



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/06/16

gan Kay Sheffield BA(Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 10/08/16

Appeal Decision

Site visit made on 22/06/16

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 10/08/16

Appeal Ref: APP/Q6810/A/16/3146479

Site address: Land at Maes Coetmor, Bethesda, Gwynedd

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr RCH Douglas Pennant against the decision of Gwynedd Council.
 - The application Ref C13/0412/13/AM, dated 15/04/2013, was refused by notice dated 16/09/2015.
 - The development proposed is the erection of 69 dwellings including 20 affordable units.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have adopted the description of the development given in the appeal and decision notice as it more accurately reflects the proposal than that given in the application.
3. The planning application was submitted in outline with all matters reserved for subsequent approval. However an indicative site layout accompanied the application and I have had regard to it in reaching my decision.
4. Whilst in refusing planning permission the Council cited edition 7 of Planning Policy Wales it was superseded by the publication in January 2016 of edition 8 (PPW 8). The parties have had regard to PPW 8 in the statements submitted in respect of the appeal and I have similarly had regard to it in reaching my decision.

Main Issues

5. The main issues are whether sufficient information has been submitted to allow a thorough assessment of the effect of the development on protected species, with specific reference to bats; and also in respect of the trees on the site some of which are protected by a Tree Preservation Order (TPO).

Reasons

6. The appeal site is located within the settlement boundary of Bethesda and is allocated for residential development in the Gwynedd Unitary Development Plan. The principle of residential development is therefore acceptable. However it is necessary to assess
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each proposal on its individual merits against detailed criteria within local and national planning policy and guidance.

Effect on bats

7. Paragraph 6.2.1 of Technical Advice Note 5: Nature Conservation and Planning (TAN 5) states that the presence of a protected species is a material consideration when considering a development that, if carried out, would be likely to result in disturbance or harm to the species or its habitat. It is essential that the presence or otherwise of protected species, and the extent to which they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
8. Paragraph 6.2.1 also states that consultation should take place with the Countryside Council for Wales, now Natural Resources Wales (NRW), before granting planning permission. The Council reported that NRW had indicated that a bat survey was required. However my attention has not been brought to any comments made by NRW following the surveys.
9. The submitted Extended Phase 1 Habitat Survey confirmed that the southern part of the site contained habitats and features of high ecological value, both at national and local level. It recorded that all the mature and veteran Sessile Oak trees located in the southern area had bat roost features and whilst the indicative layout retained all but one of the veteran trees, its destruction would lead to the loss of such features. The report recommended that surveys of the mature and veteran trees be carried out in order to establish the extent to which bat species occupy the trees on the site.
10. The subsequent Bat Tree Survey Report references a survey conducted over two days in August 2015 and contains a disclaimer that the results are not definitive for other times of the year. Whilst the report provides a summary of the bat activity found, it does not provide full survey results to confirm the summary details of the foraging or commuting habitats. It also only provides a snap shot of the activity at one particular time. From the evidence presented it is therefore not possible to establish the full extent of bat activity on the site or the importance of the trees in supporting that activity at different times of the year. However, the report did reference high levels of bat activity in particular areas of the site and recognised that the trees within the playground, which adjoins the south western boundary of the site, have medium to high bat roost potential. The observations overall point towards the area being important locally to bats.
11. Only five of the eighteen trees identified in the report were climbed. Trees not in close proximity to the development or without significant potential for roosts were excluded from this depth of inspection. Given that the Extended Phase 1 Habitat Survey recorded that all the trees had crevices, rot hollows, longitudinal and transverse splits in the trunk and branches, which constitute roost features I am concerned that not all the trees identified in the subsequent report as having the potential for bat roosts were examined more closely.
12. Of the trees surveyed, a bat roost was found within one tree (T7) which is located within the area shown in the indicative layout as part of the open space. However a further tree (T11) categorised as being of high potential for bats would be lost as part of the indicative scheme. I accept that the trees with most potential could be retained as part of the development but if they are not surveyed in detail the full extent to

which bats use the site is not known and a conclusive assessment of the impact of the development on the protected species cannot be made.

13. The report highlights two areas where dwellings should not be constructed. These are the north western corner and the southern part of the site. It also recommends the planting of a buffer zone along the western boundary to enhance the bats' flight paths. I accept that the layout is indicative. I also note that the layout drawing on which the assessment is based is for a development of 75 rather than 69 dwellings. Nevertheless, the areas where the report suggests dwellings should not be erected cover a part of the site where approximately 10 dwellings are proposed. Moreover, the creation of a landscaped buffer along the western boundary could affect the position of the dwellings in this part of the site. I am not convinced that with these restrictions the site would be capable of accommodating the 69 units for which permission is sought.
14. The appeal site is currently open agricultural land and whilst there is built development on all but the northern edge, the proposal would introduce lighting where currently there is none. Although the report suggests mitigation and I accept that such matters can be conditioned, in this instance I share the concerns of the Council that it would be difficult to mitigate in the way described in the report as the development would comprise a housing estate with the associated cars, street lighting and external lighting of the individual dwellings.
15. I therefore conclude that insufficient evidence has been submitted to ensure that the development would not result in an adverse impact on the conservation of protected species, contrary to Strategic Policy 1, Policies A1, A3 and B20 of the UDP, paragraphs 4.4.1 and 4.4.2 of TAN 5 and paragraph 5.5.3 of PPW 8. The Council also cited Policy B23 of the UDP. Whilst the policy states that development should not lead to the overdevelopment of the site, this is in relation to the amenities of local communities and therefore is not strictly relevant to the appeal.

Effect on trees

16. The trees are mainly contained within the southern part of the site with only three on the northern boundary and a group which lies outside the western boundary but whose canopy extends into the site. The trees are prominent features which contribute to the visual amenity of the wider area and some are covered by a TPO. Many of the trees are substantial and have scored highly in terms of amenity in the submitted arboricultural report. In assessing an application for outline permission Technical Advice Note 10: Tree Preservation Orders (TAN 10) requires in paragraph 18 that consideration be given to the effect the permission would have on the ability to provide subsequently for the protection and planting of trees.
17. The indicative layout on which the arboricultural assessment is based differs from that used in the Bat Tree Survey Report in that a block of units has been removed from the southern part of the layout. The trees are also numbered differently. Based on this indicative layout the report indicates that the development would require the removal of three trees and the removal of a fourth is recommended on grounds of its general health and vigour. Apart from the latter these trees form part of a group TPO and are recorded as being in good physiological and structural condition with a life expectancy of more than twenty years.
18. The report addresses the measures required for the protection of the trees to be retained including where the development would breach the boundaries of the

identified root protection zones. However, it does not respond to all the restrictions relating to the proposed development. One tree (T12), which is covered by the TPO, is close to the edge of the built development and approximately a quarter of its root protection zone would be covered by proposed buildings, footways and hardstanding. I am not satisfied that the actions detailed in the report to mitigate building within the root protection zone would avoid damage to the tree and ensure its retention. It is this tree which was identified as having a high potential for bat roosts.

19. The report also does not fully consider the effect the proposed road layout would have on the trees. In a number of cases the carriageways would cross the root protection zones in relatively close proximity to the trunks. In the case of T16 the proposed hammer head has not been recognised as encroaching the root protection zone.
20. The root protection zone identified in respect of the trees on the western boundary would also be breached by buildings. It is on this boundary that the Bat Tree Survey Report recommends the planting of a buffer zone. Whilst the detail of the planting is not required at this stage, consideration needs to be given to the required depth of the buffer zone and the separation needed between it and the dwellings. Whilst the layout is indicative, I am not satisfied that the separation would be sufficient to avoid potential adverse effects that might lead to future pressure to lop, top or fell trees and the effect this would have on both the character of the site and the protected species.
21. Whilst the layout is indicative the effects it would have on the trees would result in the development causing severe damage to or loss of some of them. I am not convinced that, in adjusting the layout to ensure the retention of the trees, the number of dwellings proposed could be accommodated. I therefore consider that the proposed erection of 69 dwellings would amount to overdevelopment of the site and as a consequence would have a detrimental effect on the trees, contrary to Policy B19 of the UDP and advice contained within paragraph 18 of TAN 10 and paragraph 5.5.13 of PPW 8.

Other material considerations

22. Technical Advice Note 1: Joint Housing Land Availability Studies (TAN 1) confirms in paragraph 6.2 that the housing land supply figure should be treated as a material **consideration in determining planning applications for housing. The Council's** Joint Housing Land Availability Study 2015 indicates a land supply of 3.3 years which falls significantly below the five years required in TAN 1. In such situations the guidance states that the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies.
23. I acknowledge that the appeal site is allocated for housing and the development would provide new market and affordable housing in a sustainable location on the edge of an existing settlement. The Council also confirmed that it found no objection to the development on other matters. Whilst concerns were raised by interested parties with regard to highways, drainage, amenity and effect on the Welsh language I have no substantive evidence which leads me **to disagree with the Council's conclusions.**
24. TAN 5 states that where information is necessary to adequately assess the potential harm to nature conservation, but is not provided, planning permission will need to be refused if significant adverse effects on the nature conservation interests are possible and the benefits of the development do not clearly outweigh the harm that would result. My concerns that the evidence does not confirm the development would not

cause unacceptable harm to protected species or trees are not outweighed by the benefits identified.

Conclusions

25. Although the indicative layout demonstrates that 69 dwellings could be accommodated on the land, the identified need to keep areas free of built development in relation to bats and ensure the appropriate degree of protection is afforded to protected trees places significant restrictions on the developable area of the site. Moreover the evidence has been found to be insufficient to allow a conclusive assessment to be made of the impact of the development on the protected species which potentially could place further constraints on the layout. Whilst the principle of the residential development of the site is acceptable, I remain unconvinced that the site would be capable of accommodating the 69 units for which permission is sought and ensure the protected species and trees are not unduly affected.
26. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

Kay Sheffield

INSPECTOR

Richborough Estates



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Cyf yr apêl: APP/Q6810/A/16/3146479

Cyfeiriad y safle: Tir ym Maes Coetmor, Bethesda, Gwynedd

Mae Gweinidogion Cymru wedi trosglwyddo'r awdurdod i benderfynu ar yr apêl hon i mi fel yr Arolygydd penodedig.

- Gwneir yr apêl o dan adran 78 Deddf Cynllunio Gwlad a Thref 1990 yn erbyn gwrthod rhoi caniatâd cynllunio amlinellol.
- Gwneir yr apêl gan Mr RCH Douglas Pennant yn erbyn y penderfyniad gan Gyngor Gwynedd.
- Gwrthodwyd cais, Cyf C13/0412/13/AM, dyddiedig 15/04/2013, drwy hysbysiad dyddiedig 16/09/2015.
- Y datblygiad a gynigir yw codi 69 o anheddau gan gynnwys 20 uned fforddiadwy.

Penderfyniad

- Gwrthodir yr apêl.

Materion gweithdrefnol

- Rwyf wedi mabwysiadu'r disgrifiad o'r datblygiad a roddir yn yr apêl a'r hysbysiad penderfyniad gan ei fod yn adlewyrchu'r cynnig yn fwy cywir na'r hyn a roddwyd yn y cais.
- Cyflwynwyd y cais cynllunio'n amlinellol gyda'r holl faterion wedi'u cadw'n ôl i'w cymeradwyo'n ddiweddarach. Fodd bynnag, cyflwynwyd cynllun safle dangosol gyda'r cais ac rwyf wedi'i ystyried wrth wneud fy mhenderfyniad.
- Wrth wrthod caniatâd cynllunio, cyfeiriodd y Cyngor at Bolisi Cynllunio Cymru argraffiad 7, **sydd wedi'i ddisodli gan gyhoeddiad argraffiad 8 (PCC 8) ym mis Ionawr 2016. Mae'r partion wedi ystyried PCC 8 yn y datganiadau a gyflwynwyd mewn perthynas â'r apêl ac mewn modd tebyg rwyf innau wedi'i ystyried wrth wneud fy mhenderfyniad.**

Prif Faterion

- Y prif faterion yw a oes digon o wybodaeth wedi'i chyflwyno i ganiatáu asesiad trylwyr o effaith y datblygiad ar rywogaethau a warchodir, gan gyfeirio'n benodol at ystlumod; a hefyd mewn perthynas â'r coed ar y safle, y mae rhai ohonynt **wedi'u diogelu** gan Orchymyn Cadw Coed.

Rhesymau

6. Mae safle'r apêl wedi'i leoli o fewn ffin anheddiad Bethesda ac mae wedi'i ddyrannu ar gyfer datblygiad preswyl yng Nghynllun Datblygu Unedol Gwynedd. Felly, mae'r egwyddor o ddatblygiad preswyl yn dderbyniol. Fodd bynnag, mae angen asesu pob cynnig yn ôl ei rinweddau unigol yn erbyn meini prawf manwl o fewn polisi a chanllawiau cynllunio lleol a chenedlaethol.

Effaith ar ystumod

7. Mae paragraff 6.2.1 Nodyn Cyngor Technegol 5: Cadwraeth Natur a Chynllunio (TAN 5) yn nodi bod presenoldeb rhywogaethau a warchodir yn ystyriaeth berthnasol wrth ystyried datblygiad a fyddai, os fe'i gweithredir, yn debygol o arwain at aflonyddwch neu niwed i'r rhywogaethau neu eu cynefinoedd. Mae'n hanfodol bod presenoldeb neu absenoldeb rhywogaethau a warchodir, ac i ba raddau y gallent gael eu heffeithio gan y datblygiad a gynigir, yn cael ei sefydlu cyn rhoi caniatâd cynllunio, oherwydd fel arall, mae'n bosibl na fydd yr holl ystyriaethau perthnasol wedi derbyn sylw wrth wneud y penderfyniad.
8. Mae paragraff 6.2.1 hefyd yn nodi y dylid ymgynghori â Chyngor Cefn Gwlad Cymru, sef Cyfoeth Naturiol Cymru (CNC) erbyn hyn, cyn rhoi caniatâd cynllunio. Nododd y Cyngor fod CNC wedi nodi bod angen arolwg ystumod. Fodd bynnag, ni thynnwyd fy sylw at unrhyw sylwadau a wnaed gan CNC yn dilyn yr arolygon.
9. Roedd yr Arolwg Cynefin Cam 1 Estynedig a gyflwynwyd yn cadarnhau bod rhan **ddeheuol y safle'n cynnwys cynefinoedd a nodweddion o werth ecolegol uchel, ar lefel genedlaethol a lleol**. Roedd yn cofnodi fod gan yr holl goed Derw Digoes aeddfed a hynafol **sydd wedi'u lleoli yn y rhan ddeheuol nodweddion clwydfannau ystumod ac, er bod y cynllun dangosol yn cadw'r holl goed hynafol heblaw am un, byddai ei dinistrio yn arwain at golli nodweddion o'r fath**. Argymhellodd yr adroddiad y dylid cynnal arolygon o'r coed aeddfed a hynafol er mwyn sefydlu i ba raddau y mae rhywogaethau ystumod yn byw yn y coed ar y safle.
10. Mae Adroddiad yr Arolwg Ystumod a Choed dilynol yn cyfeirio at arolwg a gynhaliwyd dros ddau ddiwrnod ym mis Awst 2015 ac mae'n cynnwys ymwadiad nad yw'r canlyniadau'n ddiffiniol ar gyfer adegau eraill o'r flwyddyn. Er bod yr adroddiad yn rhoi crynodeb o weithgarwch ystumod a welwyd, nid yw'n rhoi canlyniadau llawn yr arolwg er mwyn cadarnhau manylion cryno cynefinoedd bwydo neu gymudo. Hefyd mae'n yn darparu ciplun yn unig o'r gweithgarwch ar un adeg benodol. Felly, o'r dystiolaeth a gyflwynwyd, nid yw'n bosibl i sefydlu graddau llawn gweithgarwch ystumod ar y safle neu bwysigrwydd y coed o ran cefnogi'r gweithgarwch hwnnw ar adegau gwahanol o'r flwyddyn. Fodd bynnag, roedd yr adroddiad yn cyfeirio at lefelau uchel o weithgarwch ystumod mewn mannau penodol ar y safle ac roedd yn cydnabod bod y coed o fewn y maes chwarae, sy'n gyfagos i ffin dde-orllewinol y safle, â photensial canolig i uchel i fod yn glwydfan ystumod. Yn gyffredinol, mae'r arsylwadau'n awgrymu bod gan yr ardal bwysigrwydd lleol i ystumod.
11. Dringwyd dim ond pump o'r 18 o goed a nodwyd yn yr adroddiad. Cafodd coed nad oeddent yn agos at y datblygiad neu heb botensial sylweddol i fod yn glwydfan eu heithrio rhag arolygiad o'r dyfnder hwn. O gofio bod yr Arolwg Cynefinoedd Cam 1 Estynedig wedi cofnodi fod gan holl goed agennau, pantiau pydredig, a holltau hydredol a chroes yn y boncyff a'r canghennau, sy'n ffurfio nodweddion clwydfannau, rwy'n pryderu na chafodd yr holl goed a nodwyd yn yr adroddiad dilynol fel rhai sydd â'r potensial i fod yn glwydfannau ystumod eu harchwilio'n agosach.

12. **O'r coed a arolygwyd, daethpwyd o hyd i glwydfan ystlumod mewn un goeden (T7) sydd wedi'i lleoli o fewn yr ardal a ddangosir yn y cynllun dangosol fel rhan o'r man agored. Fodd bynnag, cafodd coeden arall (T11) ei chategoreiddio fel un â photensial uchel ar gyfer ystlumod, a byddai'n cael ei cholli yn ôl y cynllun dangosol. Rwy'n derbyn y gallai'r coed â'r potensial mwyaf gael eu cadw fel rhan o'r datblygiad, ond os nad ydynt yn cael eu harolygu'n fanwl, ni ellir gwybod y graddau llawn y mae ystlumod yn defnyddio'r safle ac ni ellir gwneud asesiad terfynol o effaith y datblygiad ar rywogaethau a warchodir.**
13. **Mae'r adroddiad yn amlygu dau fanl lle na ddylid adeiladu anheddau. Mae'r rhain yn y gornel ogledd-orllewinol ac yn rhan ddeheuol y safle. Hefyd, mae'n argymhell plannu parth clustogi ar hyd y ffin orllewinol er mwyn gwella llwybrau hedfan yr ystlumod. Rwy'n derbyn mai cynllun dangosol ydyw. Hefyd, rwy'n nodi bod lluniad y cynllun sy'n sail i'r asesiad yn dangos datblygiad o 75 yn hytrach na 69 o anheddau. Er hynny, mae'r manau lle mae'r adroddiad yn awgrymu na ddylid adeiladu anheddau yn ymestyn dros ran o'r safle lle cynigir codi tua 10 o anheddau. Ar ben hynny, gallai creu parth clustogi wedi'i dirlunio ar hyd y ffin orllewinol effeithio ar leoliad yr anheddau yn y rhan hon o'r safle. Nid wyf wedi fy argyhoeddi y byddai'r safle, gyda'r cyfyngiadau hyn yn eu lle, yn gallu cynnwys y 69 o unedau y ceisir caniatâd ar eu cyfer.**
14. Ar hyn o bryd, mae safle'r apêl yn dir amaethyddol agored, ac er bod datblygiadau adeiledig ar bob ochr **ac eithrio'r** ymyl ogleddol, byddai'r cynnig yn cyflwyno goleuadau lle nad oes goleuadau ar hyn o bryd. Er bod yr adroddiad yn awgrymu mesurau lliniaru ac rwy'n derbyn gellir cyflyru materion o'r fath, yn yr achos hwn, rwy'n rhannu pryderon y Cyngor y byddai'n anodd lliniaru yn y modd a ddisgrifir yn yr adroddiad gan y byddai'r datblygiad yn cynnwys ystad o dai gyda cheir cysylltiedig, a goleuadau stryd a goleuadau allanol anheddau unigol.
15. Felly, dof i'r casgliad nad oes tystiolaeth ddigonol wedi'i chyflwyno i sicrhau na fyddai'r datblygiad yn arwain at effaith niweidiol ar gadwraeth rhywogaethau a warchodir, yn groes i Bolisi Strategol 1, Polisiâu A1, A3 a B20 y CDU, paragraffau 4.4.1 a 4.4.2 TAN 5 a pharagraff 5.5.3 Polisi Cynllunio Cymru 8. Hefyd, mae'r Cyngor wedi cyfeirio at Bolisi B23 y CDU. Er bod y polisi'n datgan na ddylai datblygiad arwain at orddatblygu safle, mae hyn yn ymwneud ag amwynderau cymunedau lleol ac felly nid yw'n hollol berthnasol i'r apêl.

Effaith ar goed

16. Mae'r coed wedi'u lleoli'n bennaf o fewn rhan ddeheuol y safle gyda dim ond tair coeden ar y ffin ogleddol, ac mae **grŵp sy'n** gorwedd y tu hwnt i'r ffin orllewinol ond mae'r canopi yn ymestyn i mewn i'r safle. Mae'r coed yn nodweddiol amlwg sy'n cyfrannu at amwynder gweledol yr ardal ehangach ac mae rhai'n destun Gorchymyn Cadw Coed. Mae llawer o'r coed yn sylweddol ac wedi sgorio'n uchel o ran amwynder yn yr adroddiad coedyddiaeth a gyflwynwyd. Wrth asesu cais am ganiatâd amlinellol, mae Nodyn Cyngor Technegol 10: Gorchymynion Cadw Coed (TAN 10) paragraff 18 yn gofyn am ystyried yr effaith y byddai caniatâd yn ei chael ar y gallu i ddiogelu a phlannu coed yn ddiweddarach.
17. **Mae'r cynllun dangosol sy'n sail i'r asesiad coedyddiaeth yn wahanol i'r un a ddefnyddiwyd yn Adroddiad yr Arolwg Ystlumod a Choed gan fod bloc o unedau wedi'i ddileu o ran ddeheuol y cynllun. Hefyd, mae'r coed wedi'u rhifo'n wahanol. Yn seiliedig ar y cynllun dangosol hwn, mae'r adroddiad yn nodi y byddai'r datblygiad yn ei gwneud yn ofynnol i gael gwared ar dair coeden ac argymhellir cael gwared ar**

bedwaredd goeden ar sail ei hiechyd a bywiogrwydd cyffredinol. Ar wahân i'r olaf, mae'r coed hyn yn ffurfio rhan o grŵp sy'n destun Gorchymyn Cadw Coed a chofnodir eu bod mewn cyflwr ffisiolegol a strwythurol da gyda disgwyliad oes o fwy nag 20 mlynedd.

18. Mae'r adroddiad yn ymdrin â'r mesurau sydd eu hangen ar gyfer diogelu'r coed sydd i'w cadw, gan gynnwys manau lle y byddai'r datblygiad yn torri ffiniau'r parthau diogelu gwreiddiau a nodir. Fodd bynnag, nid yw'n ymateb i'r holl gyfyngiadau sy'n ymwneud â'r datblygiad a gynigir. Mae un goeden (T12), sy'n destun Gorchymyn Cadw Coed, yn agos at ymyl y datblygiad adeiledig a byddai tua chwarter ei pharth diogelu gwreiddiau wedi'i orchuddio gan adeiladau, llwybrau troed a lloriau caled a gynigir. Nid wyf yn fodlon y byddai'r camau a nodir yn yr adroddiad er mwyn lliniaru adeiladu o fewn y parth diogelu gwreiddiau yn osgoi difrod i'r goeden a sicrhau ei chadw. Dyma'r goeden a nodwyd fel yr un â photensial uchel i fod yn glwydfan ystlumod.
19. Hefyd, nid yw'r adroddiad yn ystyried yn llawn yr effaith y byddai'r cynllun ffyrdd a gynigir yn ei chael ar y coed. Mewn nifer o achosion, byddai'r cerbyttffyrdd yn croesi'r parthau diogelu gwreiddiau yn gymharol agos at y boncyffion. Yn achos T16, nid yw wedi'i gydnabod y byddai'r man troi ar gyfer cerbydau a gynigir yn ymledu dros y parth diogelu gwreiddiau.
20. Byddai'r parth diogelu gwreiddiau a nodir mewn perthynas â choed ar y ffin orllewinol hefyd yn cael ei dorri gan adeiladau. Ar y ffin hon y mae Adroddiad yr Arolwg Ystlumod a Choed yn argymhell plannu parth clustogi. Er nad oes angen manylion y plannu ar hyn o bryd, mae angen ystyried dyfnder gofynnol y parth clustogi a'r gwahanu sydd ei angen rhwng y parth clustogi a'r anheddau. Er bod y cynllun yn ddangosol, nid wyf yn fodlon y byddai'r gwahanu'n ddigonol i osgoi effeithiau niweidiol posibl a allai arwain at bwysau yn y dyfodol i docio, brigdorri neu dorri coed a'r effaith y byddai hyn yn ei chael ar gymeriad y safle a'r rhywogaethau a warchodir.
21. Er bod y cynllun yn ddangosol, byddai effeithiau'r datblygiad ar y coed yn arwain at achosi difrod difrifol i rai ohonynt neu eu colli. Nid wyf wedi fy argyhoeddi, wrth addasu'r cynllun er mwyn sicrhau cadw'r coed, y gellir cynnwys y nifer o anheddau a gynigir. Felly, rwyf o'n fann y byddai'r cynnig i godi 69 o anheddau yn gyfystyr â gorddatblygu'r safle ac o ganlyniad byddai'n cael effaith niweidiol ar y coed, yn groes i Bolisi B19 y CDB ar gyngor a geir ym mharagraff 18 TAN 10 a pharagraff 5.5.13 Polisi Cynllunio Cymru 8.

Ystyriaethau perthnasol eraill

22. Mae Nodyn Cyngor Technegol 1: Cydastudiaethau Argaeledd Tir Ar Gyfer Tai (TAN 1) yn cadarnhau ym mharagraff 6.2 y dylai'r ffigwr ar gyfer cyflenwad tir ar gyfer tai gael ei drin fel ystyriaeth berthnasol wrth benderfynu ar geisiadau cynllunio ar gyfer tai. Mae Cydastudiaeth Argaeledd Tir Ar Gyfer Tai 2015 y Cyngor yn dangos cyflenwad tir o 3.3 mlynedd sy'n sylweddol is na'r pum mlynedd sy'n ofynnol yn TAN 1. Mewn sefyllfaoedd o'r fath, mae'r canllawiau'n nodi y dylid rhoi pwys sylweddol i'r angen i gynyddu'r cyflenwad wrth ymdrin â cheisiadau cynllunio ar yr amod y byddai'r datblygiad fel arall yn cydymffurfio â'r cynllun datblygu a pholisiau cynllunio cenedlaethol.
23. Rwy'n cydnabod bod safle'r apêl wedi'i ddyrannu ar gyfer tai ac y byddai'r datblygiad yn darparu tai marchnad a thai fforddiadwy newydd mewn lleoliad cynaliadwy ar ymyl anheddiad presennol. Hefyd, mae'r Cyngor wedi cadarnhau nad oes ganddo unrhyw

wrthwynebiad i'r datblygiad mewn perthynas â materion eraill. Er y codwyd pryderon gan bartion â buddiant mewn perthynas â phriffyrdd, draenio, amwynder ac effaith ar y Gymraeg, nid oes gennyf unrhyw dystiolaeth gadarn sy'n fy arwain i anghytuno â chasgliadau'r Cyngor.

24. Mae TAN 5 yn nodi, pan fo angen gwybodaeth er mwyn asesu'n ddigonol y niwed posibl i gadwraeth natur, ond nid wedi'i darparu, bydd angen gwrthod caniatâd cynllunio os oes posibilrwydd o effeithiau niweidiol sylweddol ar fuddiannau cadwraeth natur ac nid yw manteision y datblygiad yn gorbwysu'n glir y niwed a achosir. Mae fy mhryderon nad yw'r dystiolaeth yn cadarnhau na fyddai'r datblygiad yn achosi niwed annerbyniol i rywogaethau neu goed a warchodir heb eu gorbwysu gan y manteision a nodir.

Casgliadau

25. Er bod y cynllun dangosol yn dangos y gellir cynnwys 69 o anheddau ar y tir, mae'r angen a nodir i gadw ardaloedd yn rhydd o ddatblygiad adeiledig mewn perthynas ag ystlumod a sicrhau y rhoddir lefel briodol o ddiogelwch i goed a warchodir yn gosod **cyfyngiadau sylweddol ar y rhan o'r safle y gellir ei datblygu. Ar ben hynny, cafwyd y dystiolaeth yn annigonol i alluogi cynnal asesiad terfynol o effaith y datblygiad ar y rhywogaethau a warchodir, a allai osod cyfyngiadau pellach ar y cynllun.** Er bod yr egwyddor o ddatblygiad preswyl ar y safle yn dderbyniol, nid wyf wedi fy argyhoeddi y **byddai'r safle'n gallu cynnwys y 69 o unedau y ceisir caniatâd amdanynt a sicrhau nad effeithir yn ormodol ar y rhywogaethau a choed a warchodir.**
26. Am y rhesymau a roddir uchod ac, ar ôl ystyried yr holl faterion eraill a godwyd, gwrthodir yr apêl.

Kay Sheffield

AROLYGYDD