supported provided the following criteria are met:

- a. there is a clearly established existing functional need;*
- b. the need relates to a full-time worker and does not relate to a part-time requirement;*
- c. the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;*
- d. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; and*
- e. other normal planning requirements, for example siting and access, are satisfied.*

These are considered in turn below:

The Functional Test

In terms of a “Functional requirement”, TAN6 indicates at para 4.8 that:

“a functional test is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should relate to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise. Such requirements might arise, for example, if workers are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention. Where there are existing dwelling(s) on the enterprise then the need for additional workers to live on the site for the proper functioning of the enterprise must be demonstrated to be essential”.

The enterprise under consideration here relates to the applicants Groundworks & Carpentry business. The business is based on providing fencing and groundworks services to private and commercial premises, including private properties, council contracts, agricultural farms and tourism sector. The work on farms includes fencing, ground works, excavation of material, creating slurry pits, concrete flooring and shed building.

The business covers the whole of Ceredigion.

The statement submitted in support of the application state that there is a need for the business to store machinery and attachments in a safe place. The maintenance on the machines and trailers would be carried out from the proposed shed. Reference is also made to the need to be close to a source of timber and aggregate and the desire of the applicant to spend more time with his family, as he would be on site to undertake the business.

The TAN6 Rural Enterprise Dwelling guidance note confirms that an *“An essential functional need relates to a specific management activity or combination of activities which require the ready presence of a worker at most times if the proper functioning of an existing enterprise is not to be prejudiced and which cannot be achieved by any other practical means such as electronic surveillance”* it goes on to state that *“It is a need determined by the character and management requirements of the enterprise, and not by any personal preferences or circumstances of any of the individual(s) involved”.*

Having considered the statement provided, officers are of the view there is no functional need for the applicant's business to be situated in this exact location. While much of the work undertaken by the applicant is on farms, the enterprise in question is considered to be a construction business rather than representing a true rural enterprise as defined by TAN6. During working hours, most of the workers time would be spent off site. The applicant confirms within their statement that recent work has taken place as far away as: Llandysul, Newcastle Emlyn, Plwmp, New Quay, Aberystwyth, Llangwryfon, Lampeter, Llanybydder

The security need of the business could be met through electronic surveillance and the preferences of the applicant are not a material planning consideration. It is considered that the service needs of the enterprise could be met in other more sustainable locations for example on the edge of linked settlement or within an existing industrial estate.

The desire of the applicants' partners to be located close to her place of work is not material to the rural enterprise under consideration here.

The Time Test

In respect of the “Time Test”, TAN6 indicates at para 4.9 that:

“If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant. Where there is currently no dwelling associated with the rural enterprise the worker for whom there is a functional need for new accommodation must be a full-time worker. With the exception of second dwellings on established farms, it must not relate to a part-time requirement, or a requirement that does not relate to the enterprise. If this is a second (or further) dwelling, all existing dwellings must also be occupied by full-time workers for whom it is essential that they also remain on site for functional reasons, or by workers and their dependents last employed in a rural enterprise”.

sg. business is supported by 1 full time worker. While this is not disputed, the LPA considers that the worker is employed primarily in construction rather than in a genuine rural enterprise. It has not been demonstrated why a full-time worker must be always present on the land.

Financial Test

In terms of the Financial Test TAN6 indicated at para 4.10 that:

“The rural enterprise and the activity concerned should be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time, usually at least 5 years.

Evidence of actual or potential economic performance will be required. To assess economic sustainability, it will be necessary to show the business has a reasonable prospect of providing a market return for all operators for the amount of management and manual labour inputs, including the job for which the rural enterprise dwelling is being sought, for at least five years from the anticipated completion of the proposed development. This should be assessed on the basis of what is a realistic income for the skills of the operator.

The accounts provided to the LPA show the enterprise to be making a very modest profit. It is however accepted that this profit was achieved after drawings for the applicant have been taken. It is considered that the drawings taken represent a fair market return on the labour inputs of the applicant.

TAN6 goes on to state that:

“A financial test is also necessary to assess the size of dwelling which the enterprise can afford to build and maintain. Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate”

The application is in outline, with the final scale of the proposed dwelling a matter of future consideration. Notwithstanding this it is considered that the enterprise is profitable, and capable of remaining so while financing a modestly sized dwelling and

shed, while providing a market return on the applicant's labour input. The final scale of the dwelling and shed would be considered at reserved matters stage.

Other Dwelling Test

In terms of the Other Dwelling Test TAN6 indicated at para 4.11 that:

Evidence must be provided to demonstrate that there is no other dwelling(s) or buildings suitable for conversion, which are available to meet the need. If there are existing dwelling(s) on the enterprise it needs to be shown why these cannot be used to meet the needs of the enterprise for a resident worker, and why labour or residential arrangements cannot be re-organised to ensure that the existing accommodation meets the needs of the enterprise without the need for a further dwelling.

In cases where the planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the enterprise to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold. Such a sale could constitute evidence of lack of need.

The TAN6 Rural Enterprise guidance note states that "In the testing of rural enterprise dwelling proposals it is necessary for applicants to demonstrate, and for local planning authorities to be assured, that no reasonable alternative to a new dwelling is available".

There is a building once used as a hay barn on site. The applicant has explained that This shed is in existing agricultural use and used to store the hay and equipment for the horses, it is therefore not available for conversion and needs to be retained for agricultural purposes.

Within their statement the applicant suggests that there are no dwellings with the required shed (or space to erect one) within a mile of Talgarreg which are affordable to the applicant. As above the LPA consider the applicants desire to live adjacent to a storage shed, as a personal preference rather than resulting from a genuine functional need. It is considered that there are dwellings available on the open market which would be affordable to the applicant.

Principle of B2 and B8 use shed

Policy S01 identifies those types of development other than housing shall be delivered on allocated sites as set out in the Settlement Group Statements and shown on the Proposals Map and on sites which have not been allocated, proposals shall be considered in accordance with other plan policies.

The application site is considered as being located within an 'other location' as such plan policy S04 is of relevance.

Criterion 3 of S04 considered economic development and reads as follows:

In the case of economic development is:

a. proposed on an allocated site as set out in the Settlement Group Statements and shown on the Proposals

Map; or

b. a site that has not been allocated and either:

i. of a 'small scale' meeting a specific local need; or

ii. accords with TAN 6 requirements in terms of a rural enterprise.

The supporting text of S04 confirms small scale of the purposes of criterion 3 is defined as B2 or B8 employment development with a gross floor space of less than 1500 sq meters. Based on the scale parameters submitted it is considered that the proposed development would satisfy criterion 3 of S04 however criterion 4 of S04 is clear that in all cases development proposals development in 'other locations' must accord with TAN6. B2 and B8 are not defined as rural enterprises for the purpose of TAN6 and as such the proposed shed fails to satisfy criterion 4 of S04.

All other Planning Considerations are considered in turn further within this report.

Welsh Language Impact

Policy DM01 managing the impacts of Development on Communities and the Welsh Language Requires a Community and Linguistic Impact Assessment (CLIA) to be provided in respect of housing developments within linked settlement and service centres where delivery would come forward at a rate faster than that referenced in the relevant Settlement Group Statement.

The proposed development site is within an 'other location' and as such no CLIA is required in respect of the proposed development.

Character and Visual Impact

DM06 is the place making policy of the LDP and states that Development should have full regard, and positively contribute to the context of its location and surroundings. The application is made in outline, with the design, appearance, layout, landscaping, and scale a matter reserved for future consideration. Notwithstanding this, it is considered that the provision of a dwelling and shed detached from any nearby buildings, along with associate paraphernalia would result in an urbanizing effect on the character of the and visual appearance of the locality and pleasantness of the rural landscape contrary to DM17.

Density

The red line boundary provided measures approximately 0.2 ha. Based on the delivery of a single units this equates to a density of circa 5 dwellings per hectare. This is considered below the guideline densities as set out within policy LU06 of the LDP where densities of 15-25 units per hectare are advocated for single rural dwellings owing to the need to ensure development proposals make and efficient use of land. However, LU06 also recognises that densities may be varied if justified. It is recognised in this instance, that the proposal also includes the provision of a shed, which is considered sufficient justification for a lower housing density in this instance.

Residential Amenity

Criterion 7 of Policy DM06 seeks to protect the amenity of occupiers of nearby properties from significant harm in relation to privacy, noise and outlook. There are limited residential properties to the immediate vicinity of the site.

It is therefore considered that the development can be delivered without giving rise to any significant harm to residential amenity, with the final design and layout would be agreed at reserved matters stage.

Highway Impact

At a local level, Policy DM03 advises that development will be located so as to minimise the need to travel. Policy DM03 also sets out that parking provision should be provided as part of development proposals in accordance with the Ceredigion

Parking Standards SPG.

Vehicular access to the proposed development would be via unclassified road. The Local Highway Authority have been consulted on the application and following the submission of additional information in respect of vehicle movements offer no objection to the proposed access subject to conditions.

Policy DM04 draws the attention of applicants to the need to make the most of opportunities for walking, cycling and the use of public transport. This should be achieved by providing connections to existing routes from new development, re-instating infrastructure that has fallen into disuse where that will serve new development in a sustainable way and providing improved health and quality of life by incorporating features in development that take advantage of links to non-car travel modes for human and freight movement. The proposed development is not considered to be well located in relation to facilities and services, and future residents would be wholly reliant on private car.

Ecology

Policies DM14 and DM15 of the Local Development Plan seeks to maintain and enhance biodiversity and safeguard protected important sites. Development proposal effecting protected sites, habitats or species either directly, indirectly or in combination will only be permitted where it can be demonstrated that the proposal contributes to the protection, enhancement or positive management of the site, habitat or species or in certain other circumstances set out in the policy. The Council's SPG on biodiversity provides guidance on assessing the impact of development on designated sites or protected species.

The application site is within the catchment of the Teifi SAC.

Applying the NRW advice in respect of phosphate inputs into the Teifi SAC, the project is considered to fall within the types of developments that can be screened out as not likely to have a significant effect owing to the specification of the drainage field and distance from other discharges to ground and water courses. NRW are in agreement with this approach.

The CCC Planning Ecologist has been consulted in respect of the proposed development and offers no objection to the proposed scheme.

Flood Risk and Surface Water Disposal

The site is adjacent to an area at high risk of river flooding from 'Nant Glowen'.

The site is considered to be in floodzone A as shown on NRWs Development Advice Map, and Flood zone 1 as shown on the Flood map for planning which is the most up to date and best available information in respect of flooding. It is noted however that the site is adjacent to an area at high risk of river flooding from 'Nant Glowen'.

The council's own technical services department have advised SUDs approval is required and provide details of how to minimize the risk of surface water flooding. Overall it is considered that surface water disposal could be appropriately managed by way of the SUDs approval process, as such the proposed development is not considered to increase the risk of flooding.

Mineral Safeguarding

Policy LU30 aims to ensure that aggregate mineral resources are not needlessly sterilised by other development. The application site sits within a mineral safeguarding buffer zone where aggregate is actively quarried. It is considered that the proposed development is incompatible with safeguarding the mineral resource in conflict with LU30.

RECOMMENDATION:

It is recommended that the application be refused for the following reasons:

1. The application site lies within an 'other location', outside of an established settlement where there is a general presumption against new residential development unless it constitutes a specific exception prescribed by planning policy. Having considered the development proposal it is considered that the development proposal fails to

demonstrate compliance with rural enterprise dwelling tests contained with Technical Advice Note 6. The proposal is therefore considered to be contrary to the provisions of Planning Policy Wales Edition 11, Future Wales 2040, Technical Advice Note 6 and Policies S01, S04 and DM04 of the Ceredigion Local Development Plan 2007 -2022 (adopted 2013).

2. The development of a dwelling house and associated shed in this location would result in an urbanizing effect on what is otherwise a pleasant country lane to the detriment of the character and visual appearance of the locality in conflict with DM06 and DM17 of the Ceredigion Local Development Plan 2007 -2022 (adopted 2013).

3. The application site is located within an identified mineral safeguarding buffer zone. The proposed use is considered incompatible with safeguarding the mineral resource in conflict with policy LU30 of the Ceredigion Local Development Plan 2007 -2022 (adopted 2013).

Reason for Referral

The Local Member for the ward has requested the application be referred to the development management committee for consideration owing to the following reasons:

- Lack of this type of dwelling across the county and specifically in this location.
- A discussion is needed about the functional test as I believe that aspects of the application can come under TAN6.
- The sustainability of this site for the applicant's needs.
- Building on the site already.

2.2. A230893



Rhif y Cais / Application Reference	A230893
Derbyniwyd / Received	14-12-2023
Y Bwriad / Proposal	Diwygio'n ansylweddol Amod 2 o'r cynlluniau wedi'u cymeradwyo
Lleoliad y Safle / Site Location	Harbwr Aberaeron a Thraeth y De, Aberaeron
Math o Gais / Application Type	Diwygiad Ansylweddol
Ymgeisydd / Applicant	Mr Rhodri Llwyd (Cyngor Sir Ceredigion (Priffyrdd)), Neuadd y Sir, Stryd y Farchnad, Aberaeron, Ceredigion, SA46 0AT
Asiant / Agent	Mr Alan Haird (Cyngor Sir Ceredigion (Priffyrdd)), Penmorfa, Aberaeron, SA46 0PA

Hanes y Safle a'r Cynnig

Ar 31-03-2023 rhoddwyd caniatâd adeilad rhestredig drwy gyfeirnod A211020, yn destun amodau, ar gyfer:

Cynllun Amddiffyn Arfordir Aberaeron gan gynnwys adeiladu morglawdd carreg a fydd yn ymestyn allan o Bier y Gogledd, adnewyddu ac ailadeiladu pen Pier y De, adeiladu waliau llifogydd, adeiladu llifddor wrth harbwr mewnol Pwll Cam, a gwella'r amddiffynfeydd presennol wrth Harbwr Aberaeron a Thraeth y De.

Roedd Amod 2 o'r caniatâd yna yn nodi'r cynlluniau cymeradwy oedd i'w dilyn fel rhan o'r gwaith o ddatblygu'r Cynllun i Amddiffyn yr Arfordir.

Mae'r cais presennol yn ceisio diwygio'n ansylweddol Amod 2 o A211019 er mwyn hepgor y barierau gogwyddo hydrologig a gymeradwywyd mewn pedwar lle ar hyd Pen Cei ac ym Mhwll Cam, a rhoi gatiau deublyg sy'n cau â llaw yn eu lle.

Mae'r rhesymeg lawn y tu ôl i'r newid wedi'i nodi'n llawn yn y cais adran 19 sydd ynghlwm, i amrywio'r Caniatâd Adeilad Rhestredig (A211020) a ystyrir o dan gyfeirnod A230898. I grynhoi, mynegwyd pryderon ynghylch gweithredu ac effeithiolrwydd y barierau gogwyddo hydrologig a gymeradwywyd, a diogelwch y cyhoedd parthed y barierau.

Yn y cais nodir manteision gatiau siglo deublyg a weithredir â llaw:

- Mae modd i un person eu gweithredu ac nid oes angen pŵer arnynt, ac felly llai o darfu ar drigolion - i osod cyflenwadau pŵer - yn ystod y gwaith adeiladu.
- Mae'r gwaith cynnal a chadw tymor hir yn llawer symlach ac felly bydd llai o alw ar arian cyhoeddus. Nid ydynt yn debyg o dorri i lawr a pheryglu Pen Cei ar adeg llifogydd.
- Nid ydynt yn peri fawr o risg i'r cyhoedd pan fyddant ar agor neu ar gau, gan eu bod yn cael eu dal ar agor neu ar gau yn fecanyddol, a phan fyddant ar agor byddant yn eistedd yn dwt yn erbyn y waliau cerrig.
- Byddai'r cladid metel lliw tywyll yn golygu eu bod yn gweddu â'r waliau cerrig bob ochr, yn hytrach na'u bod yn amlwg.
- Mae'r peiriannau â llaw, a'u golwg, yn fwy cydnaws â'r lleoliad mewn harbwr hanesyddol na gatiau hydrologig modern.

Mae'r gatiau i gyd yr un peth o ran eu deunydd, eu hyd a'u taldra, a gwelir bod lliw'r gatiau heb newid o'r hyn a gymeradwywyd – gorffeniad llwyd tywyll.

Cafwyd eglurhad ynghylch mân anghysondeb rhwng y cynllun a gymeradwywyd a'r cynllun a gynigir, sy'n dangos llai o led i'r gât llifogydd ger yr Harbourmaster. Cadarnhawyd bod hyn yn gamgymeriad yn y cynllun gwreiddiol sy'n dangos bod y gât yn 8m o led. Mae'r gât hon wastad wedi bod - ac yn parhau i fod - yn 6m o led, a dyna sut y'i dangosir yn y cynllun diwygiedig. Gwnaed mân addasiad i'r wal gerrig fan hyn oherwydd y newid o farier gogwyddo i farier deublyg, gan gadw golwg gymesur ar hyd glan yr harbwr.

Fel y nodir uchod, bydd y newid arfaethedig i gatiau deublyg yn hytrach na rhai sy'n gogwyddo yn golygu bod y gatiau yn sefyll ar eu fyny ar ochr yr harbwr i'r wal llifogydd gymeradwy pan fyddant ar agor – dyna'r unig newid gweledol.

Bydd pyst cynnal y gatiâu yn cael eu hadeiladu i mewn i garreg y wal lifogydd. Bydd y pyst yn cydgyffwrdd â'r gatiâu ac â gorffeniad o'r un lliw llwyd tywyll a gymeradwywyd. Pan fyddant ar agor, bydd y gatiâu yn cuddio pyst y gatiâu yn rhannol.

ASESIAD

Daeth adran 96A o Ddeddf Cynllunio Gwlad a Thref 1990 i rym yng Nghymru ar 1 Medi 2014. Mae'r ddarpariaeth yn yr adran hon o'r Ddeddf yn darparu'r dull o gymeradwyo diwygiadau ansylweddol i ganiatâd cynllunio sy'n bodoli eisoes ac yn rhagnodi rhai o'r materion gweithredol sy'n gysylltiedig ag ef. Nid oes diffiniad statudol o "newid ansylweddol" am ei bod yn dibynnu ar nifer o ffactorau megis cyd-destun y cynllun cyffredinol, y diwygiadau a geisir i'r caniatâd cynllunio gwreiddiol, amgylchiadau penodol y safle a'r ardaloedd cyfagos, a fydd yn amrywio o'r naill ymgeisydd i'r llall. Gall yr hyn sy'n ansylweddol mewn un cyd-destun fod yn sylweddol mewn cyd-destun arall.

Wrth benderfynu p'un a yw newid arfaethedig yn un ansylweddol ai peidio, dylid ystyried effaith y newid, ynghyd ag unrhyw newidiadau blaenorol a wnaed i'r caniatâd cynllunio gwreiddiol. Wrth asesu a phenderfynu p'un a fyddai newid arfaethedig yn gymwys fel diwygiad ansylweddol ai peidio, efallai y bydd awdurdodau cynllunio am ystyried y profion canlynol:

- (a)(i) a yw'r newid arfaethedig mor fawr fel ei fod yn cael effaith sy'n wahanol i'r effaith y mae'r cynllun datblygu gwreiddiol a gymeradwywyd yn ei chael;
- (a)(ii) a fyddai'r newid arfaethedig yn cael effaith andwyol naill ai'n weledol neu o ran amwynder lleol?
- (b) a fyddai buddiannau unrhyw drydydd parti neu gorff yn cael eu rhoi o dan anfantais o ran cynllunio; neu,
- (c) a fyddai'r newid arfaethedig yn gwrthdaro â pholisïau cynlluniau cenedlaethol neu gynlluniau datblygu?

Gan ystyried pob un yn ei dro –

Bychan yw maint y newid wrth ei ystyried yng nghyd-destun y prosiect cymeradwy, ac fe'i ceisir dim ond i sicrhau fod y Cynllun i Amddiffyn yr Arfordir yn cael ei gweithredu'n effeithiol.

Nid yw'r newid yn cynyddu uchder na lled unrhyw gât, yn hytrach mae ond yn newid eu golwg pan fyddant ar agor. Ni fernir bod y newid yn arwain at effaith niweidiol yn weledol nac o ran amwynder lleol, yn hytrach mae'n gwella datblygiad tir y cyhoedd drwy hepgor y pwll a'r peiriannau hydrologig a oedd yn ofynnol yn flaenorol i gynnal y gatiâu llifogydd pan fyddant ar agor.

Dylid nodi bod elfen weledol a threftadaethol y newid wedi'i hystyried yn llawn o dan y cais cysylltiedig i amrywio'r Caniatâd Adeilad Rhestredig - gweler A230898. Ar ôl ymgynghori â Cadw, cafodd y gwelliannau eu cymeradwyo ar 31 Ionawr.

Canfyddir na fyddai buddiannau unrhyw drydydd parti yn cael eu rhoi o dan anfantais, a hynny o achos natur fach y diwygiad. At hynny, ymgynghorwyd â'r cyhoedd ar gyfer cais cysylltiedig A230898, a rhoddwyd sylw dyladwy yn Adroddiad y Swyddog i'r sylwadau a ddaeth i law.

Yn olaf, nid yw'r newid arfaethedig yn gwrthdaro â pholisïau cynlluniau cenedlaethol neu gynlluniau datblygu.

ARGYMHELLIAD

Gan hynny, argymhellir rhoi caniatâd ar gyfer diwygiad ansylweddol i Amod 2 o A211019 fel a ganlyn:

- Amnewid darlun **5182114-ATK-MAR-GEN-DR-L-5003-C03** gan **5182114-ATK-MAR-GEN-DR-L-5003-C05**; ac
- Ychwanegu darluniau **5182114-ATK-MAR-GEN-SK-C-0060-C03** (Pen Cei) a **5182114-ATK-MAR-GEN-SK-C-0061-C02** (Pwll Cam) i'r cynlluniau cymeradwy.

MAE'R CAIS WEDI'I GYFEIRIO I'R PWYLLGOR RHEOLI DATBLYGU, YN UNOL Â'R CYNLLUN DIRPRWYO, AC YNTAU'N GAIS SYDD WEDI EI GYFLWYNO GAN, NEU AR RAN, NEU YNGHYLCH, TIR SY'N BERCHEN I GYNGOR SIR CEREDIGION Y MAE GAN Y CYNGOR FUDD UNIONGYRCHOL YNDDO.

Rhif y Cais / Application Reference	A230893
Derbyniwyd / Received	14-12-2023
Y Bwriad / Proposal	Non Material Amendment of Condition 2 - Approved Plans
Lleoliad Safle / Site Location	Aberaeron Harbour & South Beach Aberaeron
Math o Gais / Application Type	Non-Material Amendment
Ymgeisydd / Applicant	Mr Rhodri Llwyd (Ceredigion County Council (Highways)), Cyngor Sir Ceredigion County Council, County Hall Market Street, Aberaeron, Ceredigion, SA46 0AT
Asiant / Agent	Mr Alan Haird (Ceredigion County Council (Highways)), Penmorfa Penmorfa, Aberaeron, Aberaeron, SA46 0PA

Site History and Proposal

On 13-03-2023, full planning permission was granted by reference A211019 subject to conditions for:

Aberaeron Coastal Defence Scheme including the construction of a rock breakwater extending out from North Pier, refurbishment and re-building of pier head of South Pier, construction of flood walls, construction of flood gate at Pwll Cam inner harbour and improvements to the existing defences on South Beach.

Condition 2 of that permission stipulated the approved plans to be adhered to as part of the development of the Coastal Defence Scheme.

The current application seeks a non-material amendment to Condition 2 of A211019 in order to omit the approved hydraulic tilt barriers at four locations along Quay Parade and at Pwll Cam in lieu of manual bi-fold swing gates.

The justification for the change is set out in full on the accompanying S.19 application to vary the associated Listed Building Consent (A211020) -- under consideration by reference A230898. In summary, concerns were raised with regard to the operation, effectiveness, and public safety aspect of the approved hydraulic tilt barriers.

The advantages of a change to manual bi-fold gates is set out by the submission, quoting:

- *They can be operated by one person, and don't require power, hence less disruption to residents during the construction works to install the power supplies.*
- *The long term maintenance is far simpler meaning less demand on public funds and there is little chance they will malfunction and compromise Quay Parade at times of flooding.*
- *They pose little risk to the public when both open and closed, as they are held open or closed mechanically and when open they sit neatly up against the stone walls.*
- *The dark colour metal cladding would allow them to blend into the flanking stone walls, rather than stand out.*
- *The manual operations and appearance is more in keeping with a historical harbour setting, rather than modern day hydraulic gates.*

All gates are unchanged with regard to their material, length and height, and the colour of the gates is shown to be unchanged from that approved, finished in a dark grey colour.

Clarification has been received regarding a minor discrepancy between the approved and proposed plan, showing the width of the flood gate affording the Harbourmaster to be reduced. This has been confirmed to be an error on the original plan which shows the gate standing 8m wide -- this gate has always been and remains to be 6m wide, and is now illustrated as such on the revised plan. A minor adjustment has been made to the stone walling at this location due to the change from tilt barrier to bi-fold, ensuring the retention of symmetry along the harbourside.

As noted above, the change from tilt barrier to bi-fold will naturally result in the gates standing upright against the harbour-side of the approved flood wall when open -- that being the sole visual change.

The end supports of the gates will be built into the masonry flood walling, the gate posts will be contiguous with the gates, and be finished in the same dark grey colour as approved. When in an open position, the gates will partially hide the gate

posts.

ASSESSMENT

Section 96A of the TCPA 1990 came into force in Wales on 1st September 2014. The provision in this section of the Act provides the mechanism to approve non-material amendments to an existing planning permission and prescribes some of the operational matters associated with it. There is no statutory definition of a "non-material amendment". This is because it depends on a number of factors such as the context of the overall scheme, the amendments being sought to the original planning permission, the specific circumstances of the site and surrounding areas, which will vary from one application to another. What may be non-material in one context may be material in another.

In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission. When assessing and determining whether or not a proposed change would qualify as a non-material amendment, local planning authorities may wish to consider the following tests:

- (a)(i) Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,
- (a)(ii) Would the proposed change result in a detrimental impact either visually or in terms of local amenity?
- (b) Would the interests of any third party or body be disadvantaged in planning terms; or,
- (c) Would the proposed change conflict with national or development plan policies?

Considering each in turn --

The scale of the change is negligible when viewed as part of the approved project, and is sought only to ensure the effective implementation of the Coastal Defence Scheme.

The change does not increase the height nor width of any gate -- only changing the aspect of its opening. The change is not deemed to result in any detrimental impact visually nor to local amenity, rather improving the resulting development of the public realm by omission of the recessed pit and hydraulic machinery previously required to house the flood gates when open.

It should be noted that the visual and heritage impact of the change has been considered in full under the associated application to vary the Listed Building Consent -- refer to A230898. Following consultation to Cadw, the amendments were approved on 31st January.

It is found that the interests of third parties are not disadvantaged by the change due to the minor scale of the revision. Furthermore, public consultation has been undertaken for the associated application under A230898, with comments received duly addressed within the Officer's Report.

Finally, the proposed change does not conflict with national nor development plan policies.

RECOMMENDATION

Accordingly, it is recommended that consent be granted for a non-material amendment to Condition 2 of A211019 as follows:

- Approved drawing **5182114-ATK-MAR-GEN-DR-L-5003-C03** be replaced by **5182114-ATK-MAR-GEN-DR-L-5003-C05**; and
- Drawings **5182114-ATK-MAR-GEN-SK-C-0060-C03** (Quay Parade) and **5182114-ATK-MAR-GEN-SK-C-0061-C02** (Pwll Cam) be added to the approved plans

THE APPLICATION IS REFERRED TO DEVELOPMENT MANAGEMENT COMMITTEE AS AN APPLICATION SUBMITTED BY, OR ON BEHALF OF, OR ON LAND IN THE OWNERSHIP OF CEREDIGION COUNTY COUNCIL FOR WHICH THE COUNCIL HAS A DIRECT INTEREST, IN LINE WITH THE SCHEME OF DELEGATION.

2.3. A230898



Rhif y Cais / Application Reference	A230898
Derbyniwyd / Received	14-12-2023
Y Bwriad / Proposal	Amrywio amod 2 o gynllun wedi'i gymeradwyo A211020
Lleoliad y Safle / Site Location	Harbwr Aberaeron a Thraeth y De, Aberaeron
Math o Gais / Application Type	Dileu/Amrywio amod
Ymgeisydd / Applicant	Mr Rhodri Llwyd (Cyngor Sir Ceredigion (Priffyrdd)), Neuadd y Sir, Stryd y Farchnad, Aberaeron, Ceredigion, SA46 0AT
Asiant / Agent	Mr Alan Haird (Cyngor Sir Ceredigion (Priffyrdd)), Penmorfa, Aberaeron, SA46 0PA

Y SAFLE A'I HANES PERTHNASOL

Ar 31-03-2023 rhoddwyd caniatâd adeilad rhestredig drwy gyfeirnod A211020, yn destun amodau, ar gyfer:

Cynllun Amddiffyn Arfordir Aberaeron gan gynnwys adeiladu morglawdd carreg a fydd yn ymestyn allan o Bier y Gogledd, adnewyddu ac ailadeiladu pen Pier y De, adeiladu waliau llifogydd, adeiladu llifddor wrth harbwr mewnol Pwll Cam, a gwella'r amddiffynfeydd presennol wrth Harbwr Aberaeron a Thraeth y De.

Roedd Amod 2 o'r caniatâd yna yn nodi'r cynlluniau cymeradwy oedd i'w dilyn fel rhan o'r gwaith o ddatblygu'r Cynllun i Amddiffyn yr Arfordir.

Ceisiadau Dilynol

- A230784: Cyflawni Amod 4 o A211020 (Ymchwiliad Ysgrifenedig) - Cyflawnwyd yn rhannol ar 13-12-2023

MANYLION Y DATBLYGIAD

Mae'r cais presennol yn ceisio amrywio Amod 2 o A211020 er mwyn hepgor y barierau gogwyddo hydrologig a gymeradwywyd mewn pedwar lle ar hyd Pen Ceï ac ym Mhwll Cam, a rhoi gatiâu deublyg sy'n cau â llaw yn eu lle.

Mae'r rhesymeg lawn y tu ôl i'r newid wedi'i nodi isod yn unol â'r ffurflen gais a gyflwynwyd:

Y bwriad yw hepgor y Barierau Hydrologig fyddai'n gogwyddo, a rhoi gât siglo ddeublyg, a weithredir â llaw, mewn 4 lleoliad ar hyd Pen Ceï ac wrth fynedfa'r bont droed wrth Bwll Cam.

Roedd y gatiâu siglo deublyg wedi tynnu sylw at bryderon posib gyda'r Barierau Gogwyddo.

Dyma'r pryderon:

- *Byddai'r offer hydrologig ar ochr yr harbwr i'r barier ac felly byddent o dan ddŵr ar lanw uchel.*
- *Byddai'r pwll sy'n dal yr offer yn casglu malurion a mân bethau a gallai hyn amharu ar yr offer a rhwystro'r barier rhag agor a chau.*
- *Tra bod y barierau i fyny, ni fydd mynediad i'r cyhoedd i'r harbwr ond ni fyddai hyn yn atal rhywun rhag neidio dros y wal a chael ei anafu yn y pwll agored neu ar yr offer hydrologig. Byddai hyn yn broblem pe bai un gât dal ar agor ar ôl caniatâu mynediad i'r cyhoedd drwy'r gatiâu eraill yn dilyn llifogydd.*
- *Pan fydd ar agor fe allai sodlau sgidiau, olwynion pramiau neu olwynion beics/sgwteri gael eu dal yn y bwll rhwng pant y pwll a'r barier ei hun.*
- *Gan ei bod yn gât fetel 8 metr o hyd, fe allai droelli neu blygu dros amser ac felly peri i rywun faglu.*
- *Pe bai'r barier yn methu ag agor pan fydd ei angen ar gyfer llifogydd, fe allai hyn beryglu trigolion Pen Ceï a gallai gymryd amser i gael peiriannydd i'w trwsio mewn ffenest amser o 6-12 awr.*

• Os oes angen eu stopio mewn argyfwng wrth eu codi neu eu gostwng, rhaid cofio nad yw offer hydrolog yn stopio ar unwaith a gallai hyn beri risg gan ei fod yn lle cyhoeddus.

• Cafodd llawer o'r pryderon hyn eu mynegi gan drigolion a busnesau Aberaeron yn ystod y digwyddiad "Cwrdd â'r Contractwr" a gynhaliwyd ar 14 a 15 Tachwedd 2023.

Y mesurau amgen a gynigir yw gatiâu siglo deublyg a weithredir â llaw, a ddangosir yn y dogfennau ategol a ddarperir gyda'r cais hwn.

Fe sylwch, pan fyddant ar eu hagor, byddant yn eistedd yn dwt yn erbyn y waliau cerrig arfaethedig bob ochr o'r agoriadau. Mae'r peiriannau cloi ynghudd y tu ôl i'r gatiâu a chynigiwn fod y gatiâu yn cael eu cladio â metel gyda gorffeniad lliw llwyd yn debyg i'r delweddau sydd ynghlwm.

Dyma fanteision y gatiâu hyn:

- Mae modd i un person eu gweithredu ac nid oes angen pŵer amynt, ac felly llai o darfu ar drigolion - i osod cyflenwadau pŵer - yn ystod y gwaith adeiladu.
- Mae'r gwaith cynnal a chadw tymor hir yn llawer symlach ac felly bydd llai o alw ar arian cyhoeddus. Nid ydynt yn debyg o dorri i lawr a pheryglu Pen Cei ar adeg llifogydd.
- Nid ydynt yn peri fawr o risg i'r cyhoedd pan fyddant ar agor neu ar gau, gan eu bod yn cael eu dal ar agor neu ar gau yn fecanyddol, a phan fyddant ar agor byddant yn eistedd yn dwt yn erbyn y waliau cerrig.
- Byddai'r cladin metel lliw tywyll yn golygu eu bod yn gweddu â'r waliau cerrig bob ochr, yn hytrach na'u bod yn amlwg.
- Mae'r peiriannau â llaw, a'u golwg, yn fwy cydnaws â'r lleoliad mewn harbwr hanesyddol na gatiâu hydrolog modern.

Mae'r gatiâu i gyd yr un peth o ran eu deunydd, eu hyd a'u taldra, a gwelir bod lliw'r gatiâu heb newid o'r hyn a gymeradwywyd – gorffeniad llwyd tywyll.

Cafwyd eglurhad ynghylch mân anghysondeb rhwng y cynllun a gymeradwywyd a'r cynllun a gynigir, sy'n dangos llai o led i'r gât llifogydd ger yr Harbourmaster. Cadarnhawyd bod hyn yn gamgymeriad yn y cynllun gwreiddiol sy'n dangos bod y gât yn 8m o led. Mae'r gât hon wastad wedi bod - ac yn parhau i fod - yn 6m o led, a dyna sut y'i dangosir yn y cynllun diwygiedig. Gwnaed mân addasiad i'r wal gerrig fan hyn oherwydd y newid o farier gogwyddo i farier deublyg, gan gadw golwg gymesur ar hyd glan yr harbwr.

Fel y nodir uchod, bydd y newid arfaethedig i gatiâu deublyg yn hytrach na rhai sy'n gogwyddo yn golygu bod y gatiâu yn sefyll ar eu fyny ar ochr yr harbwr i'r wal lifogydd gymeradwy pan fyddant ar agor – dyna'r unig newid gweledol.

Bydd pyst cynnal y gatiâu yn cael eu hadeiladu i mewn i garreg y wal lifogydd. Bydd y pyst yn cydgyffwrdd â'r gatiâu ac â gorffeniad o'r un lliw llwyd tywyll a gymeradwywyd. Pan fyddant ar agor, bydd y gatiâu yn cuddio pyst y gatiâu yn rhannol.

Gan gyfeirio at y cynlluniau, gofynnir am hawl i:

- Amnewid darlun **5182114-ATK-MAR-GEN-DR-L-5003-C03** gan **5182114-ATK-MAR-GEN-DR-L-5003-C05**; ac
- Ychwanegu darluniau **5182114-ATK-MAR-GEN-SK-C-0060-C03** (Pen Cei) a **5182114-ATK-MAR-GEN-SK-C-0061-C02** (Pwll Cam) i'r cynlluniau cymeradwy.

POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisiau a Chanllawiau Cynllunio Cenedlaethol Perthnasol

- Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040
- Polisi Cynllunio Cymru (rhifyn 11)
- TAN24 Yr Amgylchedd Hanesyddol
- Canllaw Cadw: Asesiad o'r Effaith ar Dreftadaeth
- Canllaw Cadw: Rheoli Newid i Adeiladau Rhestredig

YMATEBION I'R YMGYNGHORI

Cadw: Cymeradwywyd --

"Mae'r wybodaeth a ddarparwyd yn eich llythyr wedi cael ei hystyried ac nid oes angen cyfeirio'r cynigion, fel y maent, at Lywodraeth Cymru. Felly, rwy'n cadarnhau mai mater i'ch Awdurdod chi yw penderfynu ar y cais."

Cyngor Tref Aberaeron:

"Cefnogi gosod gatiâu siglo ond gofynnwn am newid y gât arfaethedig o flaen rhifau 4 a 5 Pen Cei drwy leihau ei lled i 2m a gosod y golofn sydd ar yr ochr orllewinol/ ochr y môr mewn rhes gyda thalcen rhif 4. Awgrymir hyn oherwydd:

- a) credir bod 2m o led yn ddigon ar gyfer y gât hon;*
- b) i gynyddu faint o lefydd parcio sydd ar gael; ac*
- c) i wella golwg y wal lifogydd ar hyd Pen Cei."*

Ecoleg: Dim sylwadau

Cyfoeth Naturiol Cymru: Dim gwrthwynebiad. Rhoddwyd cyngor.

Grŵp Amwynder Cenedlaethol: Dim ymateb

Cafwyd ymateb trydydd parti oddi wrth un o drigolion Pen Cei parthed:

- Bydd gatiâu deublyg yn mynnu fwy o sylw na barierau gogwyddo o rifau 5 a 4 a hanner, Pen Cei;
- Gofynnwyd am i'r gât o flaen rhifau 5 a 4 a hanner, Pen Cei, gael ei chwtogi o ran ei hyd.

ASESIAD

Prif ystyriaeth unrhyw gais sydd â'r potensial o effeithio ar Ardal Gadwraeth neu leoliad Adeilad Rhestredig yw'r ystyriaeth a roddir i warchod a gwella diddordeb arbennig yr asedau treftadaeth hynny. Yn yr achos hwn, rhaid ystyried effaith y newid arfaethedig, sef gosod gatiâu deublyg a weithredir â llaw yn lle'r barierau gogwyddo hydrologig a gymeradwywyd. Mae'r prosiect cyfan wedi derbyn Caniatâd Adeilad Rhestredig ac felly barnwyd ei fod yn dderbyniol ar sail treftadaeth – felly'r unig ystyriaeth a geir yn yr achos hwn yw'r effaith a ddaw yn sgil y newidiadau arfaethedig.

Effaith Weledol a Gweithredol

Daw'r prif newid gweledol o ganlyniad i safle'r gatiâu pan fyddant ar agor. Byddai'r barierau cymeradwy a oedd yn gogwyddo wedi agor yn fertigol o'r ddaear ac felly ni fyddent wedi bod yn weladwy ar unwaith wrth edrych ar Ben Cei o'r ochr draw i'r harbwr. Bydd y newid arfaethedig - gatiâu deublyg - yn arwain at newid arciau'r agor i fod yn llorweddol, gyda'r gatiâu yn gorwedd hanner ar ochr yr harbwr i'r wal lifogydd gymeradwy - gan fod yn weladwy wrth edrych ar Ben Cei.

Er bod y newid hwn yn arwain at weld mwy o'r elfennau metalaidd ym mhen blaen Pen Cei a Phwll Cam, mae sawl budd i'w cael o hepgor yr hydrologig, fel yr amlinellwyd yn y cyfiawnhad a gyflwynwyd dros y newid. Ar wahân i'r gwelliant a nodwyd o ran gweithredu ac ymarferoldeb y gatiâu (sy'n ystyriaeth bwysig), bydd dyluniad a gweithrediad symlach y gatiâu yn gwella cymeriad Pen Cei ei hun, heb fod angen gosod peiriannau trymach, gan arwain eto at lai o effaith ar dir y cyhoedd. Mae'r Cynllun Datblygu Lleol hefyd o blaid gweithredu'r gatiâu â llaw am fod hynny'n fwy cydnaws â'r cyffiniau na'r hydrologig a gymeradwywyd.

Felly, er y bydd y newid arfaethedig yn arwain at weld mwy o'r gatiâu metel pan fyddant ar agor, bernir bod y newid yn arwain at wella'n gyffredinol effaith y datblygiad ar dreftadaeth Pen Cei, Pwll Cam, a'r Ardal Gadwraeth ehangach.

I gloi, nid yw'r amrywiad arfaethedig yn Amod 2 o A211020 yn peri pryder o ran cael effaith niweidiol ar yr asedau treftadaeth a'u cymharu â'r cynllun presennol a gymeradwywyd. Ystyrir bod y newid arfaethedig yn gwella'n gyffredinol effaith y prosiect ar Ben Cei a Phwll Cam, ac mae'n sicrhau ymhellach y bydd y mesurau i amddiffyn rhag llifogydd yn gweithio'n gywir am byth.

Ystyried y Sylwadau

- Byddai'n well - yn achos materion sy'n ymwneud â hyd y gatiâu llifogydd - eu dirprwyo i'r peirianwyr sy'n dylunio'r cynllun. Nid oes cyfiawnhad cynllunio perthnasol dros fynnu gostyngiad i hyd unrhyw gât llifogydd, ar ôl iddynt dderbyn cymeradwyaeth yn flaenorol.
- Nid yw uchder a hyd y gât sy'n wynebu rhifau 5 a 4 a hanner, Pen Cei, yn cael eu newid yn y cynllun diwygiedig. Felly, nid yw'r effaith ar olygon a pharcio yn newid o gymharu â'r cynllun a gymeradwywyd.

Ymateb Cadw

Rhoddwyd drafft o'r llythyr hwn a'r argymhelliad i Cadw ar 23 Ionawr a dirprwywyd pŵer ar 31 Ionawr i'r Awdurdod Cynllunio Lleol gymeradwyo.

ARGYMHELLIAD:

Argymhellir bod Amod 2 o A211020 yn cael ei ddiwygio fel a ganlyn:

- Amnewid darlun **5182114-ATK-MAR-GEN-DR-L-5003-C03** gan **5182114-ATK-MAR-GEN-DR-L-5003-C05**; ac
- Ychwanegu darluniau **5182114-ATK-MAR-GEN-SK-C-0060-C03** (Pen Cei) a **5182114-ATK-MAR-GEN-SK-C-0061-C02** (Pwll Cam) i'r cynlluniau cymeradwy.

MAE'R CAIS WEDI'I GYFEIRIO I'R PWYLLGOR RHEOLI DATBLYGU, YN UNOL Â'R CYNLLUN DIRPRWYO, AC YNTAU'N GAIS SYDD WEDI EI GYFLWYNO GAN, NEU AR RAN, NEU YNGHYLCH, TIR SY'N BERCHEN I GYNGOR SIR CEREDIGION Y MAE GAN Y CYNGOR FUDD UNIONGYRCHOL YNDDO.

Rhif y Cais / Application Reference	A230898
Derbyniwyd / Received	14-12-2023
Y Bwriad / Proposal	Variation of condition 2 of A211020 - Approved Plans
Lleoliad Safle / Site Location	Aberaeron Harbour & South Beach, Aberaeron
Math o Gais / Application Type	Removal/Variation of Condition(s)
Ymgeisydd / Applicant	Mr Rhodri Llwyd (Ceredigion County Council (Highways)), Cyngor Sir Ceredigion County Council, County Hall Market Street, Aberaeron, Ceredigion, SA46 0AT
Asiant / Agent	Mr Alan Haird (Ceredigion County Council (Highways)), Penmorfa Penmorfa, Aberaeron, Aberaeron, SA46 0PA

THE SITE AND RELEVANT PLANNING HISTORY

On 31-03-2023, Listed Building Consent was granted by reference A211020 subject to conditions for:

Aberaeron Coastal Defence Scheme including the construction of a rock breakwater extending out from North Pier, refurbishment and re-building of pier head of South Pier, construction of flood walls, construction of flood gate at Pwll Cam inner harbour and improvements to the existing defences on South Beach.

Condition 2 of that permission stipulated the approved plans to be adhered to as part of the development of the Coastal Defence Scheme.

Subsequent Applications

- A230784: Discharge of Condition 4 of A211020 (Written Scheme of Investigation) -- Partially Discharged on 13-12-2023

DETAILS OF DEVELOPMENT

The current application seeks to vary Condition 2 of A211020 in order to omit the approved hydraulic tilt barriers at four locations along Quay Parade and at Pwll Cam in lieu of manual bi-fold swing gates.

The full reasoning behind the change is set out below as per the submitted application form:

It is proposed to omit the Hydraulic Tilt Barriers in Lieu of manual Bi-Fold Swing gates in 4 no. locations along quay parade and at the access to the pedestrian footbridge at Pwll Cam.

The alternative bi-fold swing gates highlighted some potential concerns with the Tilt Barriers.

The concerns are as follows:

- *The hydraulic equipment is located on the harbourside of the barrier and hence in high tides they will be submerged.*
- *The pit they are accommodated in will collect a lot of debris and could impeded their operation and hinder the barrier opening and closing.*
- *Whilst the barriers are up, technically there will be no public access to the harbourside, however that won't prevent anyone jumping over the wall and being injured in the open pit or on the hydraulic equipment. This would be an issue if one gate remained up after public access was allowed through the other gates following the flood event*
- *When open there is a potential for shoe heels, pram wheels or bike/scooter wheels being trapped in the gap between the recessed pit and the actual barrier.*
- *Being an 8 metre long metal gate, the gate could twist or warp over time thereby cause a trip hazard.*
- *If the barrier fails to lift when needed for flooding, this could compromise the residents along Quay Parade, and*

it could take time to get an engineer out to repair them in a window which could be as short as 6-12 hours

• Being Hydraulic. If, while being raised or lowered, they need to stop in an emergency, hydraulics don't stop immediately and being in a public place this could be a risk.

• Many of these concerns were expressed by Aberaeron residents and businesses at the "Meet the Contractor" event held on 14th & 15th November 2023

The alternatives proposed are manually operated bi-fold swing gates, which are shown in the supporting documentation provided with this application.

You will note, when in the open position they sit neatly against the proposed stone walls either side of the openings. The locking gear is hidden behind the gates and we would propose the gates be metal clad with a slate grey colour finish similar to the attached images.

The advantages to these gates are:

- They can be operated by one person, and don't require power, hence less disruption to residents during the construction works to install the power supplies.*
- The long term maintenance is far simpler meaning less demand on public funds and there is little chance they will malfunction and compromise Quay Parade at times of flooding.*
- They pose little risk to the public when both open and closed, as they are held open or closed mechanically and when open they sit neatly up against the stone walls.*
- The dark colour metal cladding would allow them to blend into the flanking stone walls, rather than stand out.*
- The manual operations and appearance is more in keeping with a historical harbour setting, rather than modern day hydraulic gates.*

All gates are unchanged with regard to their material, length and height, and the colour of the gates is shown to be unchanged from that approved, finished in a dark grey colour.

Clarification has been received regarding a minor discrepancy between the approved and proposed plan, showing the width of the flood gate affronting the Harbourmaster to be reduced. This has been confirmed to be an error on the original plan which shows the gate standing 8m wide -- this gate has always been and remains to be 6m wide, and is now illustrated as such on the revised plan. A minor adjustment has been made to the stone walling at this location due to the change from tilt barrier to bi-fold, ensuring the retention of symmetry along the harbourside.

As noted above, the change from tilt barrier to bi-fold will naturally result in the gates standing upright against the harbour-side of the approved flood wall when open -- that being the sole visual change.

The end supports of the gates will be built into the masonry flood walling, the gate posts will be contiguous with the gates, and be finished in the same dark grey colour as approved. When in an open position, the gates will partially hide the gate posts.

With reference to the plans therefore, it is sought that:

- Approved drawing **5182114-ATK-MAR-GEN-DR-L-5003-C03** be replaced by **5182114-ATK-MAR-GEN-DR-L-5003-C05**; and
- Drawings **5182114-ATK-MAR-GEN-SK-C-0060-C03** (Quay Parade) and **5182114-ATK-MAR-GEN-SK-C-0061-C02** (Pwll Cam) be added to the approved plans

RELEVANT PLANNING POLICIES AND GUIDANCE

Relevant National Planning Policies and Guidance

- Future Wales: The National Plan 2040
- Planning Policy Wales (11th Edition)
- TAN24 The Historic Environment
- Cadw Guidance: Heritage Impact Assessment
- Cadw Guidance: Managing Change to Listed Buildings

CONSULTATION RESPONSES

Cadw: Approved --

"The information supplied under cover of your letter has been considered and the proposals as shown need not be referred to the Welsh Government. I therefore confirm that it is now for your Authority to determine the application."

Cyngor Tref Aberaeron Council:

"To support the installation of swing gates but would request that the proposed gate fronting nos. 4 and 5 Quay Parade be amended by reducing its width to 2m and lining up the pillar on the western/seaward side with the pine-end of no. 4. This is suggested as it is believed that:-

- a) a 2m width is sufficient for this gate*
- b) in order to increase the availability of parking spaces and*
- c) to improve the visual appearance of the flood wall along Quay Parade."*

Ecology: No comments

Natural Resources Wales: No objection. Advice provided.

National Amenities Group: No response

One third party comment was received from a resident of Quay Parade with regard to:

- Bi-fold gates will be more obtrusive than tilt barriers to views from Nos 5 and 4 and a Half, Quay Parade
- Request made that gate affronting Nos 5 and 4 and a Half, Quay Parade, be reduced in length

ASSESSMENT

The primary consideration of any application with potential to impact upon a Conservation Area or the setting of a Listed Building is the regard given to the preservation and enhancement of the special interest of those heritage assets. In this case, consideration must be given to the effect of the proposed change from the approved hydraulic tilt barriers to manually operated bi-fold gates. The project as a whole has received Listed Building Consent and has therefore been deemed acceptable on heritage grounds -- thus the sole consideration in this case must be the impact brought by the proposed changes.

Visual and Operational Impact

The primary visual change will be brought by the positioning of the gates when in an open position. The approved tilt barriers were to open vertically from the ground and therefore not be immediately visible when viewing Quay Parade from across the harbour. The proposed change to bi-fold gates will result in the opening arcs changing to a horizontal aspect, with the gates in each case being stood in half to the harbour-side of the approved flood walling -- being visible upon the Quay Parade elevation.

While this change results in the increased visibility of the metalled elements to the frontage of Quay Parade and at Pwll Cam, there is benefit in the omission of the hydraulics on several fronts, as outlined by the submitted justification for the change. Aside from the stated betterment to the operation and functionality of the gates (which must be given significant weight), the simpler design and operation of the gates will prove a betterment to the character of Quay Parade itself with heavier engineering not now required to be grounded, further resulting in a reduced impact on the public realm. The LPA also finds in favour of the manual operation of the gates being more in-keeping with the surroundings as opposed to the approved hydraulics.

As such, while the proposed change will result in the increased visibility of the metalled gates when in an open position, the change is adjudged to result in overall betterment to the impact of the overall development upon the heritage interests at Quay Parade, Pwll Cam, and wider Conservation Area.

In conclusion, the proposed variation to Condition 2 of A211020 does not give rise to concerns of a detrimental impact to heritage assets when considered against the existing approved scheme. The proposed change is deemed to be an overall betterment to the project's impact on Quay Parade and Pwll Cam, and further ensures the correct function and operation of the flood defence measures in perpetuity.

Consideration of Representations

- Matters relating to the sufficiency of the length of the flood gates are best deferred to engineers designing the scheme. There is no material planning justification to require a reduction to the length any flood gate, having received approval previously
- The height and length of the gate affronting Nos 5 and 4 and a Half, Quay Parade, are unchanged by the revision. Therefore, there is no change to the impact on views and parking from the approved scheme

Cadw Response

Draft of this letter and recommendation was made to Cadw on 23rd January with delegation provided to the LPA on 31st January to approve.

RECOMMENDATION

Accordingly, it is recommended that Condition 2 of A211020 be revised as follows:

- Approved drawing **5182114-ATK-MAR-GEN-DR-L-5003-C03** be replaced by **5182114-ATK-MAR-GEN-DR-L-5003-C05**; and
- Drawings **5182114-ATK-MAR-GEN-SK-C-0060-C03** (Quay Parade) and **5182114-ATK-MAR-GEN-SK-C-0061-C02** (Pwll Cam) be added to the approved plans

THE APPLICATION IS REFERRED TO DEVELOPMENT MANAGEMENT COMMITTEE AS AN APPLICATION SUBMITTED BY, OR ON BEHALF OF, OR ON LAND IN THE OWNERSHIP OF CEREDIGION COUNTY COUNCIL FOR WHICH THE COUNCIL HAS A DIRECT INTEREST, IN LINE WITH THE SCHEME OF DELEGATION.