

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue
**Council Chamber - County Hall,
Llandrindod Wells, Powys**

Meeting Date
Thursday, 18 January 2018

Meeting Time
9.30 am



County Hall
Llandrindod Wells
Powys
LD1 5LG

For further information please contact
Carol Johnson
01597826206
carol.johnson@powys.gov.uk

11 January, 2018

AGENDA

1.	APOLOGIES
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To receive apologies for absence.

2.	MINUTES OF THE PREVIOUS MEETING
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To authorise the Chair to sign the minutes of the previous meetings of the Committee held on 7th and 15th December, 2017 as correct records.
(Pages 5 - 32)

Rights of Way

3.	DECLARATIONS OF INTEREST
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To receive declarations of interest in respect of the following item.

4.	WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53 - PROPOSED DELEGATION OF DECISION-MAKING FOR DEFINITIVE MAP MODIFICATION ORDER CASE – ROUTE FROM BANKSHEAD, SHROPSHIRE TO SHEPHERDSWHIM, POWYS
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To consider a report regarding the proposed delegation of decision-making for Definitive Map Modification Order case.
(Pages 33 - 40)

Planning

5. DECLARATIONS OF INTEREST

- a) To receive any declarations of interest from Members relating to items to be considered on the agenda.
- b) To receive Members' requests that a record be made of their membership of town or community councils where discussion has taken place of matters for the consideration of this Committee.
- c) To receive declarations from Members of the Committee that they will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.
- d) To note the details of Members of the County Council (who are not Members of the Committee) who will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

6. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

To consider the reports of the Head of Regeneration and Regulatory Services and to make any necessary decisions thereon.

(Pages 41 - 46)

6.1. Updates

Any Updates will be added to the Agenda, as a Supplementary Pack, wherever possible, prior to the meeting.

(To Follow)

6.2. P/2016/0455 Dolyhir and Strinds Quarry, Dolyhir, Old Radnor, Presteigne, LD82RW

(Pages 47 - 148)

6.3. P/2017/0571 Land adjoining Brynderw Park Street, Llanrhaeadr Ym Mochnant, Oswestry SY10 0JJ

(Pages 149 - 176)

6.4. P/2017/0580 Land adjacent Tyn y Ddol, Tregynon, Newtown, Powys SY16 3PL

(Pages 177 - 204)

- 6.5. **P/2017/1114 Land at Alltmawr, Abernant, Erwood, Powys**
(Pages 205 - 218)
- 6.6. **P/2017/1252 Land adjoining Gardeners Barn, Llanthomas Lane, Llanigon, Hereford, HR3 5PU**
(Pages 219 - 244)
- 6.7. **P/2017/0969 Land opposite Cefn y Wern, Pontdolgoch, Caersws, Powys SY17 5NJ**
(Pages 245 - 266)
- 6.8. **P/2017/0501 Land at Foundry Lane, Welshpool, Powys SY21 7TR**
(Pages 267 - 294)
- 6.9. **P/2017/0703 Oaklands, Forden, Welshpool, Powys SY21 8NA**
(Pages 295 - 324)
- 6.10. **P/2017 1154 Land at Swallows Meadow, Castle Caereinion, Welshpool, Powys SY21 9DZ**
(Pages 325 - 344)
- 6.11. **P/2017/1267 Land by Glanaber, Pen y Bont Fawr, Oswestry, Powys, SY10 0PD**
(Pages 345 - 368)
- 6.12. **P/2017/1318 Coedbach, Franksbridge, Llandrindod Wells, Powys, LD1 5SA**
(Pages 369 - 384)
- 6.13. **P/2017/1112 Site Next to Manteg, Stepside, Newtown Powys, SY16 4JJ**
(Pages 385 - 402)
- 6.14. **P/2017/1215 2 Tynybryn Cottages, Tregynon, Newtown, Powys, SY16 3PJ**

(Pages 403 - 412)

- 6.15. **NMA/2017/0080 Land Adjacent South of Newtown Bowling Club, Back Lane, Newtown, Powys, SY16 2NH**

(Pages 413 - 418)

7.	DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS
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To receive for information a list of decisions made by the Head of Regeneration and Regulatory Services under delegated powers.

(Pages 419 - 434)

Taxi and other licensing

8.	MINUTES OF TAXI REVIEW PANELS
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To authorise the Chairs presiding at the following Taxi Review Panels to sign the minutes as a correct record: 15 August, 2017, 4 October, 2017 and 14 November, 2017.

(Pages 435 - 442)

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 7 DECEMBER 2017

PRESENT

County Councillor K Lewis [Chair]

County Councillors K Lewis, L V Corfield, H Hulme, M J Jones, H Lewis, I McIntosh, P C Pritchard, D Selby, K S Silk, D A Thomas, E Vaughan, G I S Williams, D H Williams, J Williams and R Williams

1.	APOLOGIES
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Apologies for absence were received from County Councillors EM Jones, D Price and P Roberts and County Councillor L. George was on other Council business. The Committee noted that Councillor Mark Barnes had resigned from the Committee.

2.	MINUTES OF THE PREVIOUS MEETING
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 16 November, 2017.

Planning

3.	DECLARATIONS OF INTEREST
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(a) County Councillors D Thomas and D H Williams declared a personal and prejudicial interest in application P/2017/1074 because they were LEA Governors of other local schools, but would rely on a dispensation granted by the Standards Committee for school governors.

County Councillors E Vaughan declared a personal interest in application P/2017/1023 because he was a Governor for the school federation of Glantwymyn, Carno and Llanbrynmair.

(b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.

(c) The Committee noted that no Member (who is a member of the Committee) would be acting as 'local representative' in respect of any application on the agenda.

(d) The Committee noted that the following members (who are not members of the Committee) would be speaking as the 'local representative' for the following applications:

RAD/2004/0572 – County Councillor A Williams

P/2017/1082 – County Councillor J Evans

P/2017/1074 – County Councillor S Davies

4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

The Committee considered the report of the Head of Regeneration, Property and Commissioning (copies filed with the signed minutes).

4.1 Updates

The Members confirmed that they had received and had time to read the update circulated the previous day and prior to the meeting.

4.2 RAD/2004/0572 Land at Llanshay Farm, Knighton, Powys

Grid Ref: 329478.73 271872.05

Valid Date: 24/11/2004

Officer: Steve Packer

Community Council: Knighton Town Council

Applicant: Messrs RR Price & Son & c/o Llanshay Farm, Llanshay Lane, Knighton, Powys, LD7 1LW

Location: Land at Llanshay Farm, Knighton, Powys

Proposal: Outline: Amended application for residential development of 103 dwellings, vehicular access and associated engineering works (all matters reserved)

Application Type: Application for Outline Planning Permission

County Councillor A Williams spoke as the local representative.
Mrs A Harroway spoke against the application.
Mr I Pryce and Mr A Southerby spoke as the Agents.

The Planning Officer advised that if the Committee was minded to approve the application he also recommended that it be delegated to the Professional Lead Development Management to discuss with the Education Department the contribution to education services and to add a condition regarding the phasing of the development.

In response to questions the Planning Officer advised that the site was an allocated site in the Unitary Development Plan [UDP] but had been identified as a candidate site in the Local Development Plan [LDP]. Its final status was a matter for the Planning Inspector to determine and therefore carried little weight. He advised that the development boundary for Knighton was that as detailed in the Unitary Development Plan [UDP]. The Professional Lead Development Management advised that Knighton was an area centre in the UDP and it was considered that the development was sustainable.

The Planning Officer advised Severn Trent Water had raised a number of concerns which had been reflected in the recommended conditions. As this

application was for outline planning permission the layout of the site etc. and how the aqueduct is traversed would be considered at reserved matters stage.

The Professional Lead Development Management advised that if consent was approved the developer would have five years in which to commence the development.

In response to questions regarding the grade of agricultural land the Committee noted that the UDP states that Grades 1, 2 and 3a agricultural land should be safeguarded. This was a material issue for consideration.

RESOLVED:	Reason for decision:
<p>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and that it be delegated to the Professional Lead Development Management in consultation with the Vice Chair to add a condition regarding the phasing of the development and that it be delegated to the Professional Lead Development Management to secure an appropriate contribution to education services if justified.</p>	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>To safeguard the character and appearance of the area.</p>

County Councillor R Williams took his seat in the meeting.

4.3 P/2017/0700 Land on Brecon Road, Builth Wells, Powys, LD2 3DY

Grid Ref: 304238.34 250319.23

Valid Date: 21/07/2017

Officer: Tamsin Law

Community Council: Builth Wells Community Council

Applicant: Mr & Mrs John Gerald Evans, Brentwood, Builth Wells

Location: Land on Brecon Road, Builth Wells, Powys, LD2 3DY

Proposal: Outline: Residential development, formation of vehicular access and infrastructure, and all associated works (some matters reserved)

Application Type: Application for Outline Planning Permission

Mr J Anderson spoke against the application.
 Mrs G Ayling spoke against the application.
 Mr D Hughes spoke as the Agent.

The Principal Planning Officer advised that if the Committee was minded to approve the application the update contained revised conditions and it was also recommended that an implementation scheme should be added to the Highway conditions.

In response to questions regarding the drainage, the Principal Planning Officer advised that Welsh Water had advised that previously surface water had been entering the foul water system. However, as a result of recent work undertaken in the area the sewerage capacity in the area had increased. Welsh Water had no objections to the application subject to a suitable condition requiring the submission of a surface water strategy prior to the commencement of development.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes and subject to condition 23 being amended and subject to a Section 106 agreement to secure amenity space provision within the application site in accordance with fields in trust standards within 3 months from the date of the committee meeting.	As officers recommendation as set out in the report which is filed with the signed minutes. To ensure that the requirements of the conditions are implemented.

County Councillor J Williams left the meeting.

4.4 P/2017/0583 Land Adj to Ridgemount, Newbridge on Wye, Powys, LD1 6LG

Grid Ref: 301635.35 257744.27
Valid Date: 02/06/2017
Officer: Thomas Goodman
Community Council: Llanyre Community Council
Applicant: Mr J Potter, Gara Barton, Hatcherleigh, Totnes, Devon, TQ9 7AD
Location: Land Adj to Ridgemount, Newbridge on Wye, Powys, LD1 6LG

Proposal: Outline - Outline planning application for residential development and associated works

Application Type: Application for Outline Planning Permission

The Principal Planning Officer advised that if the Committee was minded to approve the application the conditions were those contained in the update report and subject to a S106 agreement to secure a financial contribution to education and amenities space provision either on the site or in the village.

The Highways Authority confirmed that it had no objections to the application subject to conditions. In response to questions the Principal Planning Officer advised that Welsh Water had no objections to the development subject to a drainage scheme being submitted.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes and to the signing of a S106 agreement to secure a financial contribution to education and amenities space either on the site or in the town.	As officers recommendation as set out in the report which is filed with the signed minutes. To mitigate against the impact of the development on Newbridge primary school and to ensure that the site is served by appropriate amenity space provision

The Chair adjusted the Agenda to accommodate speakers and the public.

4.8 P/2017/1082 Waters Edge, Llanthomas Lane, Llanigon, Hereford, Powys, HR3 5PU

Grid Ref: 321185.91 240277.97

Valid Date: 27/9/2017

Officer: Thomas Goodman

Community Council: Llanigon Community Council

Applicant: Mr S Hodges, Llanthomas Lane, Waters Edge, Llanigon, Hereford, Powys, HR3 5PU

Location: Waters Edge, Llanthomas Lane, Llanigon, Hereford, Powys, HR3 5PU

Proposal: Reserved matters application in regards to P/2017/0211 for the erection of a dwelling

Application Type: Application for Approval of Reserved Matters

County Councillor J Evans spoke as the local representative.

In response to questions the Professional Lead Development Management advised that the proposed development was in excess of 20 metres from the nearest property (i.e. nearest window in the proposed dwelling to nearest window in the existing property opposite the proposed dwelling), so safeguarding the amenities of other properties.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.10 P/2017/0731 Land to east of the Old Hand & Diamond Inn, Coedway, SY5 9AR

Grid Ref: 334217.1 314726.9

Valid Date: 27/06/2017

Officer: Rachel Mulholland

Community Council: Bausley & Criggion Community Council

Applicant: P Rowley & S Withinshaw, Upper House, Longnor, Shrewsbury, SY5 7PP.

Location: Land to east of the Old Hand & Diamond Inn, Coedway, SY5 9AR

Proposal: Outline: Erection of a dwelling, construction of vehicular access and installation of sewage treatment plant (some matters reserved).

Application Type: Application for Outline Planning Permission

Mrs J Weston spoke against the application.
Miss S Withinshaw spoke as the applicant and Mr M Lloyd spoke as the agent.

In response to questions regarding capacity of the area the Professional Lead Development Management advised that he considered that the area was approaching capacity from a sustainability perspective.

The Highways Authority advised that the site was within the 30mph limit zone. The proposed visibility splays were in excess of what was required and the provision of a footpath meant that the Highways Authority had no objections.

The Planning Officer advised that the applicant had challenged the Natural Resources Wales [NRW] flood map. NRW had reviewed the maps and advised that the site was outside the flood zone area and so had removed its objections.

Concerns were raised about what was considered to be the edge of the village. The Professional Lead Development Management advised that Planning Inspectors' decisions and the character of an area had to be taken into consideration.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

County Councillor K Silk advised that she had voted against the application as she considered it would have a detrimental impact on the character of the village and contrary to policy HP4.

4.13 P/2017/1023 Ysgol Glantwymyn C.P., Glantwymyn, Cemmaes Road, Machynlleth, Powys, SY20 8LX

Grid Ref: 282410.03 304458.28

Valid Date: 14/09/2017

Officer: Dunya Fourie

Community Council: Glantwymyn Community Council

Applicant: Powys County Council

Location: Ysgol Glantwymyn C.P., Glantwymyn, Cemmaes Road, Machynlleth, Powys, SY20 8LX.

Proposal: Full: Erection of extensions to existing school, new vehicular access and parking, and new multi-surface MUGA pitch

Application Type: Application for Full Planning Permission

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

The Committee adjourned for lunch at 1.00 p.m. and reconvened at 1.35 p.m.

County Councillor P Pritchard left the meeting.

4.5 P/2017/1083 Ysgol Gynradd, Wirfoddel A Reolir, Llanelwedd, Disserserth, Builth Wells, Powys, LD2 3TY

Grid Ref: 304552.43 251819.55

Valid Date: 27/09/2017

Officer: Thomas Goodman

Community Council: Llanelwedd Community Council

Applicant: Powys County Council

Location: Ysgol Gynradd, Wirfoddel A Reolir, Llanelwedd, Builth Wells, Powys, LD2 3TY

Proposal: Full: Installation of refurbished mobile classroom and associated works

Application Type: Application for Full Planning Permission

County Councillor M Mackenzie spoke as the local representative.
Mr G Jones, Interim Head of Schools spoke on behalf of the applicant.

The Principal Planning Officer advised that although the proposed classroom could be built on stilts the route to it, which emergency vehicles would use, would be through an area which would flood.

The Chair adjourned the meeting to allow the Professional Lead Development Management and Principal Planning Officer to discuss the access route for emergency vehicles with the applicant.

On reconvening the Professional Lead Development Management recommended that consideration of the application be deferred to the next meeting to allow Development Management to discuss with the applicant alternative vehicle access routes to the proposed classroom.

RESOLVED:	Reason for decision:
that the application be deferred to the next Committee meeting.	To enable Development Management to discuss with the Education Department alternative vehicle access routes to the proposed development.

4.14 P/2017/1074 Ysgol Gymraeg, Dyffryn y Glowyr, Gurnos, Swansea, POWYS

Grid Ref: 277217.96 209933.05

Valid Date: 20/09/2017

Officer: Lorraine Jenkin
Community Council: Ystradgynlais Town Council
Applicant: Powys County Council
Location: Ysgol Gymraeg, Dyffryn y Glowyr, Gurnos, Swansea, Powys
Proposal: Full - Installation of a refurbished de-mountable classroom in the school grounds
Application Type: Application for Full Planning Permission

County Councillor S Davies spoke as the local representative.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.12 P/2017/0966 Land East of Fron Olau Adfa Newtown Powys SY16 3DB

Grid Ref: 306333.52 300960.51
Valid Date: 22/08/2017
Officer: Gemma Bufton
Community Council: Dwyriw Community Council
Applicant: Mr S Isaac, Plot 2, Adfa, Newtown, Powys, SY16 3DB
Location: Land East of Fron Olau, Adfa, Newtown, Powys, SY16 3DB
Proposal: Outline: Erection of 2 dwellings and all associated works (some matters reserved)
Application Type: Application for Outline Planning Permission

The Principal Planning Officer advised that if the Committee was minded to approve the application the conditions were those contained in the update and that delegated authority be given to the Professional Lead Development Management to add conditions regarding drainage as requested by Severn Trent.

The Principal Planning Officer in response to comments advised that Development Management considered that the development was sustainable.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes and that delegated authority be given to the Professional Lead Development Management, in consultation with the Vice Chair, to add conditions regarding drainage as requested by Severn Trent.	As officers recommendation as set out in the report which is filed with the signed minutes. To ensure that the site is served by an appropriate drainage scheme.

4.6 P/2015/0803 Varteg Hill, Land South of Ystalyfera, Neath and Port Talbot

Grid Ref: 277025.28 207387.59

Valid Date: 17/09/2015

Officer: Gemma Bufton

Community Council: Ystradgynlais Town Council

Applicant: Ystalyfera Wind Energy Ltd

Location: Varteg Hill, Land South of Ystalyfera, Neath and Port Talbot

Proposal: Construction and improvement of access track and improvement to the junction access point to serve wind farm comprising four wind turbines (with tip height up to 15m), internal access tracks, substation building, associated infrastructure

Application Type: Application for Full Planning Permission

The Committee was advised that the application for the turbines had recently been refused by Neath & Port Talbot County Borough Council.

RESOLVED:	Reason for decision:
that the application be refused.	Insufficient information has been submitted within the Environmental Statement to demonstrate that the proposed development would not have an unacceptable impact on highway safety. The proposed

	<p>development is therefore contrary to policy GP4 of the Unitary Development Plan, Technical Advice Note 18: Transport (2007) and Planning Policy Wales (Edition 9, 2016).</p>
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4.7 P/2017/1056 Land adj Parc Bronydd, Llansantffraid ym Mechain, Powys, SY22 6DZ

Grid Ref: 322430.5 320575.99

Valid Date: 15/09/2017

Officer: Gemma Bufton

Community Council: Llansantffraid Community Council

Applicant: Mr J Jones-Perrot, Bronyddon Farm, Llansantffraid ym Mechain, Powys, SY22 2TZ

Location: Land adj Parc Bronydd, Llansantffraid ym Mechain, Powys, SY22 6DZ

Proposal: Outline - Proposed residential development comprising of up to 6 dwellings and all associated works

Application Type: Application for Outline Planning Permission

In response to questions the Principal Planning Officer advised that the land to the south east of the site was not in the ownership of the applicant.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.9 P/2017/1125 Land adjacent to Cae Bryn Derwen, Brynderwen, Abermule, SY15 6JX

Grid Ref: 316431.5 295155.7

Valid Date: 02/10/2017

Officer: Rachel Mulholland

Community Council: Abermule Community Council

Applicant: Mr A Evans, 57 Dol Hir, Abermule, Powys, SY18 6JS

Location: Land adjacent to Cae Bryn Derwen, Brynderwen, Abermule, SY15 6JX

Proposal: Full: Erection of new dwelling and detached garage, creation of parking area and all associated works.

Application Type: Application for Full Planning Permission

Concerns were raised about development creep outside of the development boundary.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.11 P/2017/0450 Greenacres Garden Centre, Howey, Llandrindod Wells, Powys, LD1 5PL

Grid Ref: 305271.91 259253.31

Valid Date: 24/04/2017

Officer: Thomas Goodman

Community Council: Disserth and Trecoed Community Council

Applicant: Mr Ken Bentley, Greenacres Garden Centre, Howey, Llandrindod Wells, Powys, LD1 5PL

Location: Greenacres Garden Centre, Howey, Llandrindod Wells, Powys, LD1 5PL

Proposal: Outline - Erection of four dwellings and associated works - some matters reserved

Application Type: Application for Outline Planning Permission

In response to concerns raised about settlement creep and the blurring of the distinction between settlements, the Professional Lead Development Management accepted that this was ribbon development but this was a brownfield site. In addition, the applicant had agreed to include an affordable dwelling in the development, which contributed towards this site being sustainable.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.15 P/2017/0970 Llwyn Y Rhedyn, Station Road, Lanfyllin, Powys SY22 5DE

Grid Ref:

Valid Date: 11/09/2017

Officer: Eddie Hrustanovic

Community Council: Lanfyllin Community Council

Applicant: Powys County Council

Location: Llwyn Y Rhedyn, Station Road, Lanfyllin, Powys SY22 5DE

Proposal: Creation of new car parking arrangement and footway

Application Type: Application for Full Planning Permission

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

4.16 HEDG/2017/0006 Land near Chapel, Aberhosan, Machynlleth, Powys

Grid Ref: 280830.11 297440.64

Valid Date: 05/10/2017

Officer: Luke Jones

Community Council: Cadfach Community Council

Applicant: Powys County Council

Location: Land near Chapel, Aberhosan, Machynlleth, Powys

Proposal: Hedgerow removal application

Application Type: Application for Hedgerow Removal Notice

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

5. DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS

The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 9 November and 30 November 2017.

6. LOCAL ACCESS FORUM [LAF] - APPOINTMENT OF A COUNCIL REPRESENTATIVE
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The Committee noted that this item would be considered as the first item of the next meeting.

**County Councillor K. Lewis
[Chair]**

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON FRIDAY, 15 DECEMBER 2017

PRESENT

Chair of the meeting - County Councillor K Lewis for the first part and then County Councillor D R Price

County Councillors L V Corfield, L George, H Hulme, E M Jones, M J Jones, K Laurie-Parry, H Lewis, I McIntosh, D Selby, K S Silk, D A Thomas, E Vaughan, G I S Williams, D H Williams, J Williams and R Williams

1. APOLOGIES

Apologies for absence were received from County Councillor P Pritchard.

Rights of Way

2. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of the next agenda item.

3. LOCAL ACCESS FORUM [LAF] - APPOINTMENT OF A COUNCIL REPRESENTATIVE

The Committee received a report regarding the appointment of a Member to the Powys Local Access Forum, as a result of the previous Member resigning from the Planning, Taxi Licensing and Rights of Way Committee.

DECISION	REASON FOR DECISION
That County Councillor J Williams be appointed to the Local Access Forum for a period of three years.	To ensure that the Council is represented on the Local Access Forum.

Planning

4. DECLARATIONS OF INTEREST

(a) There were no declarations of interest.

(b) The Committee noted that County Councillor D Selby requested that a record be made of their membership of Newtown Town Council where discussion

had taken place of matters for the consideration of this Committee and which he did not attend.

(c) The Committee noted that no Member of the Committee would be speaking as the 'local representative' in respect of any applications.

(d) The Committee noted that the following Members (who are not members of the Committee) would be speaking as the 'local representative' in respect of the following applications:

County Councillor K Roberts-Jones – P/2017/0696

County Councillor A Davies – P/2017/0702

County Councillor G Jones – P/2017/1217

5. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

The Committee considered the report of the Head of Regeneration, Property and Commissioning (copies filed with the signed minutes).

5.1 Updates

The Members confirmed that they had received and had time to read the update circulated the previous day and prior to the meeting.

5.2 P/2017/0696 Lomond, Kerry, Newtown, Powys, SY16 4N

Grid Ref: 314810.6 289750.3

Valid Date: 27/06/2017

Officer: Rachel Mulholland

Community Council: Kerry Community Council

Applicant: Mr & Mrs Bebb, Common Road, Upper Common, Kerry, Newtown, Powys, SY16 4NY

Location: Lomond, Kerry, Newtown, Powys, SY16 4NY

Proposal: Outline: Residential development of 5 dwellings including replacement of an existing dwelling, formation of access, highway improvement and all associated works (some matters reserved).

Application Type: Application for Outline Planning Permission

Councillor K Roberts-Jones spoke as the local representative.

In response to questions regarding highway issues the Highway Authority advised that the proposed four new dwellings would mean an insignificant increase in the road usage and traffic speeds in the area were within the speed limits. The proposed widening of the road and the provision of a footway would benefit highways safety. The Highways Authority advised that the flooding on the road referred to by the local representative was a maintenance issue and not an issue for consideration in this application.

The Committee noted that in the Unitary Development Plan [UDP] 60 houses had been approved as an appropriate level of growth and it was argued that as 60 houses had been approved the need identified in the UDP had been met. It was also considered that this was not an infill site. The Professional Lead Development Management advised that the UDP gave a guide to the appropriate level of sustainable development and that any application had to be considered as to whether further growth was sustainable. As Kerry has a school, shops and other facilities it was considered that the proposed development was sustainable. In response to comments the Professional Lead Development Management advised that TAN1 states that developments on exception sites must comply with all policies and that this site duly complied.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

5.3 P/2017/0702 Land Opposite The Old Vicarage, Llansillin, Oswestry, Powys, SY10 7PX

Grid Ref: 320901.55 328422.22

Valid Date: 22/06/2017

Officer: Eddie Hrustanovic

Community Council: Llansillin Community Council

Applicant: Mr Lewis-Jones, 10b Harston, Cambridge, CB22 7BX

Location: Land Opposite The Old Vicarage, Llansillin, Oswestry, Powys SY10 7PX

Proposal: Outline: Erection of up to 4 dwellings, formation of vehicular access, access road, and all associated works (Some matters reserved)

Application Type: Application for Outline Planning Permission

County Councillor A Davies spoke as the local representative.

Mr R Corbett spoke as the agent.

The Planning Officer advised that 23 houses had been started recently. A local needs dwelling had been included in the application in response to the need to support the Welsh language. In response to concerns raised about the decline in the Welsh language between 2011 and 2015 the Professional Lead Development Management advised that the provision of affordable housing was important to the Welsh language. He advised that if the Committee was minded to approve the application he recommended it be delegated to him in consultation with the Vice Chair to add a condition regarding a mitigation scheme with measures to promote the Welsh language and culture.

The Committee sought further clarification of the number of dwellings considered as appropriate growth for Llansillin. The Professional Lead Development Management advised that 37 dwellings had been approved in the UDP period and advised that it was for the Committee to consider whether the application was sustainable.

RESOLVED:	Reason for decision:
<p>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and that it be delegated to the Professional Lead Development Management, in consultation with the Vice Chair, to add a condition regarding a mitigation scheme with measures to promote the Welsh language and culture.</p>	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>To safeguard Welsh language and culture.</p>

The Chair agreed to amend the order of the agenda to accommodate speakers and the public.

County Councillor L George arrived at the meeting.

County Councillors L. George, E.M. Jones, K Laurie-Parry and J Williams moved to the public seating area for the next application as they had not participated in the discussions at the previous meeting.

5.15 P/2017/1083 Ysgol Gynradd, Wirfoddell A Reolir, Llanelwedd, Builth Wells, Powys, LD2 3TY

Grid Ref: 304552.43 251819.55

Valid Date: 27/09/2017

Officer: Thomas Goodman

Community Council: Llanelwedd Community Council

Applicant: Powys County Council

Location: Ysgol Gynradd, Wirfoddel A Reolir, Llanelwedd, Builth Wells, Powys, LD2 3TY

Proposal: Full: Installation of refurbished mobile classroom and associated works

Application Type: Application for Full Planning Permission

The application had been deferred from the last meeting to enable officers to explore options for a safe route to and from the proposed classroom. The Committee noted the information from the applicant provided in the update.

In response to comments the Principal Planning Officer stated that part of the school was outside the flood zone but the application was for a vulnerable development in a C2 flood zone, which was contrary to TAN15 and the UDP.

The Professional Lead Development Management advised that the applicant could challenge the NRW flood maps if they considered the C2 zone to be incorrect. In response to options for addressing the issues, the Solicitor advised the Committee that it should not be seen to be giving the application special treatment because it was being made by the Council.

RESOLVED:	Reason for decision:
That the application be refused.	The proposal will lead to an increase in highly vulnerable development within Zone C2 as defined by the development advice maps referred to under TAN15 Development and Flood Risk (2004). The development is contrary to policy SP14 of the Powys Unitary Development Plan (2010), Technical Advice Note 15 (TAN 15) Development and Flood Risk (2004) and Planning Policy Wales (2016).

County Councillors L. George, E.M. Jones, K Laurie-Parry and J Williams resumed their seats in the Committee.

5.11 P/2017/0620 Land adjacent to Moorhays, Rhosgoch, Builth Wells, Powys, LD2 3JY

Grid Ref: 318438.86 247398.05

Valid Date: 05/06/2017

Officer: Kevin Straw

Community Council: Painscastle Community Council

Applicant: Mr & Mrs Richard & Kym Hicks-Williams, Colburn, 86 Forest Drive, Catterick, Garrison, North Yorkshire, DL9 4UT

Location: Land adjacent to Moorhays, Rhosgoch, Builth Wells, Powys LD2 3JY

Proposal: Full: Erection of 2 detached dwellings, formation of new access and parking, landscaping, and all other associated works

Application Type: Application for Full Planning permission

The Planning Officer advised that if the Committee was minded to approve the application the Update report contained additional conditions.

Concerns were raised about the application site which was 200 metres from the settlement boundary and effectively in the open countryside. In response to questions the Professional Lead Development Management confirmed that the recommendation for approval was on balance. He advised that the Committee needed to consider whether the development was sustainable as Rhosgoch had no facilities but Painscastle, which was approximately one mile away, did have some facilities. The Committee noted that the proposed development was on Grade 3a agricultural land and the Professional Lead Development Management advised that the protection of this Grade of agricultural land should be given weight when considering applications.

It was moved and seconded to refuse the application on the grounds that the development was not sustainable and that Grade 3a agricultural land should be protected.

RESOLVED:	Reason for decision:
that the application be refused.	The proposed development would result in unsustainable development in the open countryside and would result in the loss of grade 3a agricultural land.

County Councillor D. R. Price arrived at the meeting and took the Chair and thanked County Councillor K. Lewis, Vice Chair for chairing the meeting.

5.4 P/2017/0910 Land adjoining Rose Hill, Kingswood Lane, Forden, Welshpool, Powys SY21 8TR

Grid Ref: 324159.88, 302350.02

Valid Date: 07/08/2017

Officer: Bryn Pryce

Community Council: Forden Community Council

Applicant: J P & S Blurton, Kingswood Lane, Rose Hill, Forden, Welshpool SY21 8TR

Location: Land adjoining Rose Hill, Kingswood Lane, Forden, Welshpool, Powys SY21 8TR

Proposal: Outline application (with some matters reserved) for up to 4 dwellings and garages, formation of vehicular access road and all associated works

Application Type: Application for Outline Planning Permission

The Planning Officer advised that CADW had raised concerns about the proximity of the proposed development to a scheduled monument. After receiving a new indicative plan for the development, CADW advised that the development would have a minor impact on the scheduled monument and therefore recommended that an appropriate condition be added to the outline planning permission.

The Highways Authority confirmed that the developer would pay for the provision of passing bays.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

5.5 P/2017/1128 Land adj to Highlea, Peartree Lane, Llanfair Caereinion, Welshpool, Powys, SY21 0BH.

Grid Ref: 310980.71 306565.31

Valid Date: 02/10/2017

Officer: Sara Robinson

Community Council: Llanfair Caereinion Community Council

Applicant: Mr D Williams, 23 Maes Derwen, Llanfair Caereinion, Welshpool, Powys, SY21 0BH

Location: Land adj to Highlea, Peartree Lane, Llanfair Caereinion, Welshpool, Powys, SY21 0BH

Proposal: Outline: Erection of a dwelling and garage together with associated works (some matters reserved)

Application Type: Application for Outline Planning permission

In response to questions the Professional Lead Development Management advised that the application differed from the appeal decision on the agenda as the proposed dwelling adjoins the settlement limits. The Planning Officer advised that the agricultural land classification was Grade 3b. The Professional Lead Development Management advised that this was an outline application and if approved the design of the dwelling would be considered at reserved matters.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

5.6 VAR/2017/0021 Bryn Uchel Isaf Caravan Park, Cwmllinau, Machynlleth, Powys, SY20 9PE

Grid Ref: 285764.13 308481.27

Valid Date: 02/08/2017

Officer: Dunya Fourie

Community Council: Glantwymyn Community Council

Applicant: Mr D Davies, Bryn Uchel Isaf Caravan Park, Cwmllinau, Machynlleth, Powys SY20 9PE

Location: Bryn Uchal Isaf Caravan Park, Cwmllinau, Machynlleth, Powys, SY20 9PE

Proposal: Application to modify section 52 legal agreement attached to planning permission M12131 (occupancy restriction)

Application Type: Discharge/variation of Section 106 Agreement

In response to questions regarding how often registers are checked the Professional Lead Development Management advised that due to the lack of resources pro-active enforcement was not undertaken and investigations were only undertaken when complaints were reported.

RESOLVED:	Reason for decision:
that the application be granted consent, as set out in the report which is filed with the signed	As officers recommendation as set out in the report which is filed with the signed minutes.

minutes.	
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5.7 P/2017/0692 Land adjacent to Llwynderw, Bwlch y Cibau, Powys SY22 5LN

Grid Ref: 317980.73 3137368.65

Valid Date: 28/06/2017

Officer: Eddie Hrustanovic

Community Council: Meifod Community Council

Applicant: House Martin Properties Bwlch y Cibau, Bryn Gwyn, Llanfyllin, Powys SY22 5LJ

Location: Land adjacent to Llwynderw, Bwlch y Cibau, Powys SY22 5LN

Proposal: Full: Erection of 4 no. detached dwelling houses with integral garages and 2 no. semi-detached dwelling houses, formation of vehicular access road, installation of sewage treatment plant and all associated works

Application Type: Application for Full Planning Permission

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

5.8 P/2017/0170 Land adjacent to Peartree Lane, Llanfair Caereinion, Powys SY21 0BH

Grid Ref: 310927.08 306451.2

Valid Date: 07/02/2017

Officer: Eddie Hrustanovic

Community Council: Llanfair Caereinion Community Council

Applicant: Mr J Edwards, Welshpool, Powys SY21 0BH

Location: Land adjacent to Peartree Lane, Llanfair Caereinion, Powys SY21 0BH

Proposal: Outline: Residential development of up to 5 dwellings, formation of vehicular access and associated works (some matters reserved)

Application Type: Application for Outline Planning

Questions were raised about the number of dwellings approved in the area. The Planning Officer advised that 53 dwellings had been approved and it was considered that as this was an area centre further development was sustainable. The Professional Lead Development Management advised that the Welsh Language had decreased by 3% in the area and stated that if the Committee was minded to approve the application he recommended it be delegated to him to add a condition about the need for a mitigation scheme in respect of the Welsh language.

Concerns were raised about the steep slope of the site and the Planning Officer advised that if the principle of development was approved cross-sectional drawings would be required at reserved matters and the developer would need to comply with Building Regulations, in respect of accessibility of the site and dwellings. In response to comments the Lead Professional Development Management advised that the development boundary was to protect the countryside.

It was moved and duly seconded to refuse the application as the development was outside the development boundary and that it had an unacceptable impact on the landscape and to delegate to the Lead Professional Development Management to agree appropriate wording for the reasons for refusal.

RESOLVED:	Reason for decision:
that the application be refused.	The proposed development would have an unacceptable landscape impact.

The Committee adjourned for lunch at 12.35 p.m. and reconvened at 1.05 p.m.

County Councillors D. Thomas, E Vaughan, G Williams, H Williams and J Williams left the meeting.

5.9 P/2017/1217 Land adjoining Maes Hyfryd, Llanfair Caereinion, Welshpool, Powys, SY21 0RY

Grid Ref: 309511.65 305977.04

Valid Date: 18/10/2017

Officer: Sara Robinson

Community Council: Llanfair Caereinion Community Council

Applicant: Mr Steve Andrew, Pear Tree Lane, Highbury, Llanfair Caereinion, Powys, SY21 0BH

Location: Land adjoining Maes Hyfryd, Llanfair Caereinion, Welshpool, Powys SY21 0RY

Proposal: Outline application (with some matters reserved) for erection of an affordable dwelling, installation of sewage treatment plant and improvements to vehicular access (resubmission)

Application Type: Application for Outline Planning Permission

County Councillor G Jones spoke as the local representative.
Mr G Davies spoke as the agent.

In response to questions the Lead Professional Development Management advised that the application was for an affordable dwelling and if approved a condition relating to this was recommended, which, would retain this as an affordable house in perpetuity. If the dwelling was sold it would have to comply with policy which currently would be at 30% below the market price. The Committee noted that as an application for an open market house on this site had previously been refused any future application to remove the affordable house condition would be resisted due the former.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

5.10 P/2017/1191 Land adj to Hen Efail, Foel, Welshpool, Powys, SY21 0PU

Grid Ref: 300917.62 310833.8

Valid Date: 13/10/2017

Officer: Sara Robinson

Community Council: Banwy Community Council

Applicant: Mr & Mrs Rees, Tanyllan 11 Tregynon, Newtown, Powys, SY16 3HA

Location: Land adj to Hen Efail, Foel, Welshpool, Powys SY16 3HA

Proposal: Outline: Erection of a detached dwelling, and garage, and all associated works (some matters reserved)

Application Type: Application for Outline Planning Permission

The Professional Lead Development Management in response to comments advised that the application site was part of a rural settlement area and was considered to be sustainable due to its proximity to Llangadfan. He advised that a rural settlement does not have a boundary and so the Committee had to consider whether the application was acceptable.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

5.12 P/2017/1184 Land near Tyffos Hendomen, Montgomery, Powys SY15 6EZ

Grid Ref: 321547.42 298114.85

Valid Date: 13/10/2017

Officer: Bryn Pryce

Community Council: Montgomery Town Council

Applicant: Miss H Broxton Edderton Hall, Forden, Welshpool, Powys SY21 8RZ

Location: Land near Tyffos Hendomen, Forden, Welshpool, Powys SY21 6EZ

Proposal: Outline application (with some matters reserved) for erection of a dwelling, detached garage and all associated works

Application Type: Application for Outline Planning Permission

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

5.13 P/2017/1071 Land at Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, Powys, SY21 0DU

Grid Ref: 309311.61 306337.57

Valid Date: 18/09/2017

Officer: Tamsin Law

Community Council: Llanfair Caereinion Community Council

Applicant: S.M. & G.D. Jones, Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, Powys SY21 0DU

Location: Land at Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, Powys SY21 0DU

Proposal: Full: Erection of a poultry unit, silos, formation of vehicular access and roadway together with all associated works

Application Type: Application for Full Planning Permission

In response to questions the Principal Planning Officer advised that the Highways Authority had no objections to the application subject to conditions.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

County Councillor D Selby advised that he was a member of Newtown Town Council which had considered the following application. He advised that he had not taken part in the meeting.

5.14 P/2017/1129 Tree Tops, Milford Road, Newtown, Powys, SY16 3AR

Grid Ref: 309615.54 291394.75

Valid Date: 02/10/2017

Officer: Dunya Fourie

Community Council: Newtown and Llanwcharian Town Council

Applicant: Mr Paul Bufton, Milford Road, Tree Tops, Newtown, Powys, SY16 3AR

Location: Tree Tops, Milford Road, Newtown, Powys, SY16 3AR

Proposal: Householder: Proposed first floor extension to existing dwelling along with exterior material changes and replacement windows

Application Type: Householder application

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

6. APPEAL DECISION

The Committee received a copy of the Planning Inspectorate's letters regarding appeals in respect of application the following:

- P/2016/0985 Sarn Meadow, Gwreiddyn Lane, Guilsfield, Welshpool SY21 9DT - The Committee noted that the Inspector had dismissed the appeal.
- P/2017/0250 and P/2017/0251 Dolbedwyn, C1332 from farm entrance at Dolbedwyn to crossroads with B4594 east of Dol-y-cannau, Newchurch, Kington HR5 3QQ - The Committee noted that the Inspector had dismissed the appeals.

The Committee noted future Committee dates.

County Councillor K. Lewis and D R Price (Chair)

CYNGOR SIR POWYS COUNTY COUNCIL**PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE****18th February 2018****REPORT BY: SENIOR MANAGER, COUNTRYSIDE, CONTRACTED AND CULTURAL SERVICES****SUBJECT: Wildlife and Countryside Act 1981, section 53
Proposed delegation of decision-making for
Definitive Map Modification Order case – Route from
Bankshead, Shropshire to Shepherdswhim, Powys**

REPORT FOR: RECOMMENDATION TO FULL COUNCIL

Proposal to delegate decision-making for Definitive Map Modification Order case - Route from Bankshead, Shropshire to Shepherdswhim, Powys**Background:**

1. An application was made to Shropshire Council on 4th May 2014 for a Definitive Map Modification Order, to add a bridleway to the Definitive Map and Statement. The application route crosses the county boundary between Shropshire and Powys.
2. The claimed route is shown on the plan at appendix A; it is in the parish of Bishop's Castle in Shropshire and community of Churchstoke in Powys. It starts at Bankshead (OS Grid Reference SO 307,899) and runs towards Pentre Cwm in Shropshire. It then crosses the county border into Powys, where it ends on the county road near Shepherdswhim (OS Grid Reference SO 295,905.)
3. Determining these cases is a statutory duty of both Councils, each being surveying authorities for the purpose of section 53 of the Wildlife and Countryside Act 1981.
4. Although an application to record this cross border route has been made to Shropshire County Council, no corresponding application has been made to Powys County Council. However, none is required; the process can be initiated without an application, if there is 'discovery of evidence' that the Definitive Map and Statement may need to be modified.
5. Rather than duplicate the work needed to research the sections of the route within Shropshire and Powys, officers of Shropshire County Council have researched the evidence for the whole route on behalf of both authorities. They have carried out informal 'pre-Order' consultation, involving the affected landowners, path user groups, the relevant Community and Parish Councils, Local Members and others.

6. An officer of Shropshire Council has prepared a report, summarising their findings. The next stage is for one, or both, Councils to decide whether legal Order(s) should be made or not, in respect of the addition of sections of public rights of way in Powys and in Shropshire.
7. One, or both of Powys County Council and Shropshire Council need to decide whether legal Order(s) should be made or not, in respect of the sections of the route in Powys and in Shropshire.
8. Under the Local Government Act 1972, a local authority can delegate its functions to another local authority. Either Powys County Council or Shropshire Council could choose to delegate the decision and any consequent Order-making with respect to this case to the other authority.
9. Normally, it would be the role of the Planning Taxi Licensing and Rights of Way Committee to determine Definitive Map Modification Order cases in Powys. In Shropshire, that responsibility is delegated to the Head of Infrastructure and Communities; cases are not presented to a Committee.
10. Irrespective of whether the case is considered by a Committee or determined by officers, the decision must be evidence-based. Matters such as desirability, maintenance or impact on land management cannot be taken into account.
11. The Planning Taxi Licensing and Rights of Way Committee is not being asked to consider the evidence in relation to this case at the current time. Rather, the Committee is asked to consider how a decision should be made about it; specifically, the Committee is asked for its view as to whether delegation of responsibility to, or from Shropshire Council would be appropriate. The Committee is then asked to make a recommendation to full Council as to its view on the matter.
12. This report and proposed delegation of decision-making relates to this particular case only; it does not relate to other current or future Definitive Map Modification Order cases.

Options:

13. Two separate decisions could be made about this case, relating to the sections of the route within Powys and Shropshire respectively. That could lead to two separate legal processes being followed to reach an outcome for each of the two sections of the claimed route. These outcomes may potentially be reached at different points in time.
14. Alternatively, a single decision could be made on behalf of both authorities. That would allow for a single legal process to be followed to reach an outcome for both sections of the claimed route.
15. As this is a cross-border route, the options are:
 - a. To formally delegate responsibility to Shropshire Council, to allow them to make a decision in respect of the whole claimed route; or

- b. For Powys County Council to seek a delegation to make a single decision about the whole of the claimed route; or
 - c. For two separate decisions to be made, by each of Shropshire Council and Powys County Council. These would relate to the sections of the claimed route in Shropshire and Powys respectively and may happen at the same point in time, or at different times.
16. Powys County Council's resources to deal with this type of casework are very limited and there are already a number of other cases in progress. If it were decided that Powys County Council should make a decision about this case, then that would take staff time away from other casework that has been allocated higher priority. Alternatively, if the case were placed in the Council's priority list, the decision for the case could be delayed for some years.
17. Shropshire Council must take action to conclude this case in so far as it affects land in Shropshire, even if no decision is made about the section of the route in Powys at the current time. Shropshire Council is in receipt of a formal application for a Definitive Map Modification Order, which must be determined within the timescales set by the Wildlife and Countryside Act 1981. Exceeding the timescale can result in a direction to make a decision, from the Planning Inspectorate.
18. As Shropshire Council is required to commit resources to investigating the claimed route within Shropshire, they have not made any charge for including the section in Powys. Neither have they indicated that they would make any charge if formal decision-making were delegated to them for the whole route. They are willing to accept responsibility for making a decision in respect of this case; an email confirming that is at appendix B.
19. Given the above, it is proposed that Shropshire Council be asked to make a decision about the whole of the claimed route. That would allow for a conclusion to be reached for both sections at the same time, without impacting on other casework that is already in progress in Powys.
20. Delegation of the responsibility for decision-making in respect of the section of this claimed route in Powys requires the approval of the full Council. The Committee is asked to make a recommendation to the full Council as to whether it supports the proposed delegation.

RECOMMENDATION:

That the Committee makes a recommendation to full Council as to whether it supports the proposed delegation of decision making to Shropshire Council, in respect of the section of the claimed route in Powys.

Appendices:

Appendix A	Plan of the claimed route, in both Powys and Shropshire
Appendix B	Email dated 18 th December 2017 from Shropshire Council's Rights of Way Mapping and Enforcement Officer

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Legend

- Footpath
- Bridleway
- Restricted Byway
- BOAT



This is not the legal definitive map. It is a working copy only. For information purposes only.

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Sian Barnes (CSP - Countryside Services)

From: Shona Butter <shona.butter@shropshire.gov.uk>
Sent: 18 December 2017 14:30
To: Sian Barnes (CSP - Countryside Services)
Cc: Lucy Mcfarlane
Subject: Bishop's Castle/Churchstoke Claim

Dear Sian

Further to your discussions with Lucy regarding the above claim which crosses the border into Powys.

I can confirm that Shropshire would be happy to make the decision on the evidence and whether or not to publish an order.

If your authority is happy for us to do this could you please provide us with the necessary delegations to publish the section of the order which crosses the border into Powys.

If you need anything further please let me know.

Regards

Shona Butter
ROW Mapping & Enforcement Manager
Shropshire Outdoor Partnerships
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
Shropshire
SY2 6ND
Tel: [REDACTED]
E-mail: shona.butter@shropshire.gov.uk



For more information on where to go in Shropshire visit <http://www.shropshiresgreatoutdoors.co.uk>



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Planning, Taxi Licensing and Rights of Way Committee
18th January 2018

For the purpose of the Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

Applications for consideration by Committee:

Application No:	Nature of Development:
Community:	Location of Development:
O.S. Grid Reference:	Applicant:
Date Received:	Recommendation of Head of Planning:

<p>P/2016/0455</p> <p>Old Radnor</p> <p>324385 258094</p> <p>25/4/2016</p>	<p>Proposed northern extension to Dolyhir Quarry: construction of screening landform to the north and west of Dolyhir Quarry; related surface water management ponds and drainage infrastructure; construction of new agricultural access to the public highway and new perimeter agricultural access track; continued use of existing processing and secondary treatment plant at Dolyhir/Strinds Quarry; relocation of washing plant from Dolyhir Quarry to Strinds Quarry during phase 5 of development scheme; diversion of services; continued development of Strinds Quarry in accordance with the current working scheme; implementation of comprehensive restoration strategy; and consolidating of the overall Dolyhir and Strinds Quarry extension area and screening landform into one overall planning unit.</p> <p>Dolyhir and Strinds Quarry, Dolyhir, Old Radnor, Presteigne, LD82RW</p> <p>Tarmac Trading LTD</p> <p>Recommendation: Conditional Consent</p>
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<p>P/2017/0571</p> <p>Llanrhaeadr</p> <p>312659.85 326184.17</p> <p>18/05/2017</p>	<p>Outline application for residential development for up to 5 dwellings, formation of access road and all associated works.</p> <p>Land adjoining Brynderw Park Street Llanrhaeadr Ym Mochnant Oswestry SY10 0JJ</p> <p>Mr N Jones Tanat Valley Developments Woolston Bank Fairfields Oswestry SY10 8HZ</p> <p>Recommendation: Conditional Consent subject to a section 106 agreement</p>
<p>P/2017/0580</p> <p>Tregynon</p> <p>309892.84 298237.96</p> <p>31/05/2017</p>	<p>Outline: Erection of up to 5 dwellings, formation of vehicular access and access road and all associated works.</p> <p>Land adjacent Tyn y Ddol Tregynon Newtown Powys SY16 3PL</p> <p>Tyn Y Bryn Farms Tyn y Bryn Tregynon Newtown Powys SY16 3PJ</p> <p>Recommendation: Conditional Consent</p>

<p>P/2017/1114</p> <p>Erwood</p> <p>307147.89 246177.92</p> <p>11/10/2017</p>	<p>Full - Application for the retention of a single affordable dwelling and associated works.</p> <p>Land at Alltmawr, Abernant, Erwood, Powys</p> <p>Mr Jones, Oak Villa, Erwood, Builth Wells, Powys</p> <p>Recommendation: Refusal</p>
<p>P/2017/1252</p> <p>Llanigon C</p> <p>321054.4 240280.57</p> <p>26/10/2017</p>	<p>Outline: Erection of two detached dwellings.</p> <p>Land adjoining Gardeners Barn, Llanthomas Lane, Llanigon, Hereford, HR3 5PU</p> <p>Mr & Mrs RK & PA Bishop, Llanigon, Llanthomas Cottage, Llanthomas Lane, Hereford, HR3 5PU</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/0969</p> <p>Caersws Co</p> <p>300661.43 294136.08</p> <p>22/08/2017</p>	<p>Outline: Proposed residential development of up to 3 dwellings, formation of vehicular access & access road & all associated works (some matters reserved).</p> <p>Land opposite Cefn y Wern Pontdolgoch Caersws Powys SY17 5NJ</p> <p>Mr L George Pontdolgoch Mill Pontdolgoch Caersws Powys SY17 5JE</p> <p>Recommendation: Conditional Consent</p>

<p>P/2017/0501</p> <p>Welshpool</p> <p>323097.5, 307637.7</p> <p>04/05/2017</p>	<p>Full: Erection of 8 no. bungalows and 1 no. staff accommodation unit together with formation of vehicular access and roadway, parking and all associated works.</p> <p>Land at Foundry Lane, Welshpool Powys SY21 7TR</p> <p>Wales & West Housing Association St David's Park, Ty Draig, Ewloe, Deeside CH5 3DT</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/0703</p> <p>Forden</p> <p>323225.64, 301055.76</p> <p>21/06/2017</p>	<p>Outline application for residential development of up to 9 dwellings, installation of sewage treatment plant and associated works.</p> <p>Oaklands, Forden, Welshpool, Powys SY21 8NA</p> <p>Mrs L & G Broxton And James Brynderwen, Forden, Welshpool Powys SY21 8NA</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/1154</p> <p>Castle Caereinion</p> <p>315965.31 305563.63</p> <p>11/10/2017</p>	<p>Full: Erection of 4 no. dwellings with detached garages, formation of vehicular access roadway and all associated works.</p> <p>Land at Swallows Meadow, Castle Caereinion, Welshpool, Powys, SY21 9DZ</p> <p>Mr David Thomas, D J Thomas Developments Ltd, Dolanog, Ysgubor-y-Wig, Welshpool, Powys, SY21 1AS</p> <p>Recommendation: Conditional Consent</p>

<p>P/2017/1267</p> <p>Pen-y-bont</p> <p>309035.84 324477.57</p> <p>30/10/2017</p>	<p>Outline: Erection of up to 2 dwellings and associated works.</p> <p>Land by Glanaber, Pen y Bont Fawr, Oswestry, Powys, SY10 0PD</p> <p>Mr RE Hughes, Parc, Pen y Bont Fawr, Oswestry, Powys, SY10 0PD</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/1318</p> <p>Glascwm</p> <p>311664.2 256448.52</p> <p>10/11/2017</p>	<p>Outline: Erection of 2 no. single storey residential dwellings and associated works (all matters reserved).</p> <p>Coedbach, Franksbridge, Llandrindod Wells, Powys, LD1 5SA.</p> <p>Mr M Davies, Coedbach, Franksbridge, Llandrindod Wells, Powys, LD1 5SA.</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/1112</p> <p>Mochdre</p> <p>308200.64 289379.51</p> <p>04/10/2017</p>	<p>Outline: Erection of an eco-friendly dwelling (all matters reserved)</p> <p>Site Next to Manteg, Stepside, Newtown Powys, SY16 4JJ</p> <p>Mr Emyr Davies, Tynypwll, Llandinam, Powys, SY17 5BQ</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/1215</p> <p>Tregynon</p> <p>309545.09 297741.08</p> <p>19/10/2017</p>	<p>Householder: Erection of a two storey extension and all associated works.</p> <p>2 Tynybryn Cottages, Tregynon, Newtown, Powys, SY16 3PJ</p> <p>Mr & Mrs T Jones, 2 Tynybryn Cottages, Tregynon, Newtown, Powys, SY16 3PJ</p> <p>Recommendation: Conditional Consent</p>

<p>NMA/2017/0080</p> <p>Newtown</p> <p>310684.23 291656.08</p> <p>12/10/2017</p>	<p>Non material amendment to planning permission P/2016/0466 in regards to alterations to the site layout, reducing the size of the windows, revision of the sill height and seek to use a timber & render cladding system in place or brickwork and the addition of a mobility scooter store at the rear of the property.</p> <p>Land Adjacent South of Newtown Bowling Club, Back Lane, Newtown, Powys, SY16 2NH</p> <p>Powys County Council</p> <p>Recommendation: Approval</p>
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6.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2016/0455	Grid Ref:	324385 258094
Community Council: Old Radnor	Valid Date: 25/4/2016	Officer: Thomas Boothroyd

Applicant: Tarmac Trading LTD

Location: Dolyhir and Strinds Quarry, Dolyhir, Old Radnor, Presteigne, LD82RW

Proposal: Proposed northern extension to Dolyhir Quarry: construction of screening landform to the north and west of Dolyhir Quarry; related surface water management ponds and drainage infrastructure; construction of new agricultural access to the public highway and new perimeter agricultural access track; continued use of existing processing and secondary treatment plant at Dolyhir/Strinds Quarry; relocation of washing plant from Dolyhir Quarry to Strinds Quarry during phase 5 of development scheme; diversion of services; continued development of Strinds Quarry in accordance with the current working scheme; implementation of comprehensive restoration strategy; and consolidating of the overall Dolyhir and Strinds Quarry extension area and screening landform into one overall planning unit.

Application Type: Full Planning Permission

The reason for Committee determination

The application is accompanied by an Environmental Statement (ES).

Site Location and Description:

The existing Dolyhir/Strinds Quarry unit is located in open countryside in the hamlet of Dolyhir, Dolyhir Quarry is located north of the C-class road (C-1341) which bisects the two quarry units, Strinds Quarry being located to the south of the C-class road. Gore quarry, also under the ownership of Tarmac, is located approximately 550 metres to the north-east of Dolyhir Quarry. The closest villages to the site are Burlingjob (approximately 580 metres to the east of the site) and Old Radnor, approximately 550 metres to the north-east of the site. Kington and New Radnor lie approximately 4.5 Kilometres to the east and 3.5 kilometres to the North West respectively. Access to the site from the A44 (which runs from Aberystwyth in the west to Oxford in the east) is along the B4594 approximately 1.6 km's from the junction with the A44, past Burlingjob to the junction with the C-1341. The site offices are located to the south of the C-class road along with the majority of the processing equipment and the weighbridge, a conveyor spans the road from Dolyhir to Strinds transporting material to be processed at the Strinds site.

The surrounding area is mostly agricultural in nature and there are agricultural fields surrounding the site. Immediately surrounding the site the land is mostly gently sloping at an elevation of approximately 205 metre A.O.D. To the north east the land slopes more steeply up to Old Radnor Hill (Gore Quarry is located on this hill) at a height of approximately 300 metres A.O.D. Further to the east (approx 1.7 km's from the site) Stanner Rocks National Nature Reserve rises to 333 metres A.O.D., this hill

is heavily wooded, mostly comprising of coniferous woodland but also some deciduous trees. To the south-east there is further hilly ground, including Hanter Hill (414 metres A.O.D.) and the Hergest Ridge, made up of a number of peaks, along which the Offas Dyke Path runs roughly east-west. To the south there are further hill areas with a patchwork of agricultural field and numerous woods and copses, comprised of both coniferous and deciduous trees. To the south west of the site there is further high ground, including Colva Hill (approx 510 metres A.O.D) and Caety Traylow (approx 532 Metres A.O.D) 5.3 kilometres and 5 kilometres respectively from the site. Burl Hill, Castle Hill and Highgate Hill form another area of high ground approximately 5 kilometres to the west of the site. These hill areas create a bowl like effect around the eastern, southern and western boundaries of the site. Directly to the north of the site the land is mostly flatter and made up of larger, more uniform agricultural fields. In this respect the landscape surrounding the site is divided with the hillier more rugged terrain to the east, south and west, with a more gentle, less undulating terrain to the north of the site.

The area is traversed by an extensive public rights of way system, this includes the Offas Dyke path along the Hergest Ridge, to the south of the site. There are numerous PROW surrounding the existing quarry and the foot print of the proposed extension site. The site is effectively encircled by PROW. The proposals involve the temporary diversion of one of these PROW but the other PROW's should remain unaffected. There is also a disused railway to the north-west of the site leading from the quarry entrance to the village of Harpton.

The area has an abundance of ecological and historical/cultural designations and there are various SAC/SSSI and listed buildings in the vicinity of the site. This includes the quarries of Dolyhir and Strinds themselves which are designated SSSI's for geological reasons, Dolyhir meadow sandwiched in between the two sites and adjacent to the site offices is also a designated SSSI, Stanner Rocks SSSI (and partly National Nature Reserve) is located 1.7 kilometres to the east of the site. Further afield there are the Burfa Boglands SSSI, approx 4.9 kilometres to the north east and Glascwm and Gladestry Hills SSSI approximately 4.6 kilometres to the south west of the existing quarries.

There are numerous listed buildings and scheduled ancient monuments in the vicinity (for a more extensive list see the reply below from the Councils own listed building Officer) this includes numerous listed buildings located in nearby Old Radnor, including the grade I listed St Stephens Church, approximately 400 metres north-east of the proposed extension. Within Old Radnor there is also the Scheduled Ancient Monument (SAM) of Old Radnor Castle which lies in close proximity to the listed church. Further afield lies Harpton Court with its gardens and stable, this is Grade II listed and lies approximately 1.4 kilometers north-west of the site. There are further SAM's to the north of the site, including Castle Nimble (approx 550 metres to the north-north-east). To the north east there are various SAM's in the Roman Camps 'complex' near Walton, approximately 1 kilometres distant, the Hindwell Palisaded Enclosure (a SAM) lies approximately 1.7 kilometres north of the proposed extension site.

The overall site area of the quarry complex (to include Strinds and Dolyhir Quarries) would result in an increase in overall area of 42.4 hectares, from 81.6 hectares to 124 hectares – this would include the proposed extension of the extraction area, soils storage areas and the proposed landscaping bund. The extension of the extraction area would take place in a northerly direction and would be extending into an area characterised by gently sloping agricultural fields and some hedgerow/tree boundaries. The closest property would be Yatt Farm would be approximately 100

metres from the eastern boundary of the site. From the eastern boundary of the site the properties that border the road approaching Old Radnor from the south are approximately 280 metres to the east. The centre of Old Radnor Village and the listed St Stephens Church would be approximately 350 metres north-east from the northern boundary of the site, the property, Trecoed, would be approximately 100 metres from the northern boundary of the site, a sewage works to the north being 230 metres distant. Directly to the north of the proposed extension there are no residential properties in close proximity, other than Trecoed, as mentioned above. To the west of the proposed site boundaries, there are few properties in close proximity, Siluria Farm being 740 metres to the west of the western boundary, the buildings in Harpton would be approximately 710 metres to the north-west of the western boundary. To the south-west of the proposed extension site boundary the Dolyhir Cottages are within close proximity to the site – however, much of the operations in this area of the quarry are already taking place – under this proposal the area close to these cottages will be used as top soils storage, and works on the existing landscaping bund will continue. Directly south of the proposed extension is the existing quarry at Dolyhir and Strinds, along with the various items of plant and site offices. There are also properties in close proximity to the south west of the site, however, again, operations are already happening in this area and operations will not be extended in this area of the quarry.

Consultee Response

Community Council (old Radnor) –

Planning Application P/2016/0455 Proposed Extension to Dolyhir Quarry
The meeting of Old Radnor Community Council held on 26th July agreed the following response.

The Community Council wishes to reject Tarmac's proposals in their current form. Significant concern has been expressed to the Community Council regarding the destruction of Stones Farm in the later phase of quarrying and the adverse impact of the proposed quarry boundary on the associated stone barns, contrary to UDP SP 3. Stones is the oldest farm building in the Walton basin and of significant historical and aesthetic importance in the local landscape. The Community Council wish the proposed boundary of working to be altered to ensure that the farmhouse and associated stone barns are preserved for future generations. A deviation of the proposed Northern face boundary by some 100 yards could achieve this. The Community Council has applied to request that Cadw consider listing Stones Farmhouse and associated stone barns; although the buildings may or may not meet national criteria, the preservation of Stones is of extreme importance to local residents. Given the huge increase in quarrying area encompassed by the current proposal, it is hoped that a modification to the quarry boundary will be possible.

The Community Council is concerned about the impact of the quarry extension on St. Stephen's Church, Old Radnor, an important ancient monument. A "horseshoe" of the Gore, Strinds and expanded Dolyhir quarries around the hamlet of Old Radnor will result in greater damage from blasting operations originating from different directions. This is contrary to UDP Policy MW8, and would affect the site and setting of this important building contrary to UDP Policy ENV 17. The Community Council has some evidence of potential detrimental effect of blasting on the Church structure. Continuous, independent monitoring of vibration should be considered. There will also be an inevitable loss in amenity value, in the setting and character of the settlement of Old Radnor. Many visitors to the area travel up to Old Radnor to see the Church in its setting.

Recent archaeological work in the Walton basin has elucidated that there are internationally important neolithic sites, which should be protected in their landscape context. Given these internationally important archaeological discoveries the Community Council would encourage a full geophysical survey of the proposed quarry extension boundary to ensure that no significant structures are destroyed where no visible evidence exists above ground. A number of very old oak trees, originally planted on the Harpton Estate, will be lost by the proposed quarry extension. The Community Council reading UDP GP 1 point 5 wishes to ascertain if more could be done to save some old oak trees on the outer bunding margins of the proposed development, by sloping some of the landscaping. There is also an important oak in the Stones Farmhouse garden which should be conserved. The Community Council relays the concerns of residents regarding airborne dust from the quarries, in that the working of the existing extension to Dolyhir quarry has resulted in perceived increases in levels of dust on the prevailing South Westerly wind, blowing towards residences on Old Radnor Hill. As working proceeds in a North Westward direction, this problem will increase in significance. Whilst quarrying is bound to release some airborne dust, residents feel that current levels of dust control are currently insufficient, contrary to policy UDP MW16. Dust clouds can be observed from Hergest Ridge blowing out of current workings from Dolhir quarry. Early planting of trees in the buffer zone on the Northern boundary may help to mitigate this, with other methods of control. Independent sampling and monitoring of airborne dust to a defined standard, should be a planning condition.

Concerns have been expressed to the Community Council and Quarry Liaison Committee about existing levels of light pollution from the Gore and Strinds; this may relate to more recent extended working hours of processing plant, resulting in external lighting running at night. Residents are concerned that UDP Policy DC3 should be implemented to the fullest extent in any scheme involving a Dolyhir extension and that rigorous lighting conditions are imposed: lighting should be turned off between 22:00 and 05:00 hrs and should be carefully designed to eliminate light pollution and ensure light sources are only visible from the working areas they illuminate.

Representations have been made to the Community Council concerning the release of sediment and other pollutants into local water courses from Gore and Dolyhir. There is concern from certain local residents that current operating conditions relating to UDP Policy DC9 and UDP MW1 criteria 5,6,7 need to be more rigorously and independently enforced. There is concern that the water management in the proposed extension will be similarly under resourced with inadequate settlement ponds. There is also concern as to the effect of proposed quarry extension on underground water movement and the level of the water table. The Community Council proposes that baseline sampling of brooks and streams receiving run-off from the proposed Dolyhir extension should be undertaken.

Residents are concerned as a result of experience that compliance with UDP MW 14 (noise) and that MW 15 (reversing alarms) in particular, should be independently monitored and enforced. A condition limiting the length of the working day for soils stripping and extraction, would help to both cut light pollution and limit noise disturbance to neighbours. The Community Council suggests that operations involving the construction of screen/baffle mounds and the stripping of soils should not be carried out outside the hours of 08.00 and 18.00 Mondays to Fridays and 08.00 and 14.00 on Saturdays. 07:00 hrs start to extraction operations should be a condition rather than the 06:00 hrs start in the current Dolyhir workings.

Concern has been expressed to the Community Council regarding the level of quarry dust building up on the B4595 between Strinds Dolyhir quarries, to the A44 trunk road junction. Provision for road drainage and settlement tanks should be considered on this section of road, in order to allow washing of the road to mitigate the build up of dust. A condition to maintain surrounding roads in use by quarry traffic dust free should be imposed and enforced. More efficient lorry washing facilities should be considered. The current situation making is unpleasant and unhealthy for users such as pedestrians and cyclist to use this section of road share with frequent aggregate lorries raising the dust. It is anticipated that the Dolyhir extension can only compound this situation.

The Community Council notes that the unnamed road leading up from the Crown Inn on the A44 through the hamlet of Old Radnor, is "closed" to quarry traffic but wish this to be included in any planning conditions imposed on the proposed extension. The quarry can do more to advise delivery drivers and other visitors of this restriction. In summary, there is strong concern regarding the impact on Old Radnor of three quarry complexes operating concurrently. The current proposal to extend Dolyhir should be re-evaluated in that light.

Further comments were also received from the Council later during the determination period, these are as follows

Following the receipt of the latest documentation in connection with the above the Community Council reviewed its comments and wishes to add the following -

noise levels - to request a new survey on noise levels as the present one is from 2015 and as such is out of date. It was also felt that direct face to face consultation with residents affected would provide a useful indication on the direct affect to those living nearby and their perception of noise levels. independent monitoring of noise levels to ensure impartiality

dust control: the need for proper consideration of dust control above immediate ground level i.e. from actual workings rather than from lorries leaving the plant (which are treated using the wheel wash).

measures to reduce light pollution which will be an increasing concern given the extended area to be worked. Lights should be modern - equipment is now geared to minimise light pollution and this should be a requirement on the new site area. Existing equipment on site causes ongoing concerns due to the light pollution and the new area should not add to the problems already experienced.

I would be grateful if you would note these comments when assessing the application.

Highways

The County Council as Highway Authority for the County Class III Highway, C1341

Wish the following recommendations/Observations be applied

Recommendations/Observations

On the basis that the extraction rate and therefore the daily traffic volumes remain unchanged from the current arrangement I have no objection to this proposal.

The new agricultural access should be constructed to comply with the following conditions:-

- HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
- HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 90.0 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
- HC7 Within 5 days from the commencement of the access works the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- HC21 Within one month of the commencement of the access works the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
- HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

Wales and West Utilities

With regards to your above request, this is not Wales & West Utilities area. This falls within National Grid's area, contact details for them below:

Email: plantprotection@nationalgrid.com

Telephone: 0800 688 588

If you have any further questions please don't hesitate to contact me. Many thanks

Area County Councillor - Cllr Michael Jones

Has requested the application be called in and has also requested to speak at committee

Environmental Health Services

I have assessed all the documentation regarding Noise, Dust and Blast issues that will be associated with the proposal.

I have the following comments.

Noise:

The noise report provided in the Environmental Statement is comprehensive and demonstrates compliance with the levels set for both current and proposed activity.

Dust:

Full and comprehensive data is supplied within the Environmental Statements. Properties to the north of the proposals will be brought closer to the site but the mitigation measures suggested and already incorporated with previous planning conditions will offer sufficient protection to nearby residents however I will recommend further measures to tackle dust being taken off site.

Blasting:

The mitigation measures set out in the recommendations of the ES Vol 1 page 193 should be specifically worded to be included as conditions.

Recommendations:

- Conditions 8 to 21 as attached to P/2010/1207 shall be carried over with alterations being made on 21 (g) thus requiring all HGV's to use the said wheel wash prior to leaving the site.
- Condition 18, Blasting - P/2010/1207 which will be carried over with alterations being made to the Peak Particle Velocity (PPV), which should be reduced from 12mm/s to 10mm/s.

Countryside Services

From the information provided at this time it is clear that public rights of way will be impacted by the proposed development, the applicant has acknowledged that fact within the application.

Some of the public rights of way shown on the applicant's maps are slightly incorrect. I attach a digital representation of the public rights of way in the area, however, I urge the applicant to make a booking to view the Definitive Map as soon as possible to make sure any inaccuracies are corrected.

Countryside Services do have concerns about the impact this development will have on both the public rights of way, and the public using them. As a department we have past experience of dealing with the applicant. There have been problems with public rights of way on their other local sites, some of which are still ongoing.

It is noted that the applicant recognises the need for diversions of the public rights of way that are affected by the work. The granting of planning permission does not, in itself, authorise the diversion or stopping up of any public right of way. A diversion or extinguishment of the path must be achieved through a separate legal process,

which involves the making and subsequent confirmation of a public path Order. As it is an offence to obstruct the line of a public right of way, development work affecting the line of a public path must not be commenced until such time as a public path Order has been both made and confirmed.

Please note that an unopposed and uncomplicated application for a public path Order takes a minimum of 6 months to process to completion. There is likely to be a delay of some months following the granting of planning consent, before any development work affecting public rights of way can be commenced, as there are statutory advertising periods associated with both the making and confirmation of an Order. As such, the applicant should contact Countryside Services at the earliest possible opportunity to start the process.

If this application were to be granted planning permission, we request that it be made a condition of planning that an 'Access Management Plan' be drawn up and agreed with Countryside Services, before the commencement of construction. The 'Access Management Plan' would seek to plan and map out the management and improvement of the public rights of way network on the site throughout the life of the quarry. Early consultation with Countryside Services is recommended. We note the longer term plans for proposed public rights of way and welcome their addition.

In light of the concerns Countryside Services have over this application, we request an 'Access Improvement Fund' of £10,000 from the developer so that the public rights of way off-site can be improved. Therefore, if members of the public choose to avoid the site whilst the quarry is being worked, the other public rights of way in the area can be improved to offer higher quality access. The fund should be received by Countryside Services pre-commencement to allow the improvement works to be undertaken before the public rights of way on site are affected by the proposed works.

Following agreement from the applicant to pay into an 'access improvement fund' the PROW officer has commented as follows

Thank you for the clarification. A unilateral obligation is acceptable to me as long as it meets your requirements.

My comments on the criteria are below:-

Fund', subject to:

- (i) The currently undefined improvements being undertaken within a 1 mile radius of the application site boundary; could this be extended to 2 miles as a 1 mile radius would be cutting many linking paths in half.
- (ii) The fund being used for improvement works on the public rights of way network;
- (iii) The fund being spent within 5 years of receipt of the money by PCC; and
- (iv) The expenditure and works implemented being reported to the Quarry Liaison Committee, which meets every 6 months and is Chaired by the local County Councillor and attended by Community Councillors and local residents.

We would need a commitment for when we would receive the money? On commencement?

We are not able to determine at this stage what work is required on specific paths. That would require a significant investment of officer time. The issues on paths may

be entirely different by the time the money was received so we will not set out at this stage what the money would be spent on.

With regards to the diversions, I think it would be best to take Legal advice? If the applications are unopposed they are determined by officers, however, if there are any objections received they would go to committee. Perhaps Legal may advise we take these to committee regardless of whether they are opposed or not to ensure we are not accused of pre-determination.

Ramblers

Thanks for the opportunity to comment on this application.

Having viewed the very detailed plans and written documents it is clear that this is a very professionally produced plan and that there is reasonable provision for the diversion of the relevant paths.

It is clear though that the provision of thorough way marking and signage during the various stages of development is necessary. Can this be made very clear to the applicant please in the event for planning permission being granted?

In view of the scale of this development can consideration be given please to making it a condition of any planning permission that the applicant works actively with the Council and meets the costs of ensuring that all rights of way on their land are maintained to a high standard with clear waymarking, the removal of excess vegetation on paths and the replacement of faulty stiles.

Ecologist

Planning Application Reference	P/2016/0455
Project Name / Description	Proposed northern extension to Dolyhir Quarry; construction of screening landform to the north and west of Dolyhir Quarry; related surface water management ponds and drainage infrastructure; construction of new agricultural access to public highway and new perimeter agricultural access track; continued use of existing processing and secondary treatment plant at Dolyhir/Strinds Quarry; relocation of washing plant from Dolyhir Quarry to Strinds Quarry during phase 5 of development scheme; diversion of services; continued development of Strinds Quarry in accordance with current working scheme; implementation of comprehensive restoration strategy; and consolidation of the overall Dolyhir and Strinds Quarry, extension area and screening landform into one overall planning unit. At Dolyhir and Strinds Quarry, Dolyhr, Old Radnor, Presteigne, Powys
Consultation Deadline	30/09/2016

Ecological Topic		Observations
EIA Screening Requirement	Not applicable	The submission is accompanied by an Environmental Statement (ES) prepared in accordance with the requirements of the

		<p><i>Town and Country Planning (Environmental Impact Assessment) Regulations 1999.</i></p>
<p>Protected Species & Habitats¹</p>	<p>European Species</p>	<p>An Ecological Impact Assessment (EclA) forms Chapter 7 of ES Vol 1 (SLR, April 2016). The assessment has been informed by background data and biological records, pre-existing site information collected during previous site studies, and a suite of habitat and species surveys undertaken during 2015.</p> <p>The European Species considered as having potential to be affected by the proposed extension to Dolyhir Quarry and therefore assessed within the EclA are hazel dormouse, bats, otters and great crested newts.</p> <p><i>Dormice</i> Survey work has not confirmed the presence of hazel dormice, although the potential for individual animals to occasionally use suitable habitats within the proposed extension area is a possibility as the species is known to occur in the local area. Consequently a precautionary phased approach to site clearance is proposed to prevent killing or injury of individuals which may occur at very low densities. The wider woodland creation that is proposed as part of the restoration strategy would ultimately represent a net gain for hazel dormouse and increase surrounding habitat connectivity.</p> <p><i>Bats</i> The potential impacts to bats relate to the loss of roost sites, loss of foraging grounds and disruption of flight lines. The proposed extension will incorporate a mitigation strategy to avoid killing or injuring bats and ensure favourable conservation status is maintained.</p> <p>As a known and potential bat roost will be lost during different phases of quarry development, an updated roost assessment will be undertaken to confirm number and location of roost and roost features to be removed during a particular phase, and</p>

		<p>detailed mitigation including type and location of compensation roost features will be outlined in EPS licence application.</p> <p>The foraging activity recorded within the extension area has been attributed to a relatively low number of bat species and is not considered to be out of context for the geographic location of the site. It is considered that the restoration and enhancement works (woodland planting, wildflower meadows) would provide a net gain for foraging and commuting bats and represent an overall enhancement compared to the baseline situation.</p> <p><i>Otters</i> Whilst no evidence of otters has been found, works to establish and remove one of the temporary soil storage areas would take place in close proximity to a stream which has potential to be used by otters as part of a wider territory. Measures are subsequently proposed to prevent harm or disruption to otters during works within 50m of this watercourse. The long term inclusion of water bodies within the final restoration, together with associated marginal habitat, is considered to provide an overall gain for otters.</p> <p><i>Great crested newts</i> The assemblage of amphibians found in the existing quarry voids includes a small population of great crested newts. It is considered highly unlikely that amphibians found within the quarry void would access the proposed extension area and therefore terrestrial habitats associated with this population are not expected to be affected by the proposal. A longer term mitigation strategy for amphibian populations within the operational quarry has previously been approved in 2012, and will not be changed as a result of the current proposal.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>An Ecological Impact Assessment (EclA) forms Chapter 7 of ES Vol 1 (SLR, April 2016). The assessment has been informed by background data and biological records, pre-existing site information collected during previous site studies, and a suite of habitat and species surveys undertaken during 2015.</p>

	<p>The UK Species considered as having potential to be affected by the proposed extension to Dolyhir Quarry and therefore assessed within the ECIA (and not described above) are badgers, reptiles and breeding birds.</p> <p><i>Badgers</i> No setts have been identified within the proposed extension area though a low level of activity has been recorded which indicates occasional presence. A significant area of comparable habitat for badgers would be retained in the local landscape and areas of comparable and higher value foraging would be provided as part of wider restoration and enhancement. It is also proposed to undertake update surveys for badgers in advance of each phase of quarry development to ensure baseline conditions remain as currently described.</p> <p><i>Reptiles</i> The presence of a slow worm has been confirmed within the proposed extension area and this species is likely to occur at low densities where suitable habitat is present e.g. field boundaries or edge of track ways. A reptile mitigation strategy for future quarry extension phases based on staged habitat manipulation in advance of removal is proposed to limit effects upon reptiles.</p> <p><i>Breeding birds</i> The breeding bird survey has identified an assemblage of bird species, including species of conservation priority, that are either confirmed or likely/possible breeders within the proposed extension area. Direct impacts would be minimised by clearing vegetation outside of the bird breeding season or checking for nests in advance. The impact of habitat removal is reduced through a phased approach to quarry development, with the scale of habitat loss at any stage representing a minor proportion of the wider resource that would be retained, and so is unlikely to significantly affect the conservation status of bird species within the extension area. The loss of habitat will be off-set through the proposed restoration works which includes replacement hedgerow and woodland edge habitat, and the phased approach to the</p>
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		<p>quarry expansion and restoration strategy minimises the short term reduction in nesting habitat.</p> <p>A known Peregrine falcon site in Strinds Quarry is unlikely to be affected by the proposed extension to Dolyhir though a precautionary watching brief is proposed due to the enhanced legal protection afforded for this species.</p>
	<p>Sect. 7 Species & Habitat <input checked="" type="checkbox"/></p>	<p>In accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Hedgerows are listed on Section 7 of the Environment (Wales) Act 2016 as habitats of principal importance for the conservation of biodiversity in Wales, and are included within the proposed extension area. A loss of 3.1km of relatively species-poor hedgerow, forming the field boundaries of improved pasture surrounding Dolyhir Quarry, is expected due to the quarry extension and in order to accommodate the proposed restoration strategy. The proposals provide 3.6km of new and replacement planting, representing an overall gain of 0.5km, and also place a significant emphasis on woodland creation. It is also recommended that selected hedgerows to be lost are translocated to the restored areas to maintain species of local provenance and aid establishment of new hedgerow habitat.</p> <p>The wider restoration proposals are described further in Chapter 4 of ES Vol 1 and include establishing an agricultural and wildlife enhanced peripheral landscape around the whole site that reflects the landscape character; maximising the potential of the quarry to provide a range of biodiverse habitats and meet local BAP targets, and creating strong woodland links throughout the restoration area. It is expected that the progressive implementation of the restoration strategy during different phases of quarry expansion and on cessation of works will create a range of habitat types of benefit to local</p>

		biodiversity including ponds, watercourses, hedgerows, woodland, species rich meadow, redundant quarry faces, deep water lakes and shallow reed beds.
	LBAP Species & Habitat <input checked="" type="checkbox"/>	Please refer to comments provided above regarding habitat type directly affected and creation of habitat types created through the restoration strategy.
Protected Sites	International Sites (within 2km) ² <input type="checkbox"/>	An Ecological Impact Assessment (EclA) forms Chapter 7 of the ES Vol 1 (SLR, April 2016). No Internationally designated sites are identified within the proposed zone of influence.
	National Sites (within 500m) ³ <input checked="" type="checkbox"/>	Dolyhir Meadows SSSI comprises two meadows located approximately 475m from the proposed extension area. Stanner Rocks NNR and SSSI is located approximately 1.7km from the proposed extension area and is designated on account of the assemblage of rare higher and lower plant species. An Ecological Impact Assessment (EclA) forms Chapter 7 of ES Vol 1 (SLR, April 2016). The assessment considers impacts upon statutory designated sites within the proposed zone of influence. Direct impacts from the proposals upon these SSSIs are not considered likely; the assessment report also concludes that no impacts are expected upon these sites as a result of changes to groundwater levels or, with the application of current operational control measures, due to the release of pollution, dust or noise during quarry operations.
	Local Sites (within 500m) <input checked="" type="checkbox"/>	Various blocks of ancient semi-natural woodland (ASNW) surround the site of the proposal. An Ecological Impact Assessment (EclA) forms Chapter 7 of the ES Vol 1(SLR, April 2016). The assessment considers impacts upon non-statutory designated sites within

		<p>the proposed zone of influence. Direct impacts from the proposals upon these ASNW sites is not considered likely; the assessment report also concludes that negligible impacts are expected upon these sites as a result of changes to groundwater levels or, with the application of current operational control measures, due to the release of pollution, dust or noise during quarry operations.</p> <p>The restoration strategy aims to reinforce habitat connectivity between the ASNW sites which surround the area of the proposal.</p>
Invasive Non-Native Species	No	No species listed on Schedule 9 of the Wildlife and Countryside Act 1981 have been identified within the proposed extension area
Cumulative Effect	No	
Summary of recommendations / further assessment or work		<p>The various measures contained in the application proposed to limit potential adverse impacts associated with the proposals upon ecological receptors and to enhance the periphery of the quarry site for landscape and biodiversity benefits are subject to long-term management commitments and it is therefore recommended that the applicant demonstrate the delivery of mitigation and restoration strategies to the LPA on a frequent basis during both phased quarry expansion and following cessation of mineral extraction.</p> <p>See recommended conditions below.</p>
Recommended Conditions		<p>1) Given the potential impacts to protected species, including bats, otters, reptiles, nesting birds, badgers and great crested newts, an Ecological Management Plan (EMP) is required to be submitted for written approval prior to commencement of development works. This should comprise a precautionary approach setting out the following:</p> <ul style="list-style-type: none"> Detailed reasonable avoidance measures to avoid and minimise any impacts to protected species as included in Chapter 7 of ES Vol 1;

	<p>the plan should include a schedule of future ecological surveys and mitigation measures developed to coincide with future phases of quarry development;</p> <ul style="list-style-type: none"> • An ecological monitoring schedule to determine the success of mitigation measures which are implemented; • Detailed measures to protect retained trees and hedgerows on the periphery of the proposal, in accordance with BS 5837: Trees in relation to design, demolition and construction – Recommendations; • The plan should include mechanisms to measure success over time and should be reviewed and updated at regular intervals to be agreed with the LPA. <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p>2) Prior to commencement of development a pollution management/mitigation scheme shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p>3) Soiling, seeding and planting of restoration areas in accordance with the phased restoration strategy outlined in Chapter 5 of the Planning Statement shall be undertaken at the earliest possible opportunity following completion of the previous phase of quarrying, to allow early establishment of enhanced wildlife habitat/landscape buffer and minimise the</p>
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	<p>extent of topsoil storage areas.</p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p>4) Aftercare management will commence following the completion of the initial restoration works (end of phase 1). The applicant will develop a strategy to monitor the success of all restoration works to be agreed with the LPA, and will regularly inform the LPA regarding performance against the objectives set within the restoration strategy outlined in Chapter 5 of the Planning Statement, as a minimum at annual intervals.</p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p>5) Any changes in the objectives and accompanying design approach included in the restoration strategy outlined in Chapter 5 of the Planning Statement will be agreed in writing with the LPA.</p> <p><u>Reason:</u> To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 7, July 2014), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p>
<p>Relevant UDP Policies</p>	<p>UDP SP 3 - Natural, Historic And Built Heritage Policy Env 2 - Safeguarding the Landscape Policy Env 3 - Safeguarding Biodiversity and Natural Habitats Policy Env 5 - Nationally Important Sites Policy Env 6 - Sites of Regional and Local</p>

Land Drainage

In response to this consultation and, having the opportunity to examine the submitted application and supporting documentation, the Lead Local Flood Authority (LLFA) would make the following comments/recommendations, as follows:-

Flood Risk.

Comment: Having reviewed the application documentation, we are satisfied that the application has appropriately identified and provided suitable information on the measures to control impacts the proposed development will have on matters relating to local flood risk both on site and off site. However, the LLFA would point out that the climate change allowance figures used in the Surface Water & Drainage Assessment (ref: 60489TN2) prepared by ESI Ltd dated April 2016, have been uplifted to 25% by Welsh Government (not 20% as quoted) for areas draining to the Severn Catchment. It would be advisory to revise and reassess the predicted run-off using this uplifted figure. Any variations can be assessed and accommodated for at detailed design stage.

Where existing ordinary watercourses are effected by the proposals, it is recommended that a 5 metre maintenance strip is retained alongside the watercourse channel, which would also allow for any overland flows. No contours should be altered within this 5 metre buffer strip without prior permission from the Planning Authority.

Recommendation: No contours should be altered within 5m of any watercourse or 3 metres either side of any culverted watercourse, without prior permission from the Planning Authority.

Reason: To ensure that the proposed development does not compromise the function of the existing land drainage systems and that any proposed alterations are fully compliant with regulations and are of robust design.

Advisory: Any proposed diversion or culverting of any ordinary watercourse will require prior consent from the Lead Local Flood Authority (Powys County Council) under the terms of Section 23 of the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010). Relevant application forms and guidance should be sought from the County Council's Land Drainage team.

Surface Water.

Comment: The hydrology of receiving water bodies can be affected by the presence of new development. New roads, hardstandings and buildings may increase the volume of runoff that reaches the receiving watercourse and also reduce the time it takes to get there. This has implications for channel stability, aquatic habitats and flooding. Where the movement of any existing watercourse channels is required, this may also affect the local hydrological regime.

The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – *Development and Flood Risk* and good practice drainage design.

Having reviewed the Surface Water & Drainage Assessment (ref: 60489TN2) prepared by ESI Ltd dated April 2016, we are generally satisfied with its findings. However, it is recommended that applicant submit further drainage details and drawings for the various proposed control measures summarised in Chapter 6 - Conclusions and Recommendations of the above mentioned assessment, prior to any commencement on site. These details shall include an appropriate maintenance regime for the various drainage assets, which is likely to be expected through the lifetime of the quarry extension development.

Recommendation: No development shall commence until a detailed scheme for the control of surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include a timetable for its implementation and, a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the drainage schemes throughout its lifetime.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

Welsh Government Department for Natural Resources

I refer to your letter of 09 June consulting Welsh Government on the above planning application in accordance with Schedule 5 of the Town and Country Planning Act 1990 (as amended).

The Department for Natural Resources does not wish to comment upon the principle of the development, and will confine comments to the agricultural after use that is proposed for part of the site.

Agricultural Land Classification (ALC):

The agricultural land within the extension area was subject to detailed ALC survey, October 2015, and found to be ALC Grade 3b, land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.

This survey was validated by Welsh Government on 29 June and found to fairly reflect agricultural land quality across the site. It was completed in accordance with the MAFF 1988 Guidelines and criteria for Grading Agricultural Land.

Pre-working Agricultural Condition:

The land to be restored to an agricultural after use is Agricultural Land Classification Grade 3b. Split into numerous parcels, the land is currently under productive permanent pasture grazed by sheep and cattle, and is enclosed by mature hedges, boundary trees and post & wire stock fencing.

Agricultural After Use:

The submitted scheme for the working and restoration of the quarry identifies an area approximately 36.6 hectares, 15.7 permanent loss and 20.7 hectares to be restored to agriculture, woodland and hay meadow on cessation of quarrying. All the soil material found within the extension area shall be recovered, stored and used in the agricultural restoration, all in a manner that is detailed in Chapter 8 of the Environmental Statement dated April 2016.

It is confirmed that agriculture is an appropriate after use for this part of the restored quarry, and can be specified as such by your Authority in accordance with Schedule 5, Part 1(1) of the 1990 Act.

The standard of agricultural after use should create an agricultural resource that is of continuing, long term economic benefit to the local agricultural community. Grade 3b (ALC) productive grassland is considered to be the appropriate standard in this case, to reflect the quality of land taken in the extension area and the available soil resource, and to satisfy the requirement of paragraph 3(2) of Schedule 5 of the 1990 Act.

Agricultural Restoration and Aftercare Conditions

It will be necessary to impose appropriate conditions to regulate the necessary operations during the life of the quarry to achieve the required standard of agricultural after use. These conditions should require the quarry operator to follow the sequence of operations set out in the submitted working scheme, as above, or in the event of a change in method of working and/or restoration strategy, to require submission of revised proposals for prior approval.

I attach a schedule of conditions that highlight restoration and aftercare operations that require to be regulated by condition. Please discuss if your Authority sees any difficulty in including such matters in the permission.

1. Drainage and pollution

Throughout the period of working, restoration and aftercare the developer shall

(i) protect and support any ditch, watercourse or culvert passing through the permission area, or satisfactorily divert it, and shall not impair the flow or render less effective drainage onto and from adjoining land.

(ii) provide for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land, to ensure that there is no pollution of watercourses by the approved operations.

2. Agricultural Water Supplies

The developer shall ensure that any flow of water used for agricultural purposes that is adversely affected by the development is reinstated in a satisfactory manner, including the provision of alternative supplies during the course of operations.

3. Site Maintenance

a) All injurious weeds, as defined by the Weeds Act 1959, growing within the development area shall be eradicated or adequately controlled by approved method.

b) All vegetation growing on soil storage bunds and peripheral areas within the site shall be kept in tidy condition by cutting at least once during the growing season.

c). The boundary of the development shall be made stockproof for the duration of the development, including throughout the period of agricultural aftercare.

4. Soil Conservation

a) All topsoil and subsoil shall be conserved in accordance with the developer's proposals as described in the Environmental Statement Volume 1, Chapter 8, dated April 2016 and email dated 8 September. Any amendments to this method of working shall be the subject of revised proposals to be submitted and approved by the Planning Authority prior to implementation.

b) All topsoil shall be stripped from areas affected by excavations, subsoil and overburden storage mounds, building works, hardstandings and other construction including temporary access roads.

c) All subsoil shall be stripped from areas affected by excavations and overburden material storage mounds, building works, hardstandings and other construction including temporary access roads.

d) No soil material shall be removed from site.

e) Topsoil and subsoil storage bunds shall be placed in approved locations and constructed by approved method and to approved size and shape to ensure secure storage without damage, loss or contamination, and thereafter maintained in tidy condition.

f) The developer shall provide location plans of all soil storage mounds, updated where necessary, including description of materials and volume to the Planning Authority.

g) Soil shall only be moved when in dry and friable condition and when ground conditions are dry and firm. The developer shall give 48 hours notice to the Planning Authority of an intention to strip soil.

5. Restoration

a) Prior to the placement of soil or soil forming material, the developer shall submit for the approval of the Planning Authority a plan showing the final contours to be achieved in the restored landform.

b). At least 6 months prior to the intended completion of the restored landform, or a phase of restoration, the developer shall submit for the approval of the Planning Authority a detailed Restoration Plan showing the final landform, soil profile characteristics and all necessary agricultural facilities and woodland/wetland areas, including written specifications. The Restoration Plan shall identify the intended phasing of the restoration, as appropriate.

c). All plant, machinery, buildings, fixed equipment, and areas of hard standing including site compounds shall be removed unless otherwise agreed.

d) All settlement ponds where located within an area identified for agricultural after use shall, unless to be retained by agreement with the Planning Authority, be

emptied of slurry and filled with dry inert material to agreed levels and restored to agricultural use.

e). Following the formation of the restored landform to approved contours, the resultant base material shall be comprehensively ripped to a minimum depth of 400mm to break up surface compaction before any soil material is spread. Special attention shall be given to areas of excessive compaction such as haul/ access roads where deeper ripping may be necessary. All large stones and boulders, wire rope and other foreign material arising shall be removed.

f) Soil material shall be placed in accordance with the approved scheme. Any alteration to this working method shall only be carried out with prior approval from the Planning Authority.

g) The soil material (topsoil and subsoil) set aside for use in the agricultural restoration shall be spread uniformly and in correct sequence over the ripped base material, and shall, where necessary, be rooted and scarified to full depth without causing mixing between different soil layers.

h) All stones greater than 100mm in any direction brought to the surface by soil loosening or cultivation operations shall be removed.

i) The soil profile in all areas restored to agricultural after use shall be minimum 1.12 metre depth and shall consist of 44cms topsoil and 68cms subsoil, covering an area approximately 20.7 hectares in extent. Any intention to alter this soil depth will require prior approval from the Planning Authority.

j) All operations to move and place soil material shall be carried out only when such material is in dry and friable condition and ground conditions are dry and firm. The developer shall give 48 hours notice to the Planning Authority of the intention to carry out any soil movement operation

k) The site shall be restored only in accordance with the approved Restoration Plan and all items therein shall be maintained to the satisfaction of the Planning Authority for a period of 5 years. Maintenance shall include the replacement of any trees, shrubs and hedgerow plants that die and the re-seeding of any areas of grassland that are in unsatisfactory condition in the view of the Planning Authority.

6. AGRICULTURAL AFTERCARE

a. All reinstated Agricultural areas shall undergo aftercare management for a 5 year period. The aftercare period shall commence on the date that restoration or phase of restoration has been completed to the satisfaction of the Planning Authority.

b The Developer shall be responsible for submitting an Aftercare Scheme that shall identify the steps that are necessary to bring the land to a condition that satisfies the standard of agricultural use as specified in the planning consent.

c. A detailed First year Aftercare Scheme shall be submitted for the approval of the Planning Authority not later than 3 months prior to the date when the Restoration works are due to be completed and shall include where appropriate the following details :

- 1) Tree planting and landscaping

2) Cultivations, seeding and management of the land, in accordance with the rules of good husbandry.

3) Fertiliser and lime application based on soil chemical analysis, the results of which are to be submitted to the Planning Authority.

4) Provision of water supplies and land drainage facilities, including watercourses, field ditch systems and piped field underdrainage where appropriate. Where the installation of a piped underdrainage scheme is considered by the Planning Authority to be essential to the satisfactory restoration of the site, the Developer shall submit a scheme for approval by the Planning Authority, and the scheme shall be installed during the first year of the Aftercare period unless otherwise agreed.

5) Any other agricultural treatment particularly relevant to the site.

d. There shall be a formal annual review of the agricultural management of the site during the five year aftercare period. The timing of these formal reviews shall be during the winter period and prior to the commencement of management in the spring. The parties to this review shall include where appropriate the Developer, the landowner(s), the occupier(s), the Planning Authority and a representative of the Welsh Government Land, Nature and Forestry Division. At least 4 weeks prior to the holding of this review, the developer shall submit to the Planning Authority a record of the operations carried out during the period covered by the review and a written programme of management to cover the year ahead.

e. The Developer shall ensure that the land is under competent agricultural management at all times during the aftercare period.

Listed Building Conservation Officer:

Thank you for consulting me on the above application. My comments are solely related to a consideration of the impact of the proposal on the listed buildings within the landscape only (and not the ecological aspects). However I acknowledge that the landscape cannot be treated in distinct categories as geology, archaeology, ecology and history usually are intertwined in the landscape, with one being the reason for the presence of another.

I would refer to Cadw guidance "caring for Historic Landscapes" ISBN 1 85760 164 5.

The first page sets out guidance for consideration of historic landscapes, *"Imagine that you have just one piece of paper of which to write everything. You have to reuse it time and time again, rubbing out some words each time in order to add new information. Eventually you end up with a mixture of lines relating to different times and uses; some of the writing will make sense, but some will be fragmentary. Our present landscape is like that. It is a single landscape but, because it has continually undergone change for around 10,000 years and bears the traces of past use and re-use it is also historic"*

The Powys Unitary Development Plan describes the Powys landscape as *"Apart from the broad river valleys of the Severn, Wye and Usk and their tributaries, Powys is an area of upland mountain and moorland, well suited to grazing livestock, outdoor pursuits and forestry, but with limited scope for other forms of economic development. However, these characteristics also combine to provide a high quality landscape throughout the area, one which is attractive to tourists and day visitors as*

much for its remoteness and rugged natural beauty as for its distinctive market towns and remote villages. Statutory designations may receive individual protection but the UDP starts out with the premise that all of the landscape and environment of Powys is of high quality, worthy of conservation, careful management and enhancement”.

National Guidelines from Cadw reiterate that statement

“The entire rural and urban landscape of Wales is an historic asset. However, it is also possible to define individual components of the historic environment, small or large, and including those under the ground or under water, that can be identified as specific historic assets. Historic assets, or combinations of historic assets, of any size, including historic buildings, archaeological sites, historic areas or landscapes, need to be understood and managed at different levels for different purposes. Every historic asset also occupies a site which will have natural environmental values as well as heritage values.

The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.”

The historic landscape as opposed to the natural landscape, (although the both are often so interlinked to be impossible to differentiate between them) is characterised by mans impact on the landscape throughout millennium. These range through Bronze age hill forts on hill tops, to fortified dwellings, to historic farmhouses of more recent construction religious buildings, illustrating pre-reformation, post reformation and non-conformism, and mans impact on the landscape by means of evidence of cultivation, ploughing, enclosure of land, etc.

This area of Powys is exceptionally rich in heritage assets namely;

In Old Radnor

Listed Buildings – 1 grade 1

Parish Church of St Stephen grade I Cadw ID 9131

Listed Buildings grade II (3)

Telephone box SW of St Stephens Cadw ID 9134 – grade II

The Harp Inn Cadw ID 9132 – grade II

Stockwell Farmhouse – Cadw ID 9133 – grade II

In the wider area (3 grade II* 38 grade II)

Lower House – Cadw ID 9192 – grade II*

Walton Court – Cadw ID 9191 – grade II*

Downton House – Cadw ID 9237 – grade II*

Bilmore Farmhouse – Cadw ID 9196– grade II

Lower Hanter including agricultural range – Cadw ID 9147 – grade II

Former Station building close to A44 – Cadw ID 9190 – grade II

School Farmhouse Cadw ID 9197 – grade II

Gwerndyfnant Cadw ID 8779 – grade II

Trewern Cadw ID 9198 – grade II

L Plan range at Trewern Cadw ID 9199 – grade II

Siluria Cadw ID 9201 – grade II
 T Plan range of outbuildings at Siluria Cadw ID 9202 – grade II
 Courtyard range at Siluria Cadw ID 9203– grade II
 Detached privy 20m w of Siluria Cadw ID 9204 – grade II
 Yardo Chapel Cadw ID 9200 – grade II
 Gate Piers walls and railings at driveway to Harpton Court Cadw ID 9175 – grade II
 Lodge at former driveway to Harpton Court Cadw ID 9174– grade II
 Harpton Court Cadw ID 9176 – grade II
 Former stable block to stable yard at Harpton Court Cadw ID 9177 – grade II
 Former granary to Harpton Court Cadw ID 9178 – grade II
 Harpton Farmhouse Cadw ID 9179– grade II
 Downton Farmhouse Cadw ID 9238 – grade II
 Outbuildings attached to Downton farmhouse Cadw ID 9239 – grade II
 Part of L plan farm ranges Downton farmhouse Cadw ID 9240 – grade II
 Part of L plan farm ranges Downton farmhouse Cadw ID 9241 – grade II
 Part of L plan farm ranges Downton farmhouse Cadw ID 9242 – grade II
 Part of L plan farm ranges Downton farmhouse Cadw ID 9243 – grade II
 Part of L plan ranges at Downton House Cadw ID 9244– grade II
 Part of L plan ranges at Downton House Cadw ID 9245– grade II
 Lea Farmhouse Cadw ID 9246 – grade II
 Cowshed at Lea Farmhouse Cadw ID 9249 – grade II
 Farm range SW Lea Farmhouse Cadw ID 9247 – grade II
 Cowhouse SE of Lea Farmhouse Cadw ID 9248 – grade II
 Bryn Cadw ID 9264 – grade II
 L Plan ranges N of Bryn Cadw ID 9265 – grade II
 Former station building Cadw ID 9266 – grade II
 Former goods shed Cadw ID 9267 – grade II
 Hindwell Farmhouse Cadw ID 9193 – grade II
 L Plan range at Hindwell Cadw ID 9195 – grade II
 Barn in farmyard at Hindwell Cadw ID 9194– grade II

Further afield there is the New Radnor Conservation Area with a number of listed buildings; 91 grade II* 30 grade II)

Monument To Sir George Cornwall Lewis Cadw ID 9205 – grade II*
 The Laurels, Broad Street Cadw ID-9206– grade II
 No.6 Broad Street Cadw ID-9207– grade II
 No.7 Broad Street (The Nook) Cadw ID-9208– grade II
 No.8 Broad Street Cadw ID-9209– grade II
 No.9 Broad Street (Station House) Cadw ID-9210– grade II
 No.10 Broad Street (Yew Tree Cottage) Cadw ID-9211– grade II
 No.11 Broad Street (The Old Rectory) Cadw ID-9212– grade II
 No.8 Church Street (Swan House) Cadw ID-9213– grade II
 Outbuildings Attached To Left Of No.8 Church Street Cadw ID-9214– grade II
 No.9 Church Street Cadw ID-9370– grade II
 No.12 Church Street Cadw ID-9371– grade II
 Wayside Cottage, High Street Cadw ID- 9223– grade II
 Telephone Call-Box (Post Office) Cadw ID-9219– grade II
 War Memorial, High Street (N Side) Cadw ID- 9220– grade II
 Church Cottage, High Street Cadw ID-9221– grade II
 No.1 High Street (The Forge) Cadw ID-9216– grade II
 Smithy With Stable Attached To No.1 High St. Cadw ID-9217– grade II
 No.2 High Street (The Cross) Cadw ID-9218– grade II
 No.9 High Street (Wayside) Cadw ID-9222– grade II
 No.10 High Street Cadw ID-9224– grade II

No.11 High Street Cadw ID-9225– grade II
No.15 High Street Cadw ID-9226– grade II
Outbuilding 10m To W.Of No.15 Cadw ID-9227– grade II
Brookside Farmhouse,Water Street Cadw ID-9229– grade II
Farm Range Attached To Nw.End Of Brookside Cadw ID-9230– grade II
Farm Range Adjoining E.End Of Brookside Cadw ID- 9231– grade II
Cowsheds 30m To Ne.Of Brookside Cadw ID-9235– grade II
Part Of L-Plan Farm Range 30m Ne.Of Brookside Cadw ID-9233– grade II
Part Of L-Plan Farm Range 30m Ne. Of Brookside Cadw ID- 9234– grade II
Stable Building 15m E.Of Brookside Cadw ID-9232– grade II

Evenjob contains a number of listed buildings (25 grade II)
Telephone Call-box at T-junction in centre of village-Cadw ID-9162– grade II
Courtyard Cottages,-Cadw ID-9156– grade II
Bethel Baptist Church-Cadw ID-9160– grade II
Woodside Cottage,-Cadw ID-9173– grade II
Lower House,Evenjob-Cadw ID-9163– grade II
Court Farmhouse-Cadw ID -9158– grade II
Outbuilding Range Attached To Court Farmhouse-Cadw ID-9159– grade II
Church Of St.Peter-Cadw ID-9172– grade II
Brook House-Cadw ID-9170– grade II
Outbuilding Lying 20m Sw Of Brook House-Cadw ID-9171– grade II
The Harbour-Cadw ID-9161– grade II
The Forge-Cadw ID-9157– grade II
Upper House-Cadw ID-9167– grade II
Barn Range To Nw Of Upper House-Cadw ID-9168– grade II
Cowshed/Stable Range To Nw Of Upper House-Cadw ID-9169– grade II
Horseyard Farmhouse-Cadw ID-9164– grade II
Barn To Rear Of Horseyard Farmhouse-Cadw ID-9166– grade II
Attached Rear Outbuilding Range At Horseyard Farm-Cadw ID-9165– grade II
Evancoyd,Including Attached N Wing,Evancoyd-Cadw ID-9149
Gardener's Cottage About 100m NE Of Evancoyd-Cadw ID-9153
Outbuilding Around NW Courtyard At Evancoyd-Cadw ID-9152
Outbuilding Around NW Courtyard At Evancoyd-Cadw ID-9151
Outbuilding Around NW Courtyard At Evancoyd -Cadw ID-9150
Lodge To Evancoyd-Cadw ID-9154
Hay Barn About 30m North Of Evancoyd Lodge-Cadw ID-9155

Kinnerton (5 grade II)
Kinnerton Court – Cadw ID 9180 - grade II
Upper House –Cadw ID 18808 – grade II
Former stable building at Upper House – Cadw ID 9181 – grade II
Badland Farmhouse – Cadw ID -9138 – grade II
Agricultural ranges at Badland – Cadw ID 9184 – grade II

In addition there are 2 Registered Parks and Gardens in the locality;
Harpton Court – grade II
Gardens at Evancoyd – grade II

The area is extremely rich in designated archaeological deposits

Scheduled Ancient Monuments

RD051 Old Radnor Castle
RD046 Castle Nimble

RD151 Worsell Wood cairn cemetery
 RD138 Three Roman Camps NE of Walton
 RD247 Hindwell Palisaded Enclosure
 RD0063 Hindwell Farm Round Barrow
 RD136 Roman F E of Hindwell Farm
 RD 0064 Standing Stone 400m ENE of Four Stones
 RD004 Four Stones
 RD0045 Kinnerton Castle Mound
 RD118 Womaston Castle Mound
 RD047 Knapp Farm Mound
 RD048 2 Round Barrow NE of Harpton Court
 RD050 New Radnor Town Bank and Ditch
 RD154 New Radnor Medieval Town SW quadrant
 RD152 New Radnor Interior of Medieval Town
 RD033 New Radnor Castle
 RD191 The Whimble Barrow
 RD189 Red Hill Bronze Age Barrows
 RD190 Bronze age barrows on Whinyard Rocks

I understand that the impact of the proposal on the Scheduled Ancient Monuments and the Registered Parks and Gardens will be considered by other consultees and as such shall restrict my comments to the setting of listed buildings only. In order to appreciate the setting of individual listed buildings in the rural landscape an appreciation and understanding of the landscape should be undertaken.

I note the LANDMAP classifications on the site of the proposed quarry extension to be;

	Theme	ID	Area name	Classification	Evaluation
1	Geological	RDNRGL127	Old Radnor	Other	Outstanding
2	Landscape habitat	RDNRLH035		Mosaic	Outstanding
3	Visual & Sensory	RDNRVS166	Rolling Hills	Hill and lower plateau	Moderate
4	Historic	RDNRHL493	Old Radnor Hill	Extractive	Low
5	Cultural	RDNRCL013	Working Quarries	Minerals and Mining	High

Landmap defines the existing quarry in the historic classification as low and describes the area as “as two conjoined hills on the edge of the Walton Basin. Both largely destroyed by modern working quarries but with vestigial archaeological remains.” It continues that “the landscape is dominated by the 2 modern hilltop road stone quarries of Gore Quarry and Dolyhir and Strand Quarries”.

I note that the area of the proposed quarry extension is classified as

	Theme	ID	Area name	Classification	Evaluation
1	Geological	RDNRGL031	Maesyfed	Other	Moderate
2	Landscape habitat	RDNRLH032		Mosaic	Moderate
3	Visual & Sensory	RDNRVS166	Rolling Hills	Hill and lower plateau	Moderate

4	Historic	RDNRHL765	Weythel	Irregular landscapes	High
5	Cultural	RDNRCL039	Paincastle and Marcher hinterland	Other infrastructure	Outstanding

I note the adjoining areas have the following classifications

	Theme	ID	Area name	Classification	Evaluation
4a	Historic	RDNRHL035	Old Radnor	Sense of Place	Outstanding
4b	Historic	RDNRHL763	Walton Basin	Regular Fieldsapes	Outstanding
5a	Cultural	RDNRCL040	Vale Of Radnor	Sense of Place	Outstanding

4a Historic RDNRHL035 Old Radnor Sense of Place Outstanding
Landmap describes

The summary description is that Old Radnor is an *“historic settlement from which the county takes its name, from pre-history; the settlement overlooks the Vale of Radnor/Walton Basin whose value as an historic landscape has not yet been widely recognised. The presence of the large Church of St Stephen, surrounded by a typical circular llan graveyard containing many examples of 15th-18th C ecclesiastical art of monuments built on a bronze age site, enhances the cultural value of Old Radnor which to a large degree embodies and reflects the history of Radnorshire.”*
The description continues that the justification for Old Radnor having an outstanding classification is for its *“history and panoramic command of the historic landscape of the Vale of Radnor/Walton Basin. “*

4b Historic RDNRHL763 Walton Basin Regular Fieldsapes
Outstanding

The justification of the overall evaluation is *“A truly outstanding area encompassing prehistoric complexes of international importance, Roman forts and settlements, early medieval and medieval settlements and their strip field systems, later filedscapes and even associations with William Wordsworth”*

5a Cultural RDNRCL040 Vale Of Radnor Sense of Place
Outstanding

The outstanding classification is justified because of the *“evidence of multi-period occupation, recorded history, and being a microcosm of the evolution and cultural development of Radnorshire”*. The area is classed as Rare *“as such a multi-period landscape demonstrating the evolution of human occupation is not rare in Wales, but the registers of historic landscapes list comparatively few examples containing such cultural variety”*

I note the guidelines for the future include the immediate suggestion to consider the inclusion of the Vale of Radnor/Walton Basin on the Register of Historic Landscapes and the long term suggestion of the potential for promoting the area as a visitor destination. It is noted that Stockwell Farm Old Radnor is owned and managed for

holiday let by the Landmark Trust. However at the current time the area is not included within the Register of Historic Landscapes.

Collectively the listed buildings are contained within areas of historic and cultural landscapes that are classified as outstanding and rare. However the impact on individual listed buildings should also be assessed. I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraph 11 of Welsh Office Circular 61/96 which states

“Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.5.9 of Planning Policy Wales 8th edition 2016 which states,

“Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

However I would refer to emerging guidance from Welsh Government, “Setting of Historic Assets in Wales” which has recently been out for consultation and has yet to be adopted and as such could be subject to change. The emerging document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all heritage assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale. The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

I will consider the impact on the listed buildings in light of the emerging guidelines from Cadw that seek to advise decision makers in assessing the impact of a proposed change or development in the execution of their duty under Sections 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

The historic assets have been identified in the submitted information and are clearly identified on Drawing Number D095/00098 of Environmental Statement Appendices Volume 2. (page 39) and Appendix 14.1 and Figures 14.2 and 14.3 of Environmental Statement Volume 1

I note a number of omission from on this drawing namely;

RD247 Hindwell Palisaded Enclosure – a large Neolithic enclosure 800m x 500m with an internal area of 34 hectares and is one of the largest of its type in Europe.

The 2 Scheduled Ancient Monuments of Hindwell Round Barrows (RD063) have been identified and are within this area. However the Scheduled Ancient Monument is correctly identified on drawing number M11.169(e).D.015.

Harpton Court Registered Park and Garden – although it is referred to in the written text (page 240 of Environmental Statement Volume 1 and has been addressed).

However the Scheduled Ancient Monument is correctly identified on drawing number M11.169(e).D.015.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

This has been addressed in Chapter 14 Cultural Heritage in Environmental Statement Volume 1. The emerging guidelines from Cadw on setting of historic assets were not out for consultation at the time the Environmental Statement was prepared.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

This has been addressed in Chapter 14 Cultural Heritage in Environmental Statement Volume 1.

The cultural assessment in Table 14.1 places values on the historic assets;

Very High being World Heritage Sites and Historic assets of acknowledged internal importance and Historic landscapes of internal value designated or not.

High; Scheduled Ancient monuments and non designated assets of Schedulable quality, grade I and II* buildings, designated and non-designated landscapes of outstanding historic interest including grade I and II* HRPG,

Medium; grade II listed buildings or other historic non designated buildings that have high qualities, designated landscapes of special historic interest including grade II Registered Parks and Gardens .

Low: non designated historic assets of local importance

I will address the individual listed buildings in the same order.

Grade I

Parish Church of St Stephen grade I Cadw ID 9131

The list description describes the church as being on the W flank of Old Radnor Hill on a pre-norman foundation. The church predominantly dates from rebuilding throughout the C15 after attacks by Owen Glendower in 1401/2 but includes earlier fabric. One of the finest medieval churches in Wales.

The RCAHMW database Coflien notes that this church was included in T.J. Hughes' Wales's best one hundred churches.

Sarah and John Zaluckyj in their book "The Celtic Christian Sites of the central and southern Marches" Logaston press 2006 refer to the findings of CPAT in that the presence of 5 alters in the pre-reformation church suggests "that it had a status greater than that of a simple parish church. Its high 13th century value suggesting a mother or *clas* status in the pre-norman period.

It is not considered that the short term setting of St Stephens Church will be affected by the proposal, although the proximity of the development is noted.

The principal road through the area is the A44 which is on the valley bottom, and the Church has a commanding view over the valley, and as such there are views of the church from the A44.

Mature woodlands of Broad Leasow Wood and Oldland Wood prevent views of St Stephen's from the A44 until Knapp Farm when the vista is opened along the former road of Wellin Lane now a track. The existing Dolyhir quarry is not visible from that viewpoint, and I note the proposal would bring the quarry operations closer to Old Radnor and St Stephens. However taking into account the current tree cover and the proposed mitigation measures, I would not consider that the proposal would have an adverse impact on the setting of St Stephens when viewed from the medium distance viewpoint of the A44.

Given its elevated position the tower of St Stephens is visible over a very large area and is visible from the unclassified road leading south from the B4372 at Kinnerton past Kinnerton Court towards the A44. St Stephen's is visible from Kinnerton and in many locations when travelling south along the unclassified road especially south of the junction with Crossfield Lane and adjacent to Four Stones. However, due to the topography the existing quarry is not readily visible from this viewpoint, and given the existing tree cover and the proposed mitigation it is not considered that the proposal would have an adverse impact on the setting of the grade II Church of St Stephen's.

Grade II*

Lower House – Cadw ID 9192 – grade II*

Lower House is a truncated cruck framed house of one and half storeys with an early C16th 2 storey jetty set back from the road about 150m E of Junction with A44. The building was included on the statutory list on 21 September 1962

The existing quarry at Gore Quarry is visible in the backdrop behind Lower House, however given the lack of intervisibility between this listed building and the proposal, it is not considered that the proposal would have an impact on the setting of this grade II* listed building.

Walton Court – Cadw ID 9191 – grade II*

Walton Court is on the north side of the A44 sited between the junctions of the B4357 and the B4362, and was included on the statutory list on 13 December 1951. The house is orientated west to east with its principal views to the south and north.

The house dates from the C15 with major C16/17 extensions and remodelling of 1700 by Thomas Herrick and is a significant house in the area.

Given its location north of the A44, and in the intervening Court Cottage, it is not considered that the proposal would have an impact on the setting of this imposing grade II* listed building.

Downton House – Cadw ID 9237 – grade II*

Downton House was included on the statutory list on 21 September 1962. The house is on the northern side of the A44 and the principal rooms face south towards the A44. The house is very imposing being a 5 bay south front with two bay C19 additions to the left and large apsidal ended rear wing. late C18 with substantial mid C19th additions. The property is on an ancient manorial site forming part of the extensive Radnorshire estates of James Brydges Lord Marquis of Caernavon 3rd Duke of Chandos. In 1781 it was purchased by Edward Lewis of London who was elected MP for Radnorshire the same year and was probably responsible for rebuilding the house in its current form. It was later sold to Sir George Cornwall Lewis and became the Dower House to Harpton Court.

The distance between the proposal and this large house is acknowledged, along with the tree cover between the listed building and the proposal. I would not consider that the proposal would have an impact on the setting of this significant grade II* listed building.

Grade II

The vast majority of listed buildings in this significant landscape are north of the A44 and as such it is not considered that the proposal would have an impact on the setting of grade II listed buildings north of the A44.

With regards to the listed buildings to the south of the A44 I would make the following comments.

Telephone box SW of St Stephens Cadw ID 9134 – grade II

The Harp Inn Cadw ID 9132 – grade II

Stockwell Farmhouse – Cadw ID 9133 – grade II

These three buildings are in close proximity to the grade I listed Church.

Telephone Box SW of St Stephens Church.

It is not considered that the short term setting of the telephone kiosk will be affected by the proposal, although the proximity of the development is noted.

The principal road through the area is the A44 which is on the valley bottom, and it is noted that whilst the Church has a commanding view over the valley the telephone kiosk is not readily visible from this viewpoint.

I would not consider that the proposal would have an adverse affect on the setting of this listed building.

The Harp Inn Cadw ID 9132 – grade II

The Harp Inn is sited 200m to the NE of the church and is a C16/17 former cross passage timber framed house. The building is designated as being in group value in fine landscape setting with the Parish Church.

It is not considered that the short term setting of the telephone kiosk will be affected by the proposal, although the proximity of the development is noted.

The principal road through the area is the A44 which is on the valley bottom, and the church is visible from locations on the A44. The Harp Inn is also visible from the A44, however it is one a a few buildings nestled against the church. The fact that the Harp Inn is on the opposite side of the church from the proposal is also noted. Taking into account the current tree cover and the proposed mitigation measures, I would not consider that the proposal would have an adverse impact on the setting of The Harp Inn when viewed from the medium distance viewpoint of the A44.

Stockwell Farmhouse – Cadw ID 9133 – grade II

This listed building with C16th origins is sited below Radnor hill some 250m NE of St Stephen's Church. The property is visible from the A44 especially close to the Kinnerton turn and Wellin Cottage. The distance between the property and the proposed development is noted as is the fact the that more dominant Church lies between this listed building and the proposal. Taking into account the current tree cover and the proposed mitigation measures, I would not consider that the proposal would have an adverse impact on the setting of Stockwells when viewed from the medium distance viewpoint of the A44.

Bilmore Farmhouse – Cadw ID 9196– grade II

Bilmore Farmhouse is a mid C19th house set below the main road with Old Radnor Hill to the NW. Given its location to the NE of the proposed development with Old Radnor Hill between the listed building and the proposal, it is not considered that the proposal would have an adverse impact on the setting of this listed building.

Lower Hanter including agricultural range – Cadw ID 9147 – grade II

This C16/17 farmhouse is one and a half storeys and a truncated portion of a larger sub-medieval house. The building is sited across the lower slopes of valley leading south between Worsell Wood and Hanter Hill. Given its location to the E of the proposed development with Yatt Wood between the listed building and the proposal, it is not considered that the proposal would have an adverse impact on the setting of this listed building.

Harpton Court and associated buildings

There are a cluster of buildings relating to Harpton Court, and given their close proximity to each other I am addressing them together, not only because of their close proximity but also because of their historical association with each other. The listed buildings are;

- Gate Piers walls and railings at driveway to Harpton Court Cadw ID 9175 – grade II
- Lodge at former driveway to Harpton Court Cadw ID 9174– grade II
- Harpton Court Cadw ID 9176 – grade II
- Former stable block to stable yard at Harpton Court Cadw ID 9177 – grade II
- Former granary to Harpton Court Cadw ID 9178 – grade II
- Harpton Farmhouse Cadw ID 9179– grade II

Harpton Farmhouse believed to date from the C17 is a timber framed house formerly the home farm to Harpton Court. Harpton Court and its associated buildings are later in date and it was the former seat of the Lewis family from the C16. Harpton Farmhouse is to the NW of Harpton Court, the later sitting in a Registered Historic Park and Garden. The Registered Park and Garden has many fine specimen trees, most notably the avenue of lime trees along the drive to the A44, but also Oaks, Chestnut and other trees to the E and NE. There are other woodlands, Broad Leasow Wood and Oldland Wood between the proposal and this cluster of important listed buildings effectively screening the existing quarry and the proposed quarry. Also noting the proposed mitigation measures I would not consider that the proposal would have an adverse impact on the setting of this group of listed buildings.

Siluria and associated buildings

There are a cluster of buildings at Siluria and given their close proximity to each other I am addressing them together, not only because of their close proximity but also because of their historical association with each other. The listed buildings are;

- Siluria Cadw ID 9201 – grade II
- T Plan range of outbuildings at Siluria Cadw ID 9202 – grade II
- Courtyard range at Siluria Cadw ID 9203– grade II
- Detached privy 20m w of Siluria Cadw ID 9204 – grade II

Siluria is an early C19th house replacing an earlier dwellings. The range of listed buildings are set back from the unclassified road by two long drives and are not readily visible from the public highway. The existing quarry and proposed extension are not readily visible from the public highway. In addition the extent of existing woodland between the application site and this group of listed buildings is noted and I

would not consider that the proposal would have an adverse affect on the setting of these listed buildings.

School Farmhouse Cadw ID 9197 – grade II

School farmhouse lies in fields immediately south of Gilwern Brook about 200m SW of Weythel Farm, and was included on the statutory list on 5 February 1993. The building is C17 timber framed of one and half storeys. The farmhouse is on lower land than the existing quarry and is sited to the SW of the existing quarry. The current quarry is not visible from the site or the environs of the site and as such I would not consider that the proposal would have an adverse impact on the setting of this listed building.

Non designated assets

Stones Farmhouse is an unlisted building and lies outside a conservation area. The Royal Commission database Coflein identifies Stones Farm as a two storey farmhouse known only from a C.1900 image. It is believed that Charles 1 stayed for a night in 1645 after the Battle of Naseby.

In a topographical Dictionary of Wales (1849) , S Lewis describes the events as “it is well known that the farmhouse in which the king lodged at Old Radnor stands west of the church and is called The Stones: a room fitted with oak wainscot, in which he slept remained unaltered down to a late period in the last century.

<http://www.british-history.ac/topograpghical-dict/wales/pp331-345>

In his book Keith Parker, *Radnorshire From Civil War to Restoration* Logaston Press (2000) on page 100 Parker writes that “*according to Pritchard*” (Old William Pritchard – Kilverts a source of information for Kilvert), that “*Charles I spent the night at Harpton Court, while a tradition current in Old Radnor claims that he stayed at The Stones, but the lter suggests that he spent the night at “a yeoman’s house”, which local traditional identifies with Bush Farm or Beggars Bush. (page 101)*

Sources differ as to the exact location where Charles I spent the night 6/7 August 1656, however the value of local tradition is acknowledged.

However Lewis in 18489 identifies that The Stones was unaltered until a late period in the C18th.

The current property does not appear to date from the mid C17th and I understand that the property had been considered for listing by Cadw but was not included on the statutory list as it had been significantly altered.

The building is an example of a local vernacular farmhouse and its loss is regrettable, however as the building is not listed and has been considered for listing and not within a conservation area, I would have no grounds to oppose its demolition.

Conclusion

The proposal is in an area rich in heritage assets, and it is acknowledged that the impact on Scheduled Ancient Monuments and Registered Parks and Gardens will be considered by others. There are a high number of listed buildings in the area of all grades.

Given the topography, woodland and proposed mitigation measures it is not considered that the proposal would have a direct adverse impact on the setting of the listed buildings considered above, and as such I would not wish to object to the proposal on those grounds.

However my comments are based on the consideration of individual listed buildings only, and the significance of the landscape as identified by Landmap is duly noted, and it is hoped that the impact on the proposal on the landscape will be assessed as part of the consideration of this application.

I note the mitigation measures proposed and if the application is approved, I would request that appropriate and robust conditions are imposed to ensure that the mitigation measures are carried out in accordance with the submitted plans.

Clwyd Powys Archaeological Trust

Further information was requested and following the submission of this information the reply was as follows

Thank you for forwarding a copy of the addendum report.

The content and recommendations are noted and these satisfy our earlier additional requirements.

Appropriate conditions should therefore include the Level 3 recording of Stones Farmhouse and a scheme of investigation condition to cover the additional excavation in the area of the ditches recorded in Trench 9. The removal of the large boulders to a location on the outer edge of the extraction area would be welcomed. I have supplied sample conditions below which can be used:

1. Additional investigation of evaluation Trench 9 ditch features.

Suggested planning condition to facilitate a scheme of archaeological investigation/excavation as a condition of consent.

No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason: To secure preservation by record of all archaeological remains which will be impacted by the development

2. Recording of Stones Farmhouse

Suggested planning condition to facilitate a programme of historic building recording, the equivalent of an English Heritage Level 3 building survey, in order to allow an adequate analytical record of the Stones Farmhouse buildings to be made prior to demolition.

No development shall take place until a programme of building recording and analysis, equivalent to an English Heritage Level 3 building survey, has been secured and implemented, in accordance with a written scheme of investigation which has been submitted and approved in writing by the local planning authority.

The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason:

To allow an adequate analytical record of the building to be made, before it is altered, to ensure that the buildings origins, use and development are understood and the main features, character and state of preservation are recorded.

NRW

Following numerous reports with additional information the final response from NRW is as follows

Following a site visit on 16th May 2017 and receipt of further information from SLR Consulting on 12th June 2017, we now write to confirm NRW's position on the case. We previously responded on 8th June 2016 CAS-18478-D7W0 and 31st March 2017 CAS-29812-W5L6.

In our first response on 8th June 2016 CAS-18478-D7W0 we had significant concerns and we detailed nine requirements to be determined prior to planning permission.

We reviewed the submissions subsequently received however on 31st March 2017 CAS-29812-W5L6 stated that we considered that requirements 1, 2, 3, 6 and 7 had not been sufficiently addressed and we proposed that a site visit would facilitate progression of the case.

On 16th June 2017 the site was visited by myself, Matthew Ellis, three geologists and representatives of SLR and Tarmac. The purpose of the visit was to discuss protected species mitigation and to understand the eventual outcome for the Dolyhir Quarry SSSI. SLR consulting provided the Environmental Statement on CD and the resolution of the restoration plan images has allowed a greater understanding. Following extensive discussions between Matthew Ellis and the SLR ecologists, it was agreed that further information would be sent to NRW to clarify mitigation and enhancement for European protected species. Following the site visit further information was received from SLR Consulting on 8th June 2017.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 Great Crested Newts - The quarry development shall be implemented in accordance with the Framework Newt Management Strategy dated 8th June 2017

and the detailed mitigation measures as set out in the Supplementary Ecological Information Report prepared by SLR Consulting Limited, February 2017.

Condition 2 Biosecurity Risk Assessment - The submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 3 Ecological Compliance Audit - The submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the LPA.

Dolyhir Quarry SSSI – Geological features

At the site meeting the forthcoming re-notification of the Dolyhir Quarry SSSI was discussed. The SSSI is currently notified for three geological features and it requires re-notification as there is a fourth geological feature and a recently discovered biological feature. Following planning approval the site would need to be re-notified based on possibly;

- planning application boundary
- predicted limit of quarrying.
- nearest fence line to either of the above

During the re-notification package for the Dolyhir Quarry SSSI a Site Management Statement would be drafted that would focus on the need for future access and visibility.

Geological mapping strongly suggests that when quarrying ceases the remaining faces will provide visible and accessible exposures of the Precambrian feature as well as exposures of the Wenlock feature and the basal unconformity. The structural feature is known to be laterally continuous and should also be visible in the final faces. The condition of the mineralogical feature at the end of quarrying is less certain since, to a large extent, it relies on continuing operations to uncover new exposures. However, much material has been collected from the site, especially in recent years, and is now suitably conserved to provide a resource for future research.

As the quarry is extended new exposures will become available for study through visits supervised by Tarmac Ltd. We are satisfied that it is possible to maintain the key objectives of access and visibility throughout the operational life of the Dolyhir and Strinds quarries for the foreseeable future.

Provided that restoration is undertaken in accordance with the scheme as shown on page 39 of the Environmental Statement and Drawing D095/00112 several benches and faces where rocks will be visible will remain accessible when quarrying has ceased. We are now satisfied that our previous Requirement 1 has been met.

Dolyhir Quarry SSSI and Dolyhir Meadows SSSI – Biological Features

The Conservation Officer for the above sites is currently in liaison with Tarmac Ltd to undertake the necessary management works for both the un-notified rare plant features within Yatt Wood and the ongoing management of the Dolyhir Meadows SSSI. The liaison and habitat management for the sites will be on-going outside of the planning process.

Supplementary Ecological Information

In our reply dated 31st March 2017 CAS-29812-W5L6 we stated that we considered that requirements 2, 3, 6 and 7 had not been sufficiently addressed. Following receipt of further information from SLR Consulting on 8th June we are now satisfied that the concerns that we had previously expressed to the applicant and the LPA have been sufficiently addressed. We have no objection to the proposals provided that outstanding issues are subject to the imposition of reserved matters conditions.

NRW's previous requirements 6 and 7 may be re-worded as conditions in any planning permission granted. The previous requirements 2 and 3 regarding great crested newts are addressed as discussed below.

Great Crested Newts

A 'Framework Newt Management Strategy' is proposed, comprising the following elements;

- Advance creation of two new ponds and two hibernacula in current compensation area (underway);
- Implementation of focused capture effort around the waterbodies where GCN have been identified using refuges as the basis for capture, with all captured amphibians being translocated to the compensation area (as set out in the Supplementary Ecological Information report);
- Implementation of an ongoing procedure during operational period of quarrying to assess and control biosecurity risks and also to check any site waterbodies/sumps (existing or those created in the future to meet operational needs) as they are drained down, either temporarily or permanently. All captured amphibians to be moved to purpose built aquatic habitats outside of the operational area;
- Longer term provision of further aquatic and terrestrial habitats during construction of western landform and identification of these areas, in combination with the current compensation area, as a specific 'GCN management area'; and
- Seek long term involvement i.e. local Wildlife Trust, to form partnership and/or ecological steering group to ensure implementation of monitoring and management requirements in the longer term i.e. after completion of all restoration works.

The above strategy may be implemented through the current planning permission through the route of an operational licence.

To conclude, the following conditions should be included in any planning permission granted for the proposed northern extension to Dolyhir Quarry.

Condition 1 Great Crested Newts - The quarry development shall be implemented in accordance with the Framework Newt Management Strategy dated 8th June 2017 and the detailed mitigation measures as set out in the Supplementary Ecological Information Report prepared by SLR Consulting Limited, February 2017.

Condition 2 Biosecurity Risk Assessment - The submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 3 Ecological Compliance Audit - The submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the LPA.

Woodland Trust

As the UK's leading woodland conservation charity, the Woodland Trust (Coed Cadw) aims to protect native woods, trees and their wildlife for the future. Through the restoration and improvement of woodland biodiversity and increased awareness and understanding of important woodland, these aims can be achieved. We own over 1,250 sites across the UK, covering around 23,000 hectares (57,000 acres) and we have over 500,000 members and supporters.

Ancient Woodland (land that has been continually wooded since at least AD1600) is one of the UK's richest habitats, supporting at least 256 species. Ancient woods form a unique link to the primeval wildwood habitat that covered lowland Britain following the last ice age. Ancient woodland sites are irreplaceable – the interactions between plants, animals, soils, climate and people are unique and have developed over hundreds of years. These ecosystems cannot be re-created and with only 2% of the land area in the UK covered by ancient woodland we cannot afford to lose any more. The Trust is concerned about potential impacts on ancient woodland as a result of the proposed scheme. The application in question details a scheme that could result in damage to Yatt Wood (grid ref: SO247583), an ancient semi-natural woodland (ASNW) designated as such on the Ancient Woodland Inventory (AWI).

Planning policy

The Welsh Assembly has recognised that areas of ancient woodland are declining and becoming increasingly fragmented and emphasises the importance of conserving ancient woodland and its value as a biodiversity resource through the publication of Planning Policy Wales (2014). The following paragraphs highlight ancient woodland's importance:

Paragraph 5.2.9: "Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage."

Paragraph 5.2.10: "Local planning authorities should, as appropriate, make full use of their powers to protect and plant trees to maintain and improve the appearance of the countryside and built up areas."

Paragraph 5.5.15: "In the case of a site recorded on the inventory of ancient woodland (1) produced by the former Countryside Council for Wales, authorities should consult with the Natural Resources Wales before authorising potentially damaging operations."

Paragraph 5.2.4 of the UK Biodiversity Action Plan (UKBAP) includes objectives to conserve, and, where practicable, enhance:

- the quality and range of wildlife habitats and ecosystems;
- the overall populations and natural ranges of native species;
- internationally important and threatened species, habitats and ecosystems;
- species, habitats and natural and managed ecosystems characteristic of local areas; and
- biodiversity of natural and semi-natural habitats where this has been diminished over recent decades.

Section 40 of the Natural Environment and Rural Communities Act 2006 requires all public authorities (including LPAs), in exercising their functions to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Welsh Government TAN 5 Nature Conservation and Planning, paragraph 2.1, states the town and country planning system in Wales should both: ensure that the UK's international and national obligations for site, species and habitat protection are fully met in all planning decisions (PPW 5.3.8-10); help to ensure that development does not damage, or restrict access to, or the study of, geological sites and features or impede the evolution of natural processes and systems especially on rivers and the coast (PPW 1.4.14, 2.2.1, 2.3.2 and 5.6.3).

Impacts on ancient woodland

Yatt Wood sits on the eastern and southern boundary of Dolyhir Quarry. As such it is highly vulnerable to any development or change in land use adjacent to the woodland edge. The Trust is concerned about the proximity of the quarry to the ancient woodland and the potential impacts associated with quarrying activity.

When land use has a high intensity of use such as in this situation plant and animal populations are exposed to environmental impacts from outside of the woodland. In particular, the habitats will become more vulnerable to the outside influences, or edge effects, that result from the adjacent land's change of use. These detrimental edge effects can result in changes to the environmental conditions within the woodland and consequently affecting the wood's stable conditions. Detrimental edge effects have been shown to penetrate woodland causing changes in ancient woodland characteristics that extend up to three times the canopy height in from the forest edges; these may be:

- Chemically through acidification, eutrophication and toxic pollution,
- Disturbance by noise, light, trampling and other human activity,
- Fragmentation as a result of the destruction of adjacent semi-natural habitats,
- Introduced sources of non-native plants and their aided colonisation.

Quarrying activity in particular will invariably cause issues relating to dust, noise and vibration.

The production of dust is a substantial by-product of all construction activities. Flora within ancient woodland is particularly sensitive to dust. Dust has a major deleterious impact on epiphytic lichens with all but the most resistant species dying at high dust concentrations. Lichens are used as a monitoring tool for air pollution owing to their sensitivity. Lichens form part of the complex ecosystem that make up ancient woodland and their health can be used as a good indicator of the quality of the rest of the habitat.

Noise associated with development arises from a range of sources, with the traffic activity of heavy-load vehicles being the main consideration in this case. Noise levels are likely to limit the distributions of animal species that are intolerant of noise and negatively affect their reproductive success near to woodland edges. This may be beneficial at some sites if, as a result, deer pressure is reduced but bird diversity has been found to be lower in noisier sites

Light pollution associated with development such as that from construction/compound lighting, security lighting, and vehicle lights can lead to chronic or periodically increased illumination, unexpected changes in illumination,

and direct glare. Artificial illumination reduces the visibility of the moon and the stars, affects species orientation differentially and may serve to attract or repulse particular species. This affects foraging, reproduction, communication, and other behaviour. It consequently disrupts natural interactions between species. Light pollution near to ancient woodland is, therefore, likely to substantially affect the behaviour of species active during dawn and dusk twilight or nocturnal species, such as moths, bats, and certain species of birds, resulting in the decline of some species.

Creation of new areas of woodland or buffer zones around semi-natural habitats, and more particularly ancient woodland, will help to reduce and ameliorate the impact of damaging edge effects, serving to improve their sustainability. The size of the buffer is dependent on the intensity of land use adjacent to ancient woodland.

The Trust recommends that the applicant considers planting between any quarried areas and the ancient Yatt Wood. A planted buffer of 30m should be implemented between any areas of developed land and the ancient woodland. This buffer should consist of 50% semi-natural vegetation so as to create a phased habitat to the ancient woodland.

Conclusion

Ancient woodland is irreplaceable; once lost it cannot be re-created. The Trust believes that any development that results in the damage and/or loss of ancient woodland is highly inappropriate and should be avoided at all costs.

The Trust objects to the application in question on the basis of potential damage to an area of ancient woodland. It is vital that the applicant ensures that ancient woodland is suitably buffered by implementing a planted zone between the quarry and the woodland edge.

We hope you find our comments to be of use to you. If you are concerned about any of the comments raised by the Woodland Trust then please do not hesitate to get in contact with us.

CADW

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, *Planning and the Historic Environment: Archaeology*, elaborates by explaining that this means a presumption against proposals which would

involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

The proposed development is located within the vicinity of the following scheduled monuments known as:

RD046 Castle Nimble
RD051 Old Radnor Castle
RD004 The Four Stones
RD046 Castle Nimble
RD047 Knapp Farm Mound
RD048 Two Round Barrows NE of Harpton Court
RD051 Old Radnor Castle
RD063 Hindwell Farm Round Barrows
RD064 Standing Stone 400m ENE of Four Stones
RD136 Roman Fort E of Hindwell Farm
RD138 Three Roman Camps (revealed by aerial photography) NE of Walton
RD151 Worsell Wood cairn cemetery
RD247 Hindwell Palisaded Enclosure

The Theoretical Zone of Visibility produced for this development suggests that the proposed development will not be visible from any of the above scheduled monuments due to the topography of the area. The screening provided by the existing vegetation along with the proposed additional screening mounds provided by the proposed development will ensure that there will be no impact on the settings of any of the above scheduled monuments.

The proposed development is also located within the vicinity of the historic park and garden known as Harpton Court PGW (Po) 59(POW).

The identified essential setting for the historic park and garden extends towards the application area; however this area contains large areas of woodland, which with other existing vegetation will block views towards the proposed development. Consequently there will be no impact on the setting of the registered Harpton Court historic park and garden.

Public Representations

The application was advertised by site notice and in the press, to date 2 letters of objection have been received from members of the public.

These letters highlight the following points:

- General observations and concerns about the screening bund and the use of waste in the screening bund
- Impacts on amenity relating to noise, dust and blasting – and concerns about who will monitor this to ensure it is carried out within the required limits
- Working hours on the site
- The loss of trees, in particular 2 large oak trees are mentioned
- Landscape issues and cumulative impact with other quarries in the area
- The restoration of the site, and monitoring of this restoration to ensure it is carried out as proposed

- Impacts on local watercourses, and potential pollution of these watercourses
- The impact of the development on the historic landscape of the area
- Impact on ecology

Planning History

P/2010/1204 - Extension to existing Dolyhir Quarry tip, Full Granted 26/03/2012

P/2010/1207 - Application for the determination of new planning conditions under Schedule 14 of the Environment Act 1995 (original application no. R4313) Full Granted 20/03/2012

R4313 – Excavation of minerals and extension of Dolyhir and Strinds Quarries – Full Granted 06/03/1991

Principal Planning Constraints

Potential impact on protected species, including Great Crested Newts, dormouse, bats and otter

Potential impact on SSSI's

Potential impact on ancient woodland

Potential impact on historic environment - listed buildings, scheduled ancient monuments and heritage assets

Potential impacts on the water environment

Potential impact on residential amenity, as a result of noise, dust, blasting and light pollution

Potential visual impact

Potential impact on users of the Public Rights of Way network

Potential Highways impacts

Principal Planning Policies

Planning Policy Wales (Edition 9) (particularly chapter 14

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

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 13 – Tourism (1997)

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

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 20 – Planning and the Welsh Language (2017)

Technical Advice Note 23 – Economic Development

Technical Advice Note 24 – The Historic Environment

Minerals Technical Advice Note 1 (Aggregates) 2004

Regional Technical Statement 2014

The Well-being of Future Generations (Wales) Act 2015

The Environment (Wales) Act 2016

UDP SP3 – Natural, Historic and Built Heritage

UDP SP10 - Minerals Developments

UDP GP1 – Development Control

UDP ENV 2 - Safeguarding the Landscape

UDP ENV 3 - Safeguarding Biodiversity and Natural Habitats

UDP ENV4 - Internationally Important Sites

UDP ENV5 - Nationally Important Sites

UDP ENV6 - Sites of Regional and Local Importance

UDP ENV7- Protected Species
UDP ENV9 – Woodland Planting
UDP ENV 16 – Landscapes, parks and gardens of special historic interest
UDP ENV 17: Ancient Monuments and Archaeological Sites
UDP ENV 18 – Development proposals affecting archaeological sites
UDP T3 – Transport assessments and travel plans
UDP RL6 – Rights of way and access to the countryside
UDP MW1 – Mining and waste disposal
UDP MW2 – Hard Rock Reserves
UDP MWM5 – Restoration of aggregate and building stone extraction sites
UPS MWM8 - Blasting
UDP MWM13 – Access onto a highway
UDP MWM14 - Noise
UDP MWM15 – Reversing alarms
UDP MWM16 – Dust and litter
UDP MWM17 – Settlement Lagoons
UDP MWM18 – Geomorphology, archaeology and history
UDP MWM19 – Developments affecting sites of geological or palaeontological interest
UDP MWM21 – Ancillary Plant
UDP MWM22 – Buffer Zones
UDP DC3 - External Lighting
UDP DC9 – Protection of water resources
UDP DC13 Surface Water Drainage
UDP TR2 – Tourist Attractions

Officer Appraisal

Background

The application site encompasses both Dolyhir and Strinds quarry (to account for operational changes in the existing quarries) with the actual extension being to the north of Dolyhir Quarry. The complex of Dolyhir and Strinds quarry was originally given permission in 1991 the reference for this permission being R4313. Since this time a new schedule of planning conditions has been agreed under application P/2010/1207, issued 20/3/2012 and covering both Dolyhir and Strinds Quarry. A separate permission, P/2010/1204 was also granted in March 2012 for a northern extension of the tip for Dolyhir Quarry. Whilst the existing sites are technically two quarries they operate as one unit and the existing plant structures and other ancillary operations are closely linked. Output from Dolyhir Quarry consists mainly of the High Specification Aggregates (HSA) gritstone (along with any lower quality fill material that does not meet this specification) whilst Strinds Quarry produces mostly lime based products for construction aggregates and agricultural sectors. Much of the fixed processing plant is currently in the southern end of Dolyhir Quarry as well as the northern end of Strinds Quarry – the C-class road effectively dividing the sites.

The output of the current operations at both Dolyhir and Strinds is approximately 650,000tpa rising occasionally to 800,000tpa during peak times (Dolyhir produces the vast majority of this material). There is a reserve of approximately 17.3 mt of premium gritstone at Dolyhir along with 4.3 mt of secondary grade shale. However, due to the location of the processing plant only approximately 4.5 mt of this premium gritstone is readily accessible, with a further 12.8 mt being sterilised by the wash plant. There will be a future need to move this wash plant so that these reserves can be accessed, however there is currently nowhere suitable within the quarry to locate the plant. Without moving the plant there is currently only 5-7 years of output, as a result an

extension of the quarry has been proposed. The proposed northern extension would yield approximately 23 mt of gritstone which would be worked concurrently with Strinds Quarry. The extension would provide a long term, secure supply of HSA aggregates and would allow for eventual re-location of the wash plant to Strinds Quarry, whereby the currently sterilised permitted reserves would be readily accessible without having to sterilise further resources. By the time this phase of operations in Dolyhir would be reached Strinds would have sufficient space allowing the positioning of this plant there. This application is being made in order to allow for the longer term phasing of both sites which will allow for a more efficient working scheme providing longer term security for the HSA aggregates from Dolyhir Quarry.

The Proposal

The proposed northern extension to Dolyhir Quarry would result in an increase in site area of 42.4 hectares, from 81.6 hectares to 124 hectares (approximately 13.5 hectares of this would form the extraction area). If permitted, the reserves of stone at the site would increase by 22.98 mt (for gritstone) and 3.69 mt for second grade, shale like material. The quarry design scheme has been broken down into 7 phases, the phasing of the quarry has been designed to try and ensure that a screening landform is established early on in the lifetime of the site in an attempt to minimise visual impacts. Taking each phase in turn the development will consist of the following:

Phase 1

The main objective of this phase is the commencement of the construction of the western screening landform and to establish wildlife enhanced agricultural uses around the northern and western periphery of the site. In order to achieve this the following works will take place

- New agricultural access track established around the western and northern margins of the site and a new access to the public highway C1341
- Establishment of a surface water management scheme along the northern and western edge of the proposed landform (including ponds and ditches).
- Creation of temporary soil storage bunds for top and sub soils at a gentle gradient to allow for agricultural management
- Stripping of soils from the western landform to receive soils and overburden from the phase 1 extraction area.
- Site access roads to be established between stripping and placement areas and to temporary soils storage bunds
- Planting of trees, shrubs and sections of hedgerow to all restored land on western landform
- Rock extraction to take place to a base of approx 186-188metres A.O.D with up to 7 faces progressing north.
- This dug rock will be transported to wash plant and other processing plant via internal road
- Any non saleable material to be placed in the existing tip (forming the inner core of the southern section of the western landform)
- This phase would release some 3.5 mt of gritstone and 1.5 mt of second grade material.

Phase 2

The key objective of phase two are to develop the extension area in the north east, to progress the restoration and planting works on the outer side of the western landform and to develop an area on the inner quarry side of the landform to accommodate overburden and shale from the extension and any silts from processing operations. This will involve the following operations:

- Soil and overburden stripping in the north of phase 2 area.
- Quarry faces and benches further developed in a northerly direction (in the north-east area of the quarry) – internal quarry working eastwards in order to allow for establishments of haul routes. Southern end of quarry deepening to 174 A.O.D.
- Dug rock processed in the existing plant on site
- Waste, non-saleable material to be placed within the quarry tip (forming inner core of western landform)
- Mineral extraction to continue as planned in Strinds quarry
- All land within the planning application boundary managed and maintained
- This phase would release 2.7 mt of gritstone and approx 0.65 mt of second grade material

Phase 3

The main aim of this phase is to open up the full footprint of the Dolyhir extension via the development of the faces and benches into the north-western area of the extension site. This would also include substantial completion of the inner quarry side of the screening landform with a retained area for quarry waste.

Key operations are as follows;

- Stripping of soils and overburden from the remaining extraction area (in the north west). These materials, along with any waste will be placed in the northern section of the inner cell of the western landform
- Quarry faces and benches developed in a north-westerly direction, extending the lower bench of the quarry at 174m A.O.D
- Dug rock continues to be processed in existing site facilities
- Waste/non-processable material placed in the quarry tip (forming inner core of the central section of the western landform)
- Mineral extraction continuing at Strinds Quarry
- All land within the boundary maintained and managed
- Phase 3 would release some 5.4mt of gritstone with 0.78mt of second grade materials – from the upper levels of the extension area.

Phase 4

The main objectives of this phase are to complete the restoration of the inner eastern quarry side margin of the screening landform and continues progressive restoration on the upper levels. Having extended the quarry to its lateral limit in phase 3 this phase will seek to start deepening the quarry within the established footprint. This will involve the following works

- Creating new benches, faces and ramps in order to continue extraction down to approx 164m A.O.D
- Dug rock continues to be processed by on-site plant
- Waste/non-processable material placed in the tip (forming Inner core of the southern section of the western landform)

- Soils held in temporary bunds 1,2,3 and 4 are to be utilised to complete restoration of western landform
- Following restoration, trees and shrubs to be planted during the first available planting season to establish a broadleaved woodland
- Mineral extraction continuing at Strinds Quarry
- All land within the planning application boundary to be managed and maintained
- Phase 4 would release some 3.4 mt of gritstone and 0.4 mt of secondary material – reflecting the development to lower levels and better access to premium reserves

Phase 5

The key aims of this phase are to complete the extraction of reserves down to a depth of 61m A.O.D and finalise restoration works on the inner side of the screening landform. This will involve the following works

- Dolyhir washing plant to be re-located to Strinds Quarry
- Quarry to be deepened to reach its full development, resulting in 13 quarry faces and 17 faces in the eastern area
- Un-processable material now placed in an area of the extracted quarry void
- Dug rock to be transported to newly located washing plant
- Mineral extraction to continue in Strinds Quarry
- All land within the planning application boundary to be managed and maintained
- The majority of the reserves would be available at this stage and approx 25.2mt of premium gritstone would be released, along with 4.7mt of second grade material

Phase 6

The key aims of this phase are to complete restoration of Dolyhir quarry and continue extraction in the Strinds quarry area. At this point operations in Strinds would be increased to match levels previously experienced during the Dolyhir operations (approx 700,000 tpa) with Strinds being developed to its currently permitted quarry limits. The key operations of this phase would be as follows;

- On completion of extraction from Dolyhir water pumps to be switched off and the quarried out Dolyhir allowed to re-establish its natural ground water level
- Mineral extraction to continue in Strinds quarry
- Dug rock utilised in relocated plant in Strinds quarry
- Un-processable rock placed in the quarry tip
- All land in the planning application boundary managed and maintained

Phase 7

The key operations during this phase will be to complete the permitted development scheme at Strinds Quarry, allowing for the final restoration of the remaining quarry complex to commence.

- Strinds quarry would be deepened across its footprint to 100m A.O.D
- Phases 6 & 7 would release some 14mt of reserves from Strinds quarry (assuming the relatively limited output that is currently the case)

- Following completion of quarrying and profiling works restoration landscaping treatments would be implemented. Including the final restoration of the consolidation application site area – and the removal of the plant from the central area between the two quarries.

Operationally speaking it is not proposed to change working hours and this would remain as permitted under the ROMP (ref P/2010/1207) works on the tip would remain the same as those granted under the tip extension permission (P/2010/1204). There are currently no restrictions on output from the site, as granted via the ROMP, currently outputs are approximately 650,000 tpa occasionally rising over 800,000 tpa, for this application an output of 700,000 tpa has been assumed. Routing of any HGV's would remain the same as is currently the case, a new access will be created, (connecting to the existing C1341) in order to allow for access to farmland.

As a result of the proposed works various public rights of way will be affected,

- FP RB1383 – which runs east to west across the central area of the existing site joining the public highway C1341 in the west. This PROW would require a permanent diversion (see plan D095/00109)
- FP RB1417 – this runs south from the western section of FP RB1383 to join the C1343, this PROW would require a temporary diversion
- Finally, FP RB1418 – this runs north from FP RB1383 through the extreme north-western area of the proposed extension site, a crossing point would be created on this PROW to help deal with any potential impacts.

During the operational life of the quarry it is proposed that numerous progressive restoration works will be carried out at the site, including;

- During phase 2, enhancement of woodland (in the south and east) via further woodland planting, the majority of which would be hazel to encourage dormouse colonisation.
- The placement of stripped soils, overburden and non-processable waste into the proposed western landform which will be created during phases 1-4, this will help to mitigate any potential landscape impacts.
- Seeding and planting works on this western landform to further strengthen the structural and visual form of the western landform, these early works will establish an agricultural after use of this landform.
- Roll over restoration of the eastern faces/benches of the existing (and permitted) quarry operations, this will help to soften these more visual elements of the quarry, and create additional habitat for wildlife.
- The creation of a network of numerous small scale ditches/pools that will not only serve for surface water attenuation and management but also as habitat creation for wetland/marginal aquatic species of flora and fauna. It is also proposed to excavate various shallow scrape ponds which will be ephemeral in nature and would suit species such as the Great Crested Newts that exist at the current quarry site.

The long term restoration of the site (following the achievement of the proposed finished profile) will result in the creation of roughly six restoration types, of interlinked landscape and wildlife habitats in an attempt to ensure a seamless restoration of the site. These six restoration types are as follows;

- Tree and shrub planting, this will cover approximately 15 hectares of the restored site

- Species rich Meadow grassland, this will cover approximately 16 hectares of the restored site
- Agricultural grazing land, this will cover approximately 10 hectares of the restored site
- Species Rich hedgerow, there will be approximately 3,600m of hedgerow in the restored site
- Ponds and ditches, these will cover approximately 3.3 hectares of the restored site
- Site lakes – these will cover the bulk of the restored site at approximately 38.48 hectares.

The planning application statement and other elements of the Environmental Statement cover the restoration of the site in more details and provide species mix, construction and maintenance of these habitats. Following the successful restoration of the site and any subsequent approval of restored areas these restored areas will enter into aftercare. All areas within the confines of the site that are to be managed for agricultural, amenity and conservation after uses will be subject to a detailed 5 year aftercare programme. Any land within the internal quarry site will be subject to ongoing management throughout the operational lifetime of the site with a further 5 years aftercare following the cessation of minerals operations at the site.

Policy

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out ‘sustainable development’ in accordance with the ‘sustainable development principle’.

“Sustainable development” means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

‘Sustainable development principle’ means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

In order to achieve this principle the Act introduces five ways of working to support decision making which ensures public bodies take account of:

- a. Long-term thinking – balancing the need to take action to address current issues with the need to meet long term needs of Wales.
- b. An integrated approach – considering how a body’s objectives may impact upon the social, economic, environmental and cultural well-being and considering how an individual body’s objectives impact upon other public bodies’ objectives.
- c. Engagement – involving the people and communities with an interest in the wellbeing objectives, engaging them in finding sustainable solutions.
- d. Collaboration – acting collaboratively with other bodies, or different parts of a body acting together in a co-productive way, to assist in the achievement of the body’s objectives.
- e. Preventative action – deploying resources to undertake action now in order to prevent problems occurring or getting worse.

Well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales

- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The Environment (Wales) Act 2016 received Royal Assent in March 2016 and has been designed to complement the Wellbeing of Future Generations (Wales) Act 2015 by applying the principles of sustainable development to the management of Wales' natural resources.

The “sustainable management of natural resources” means—

- (a) using natural resources in a way and at a rate that promotes achievement of sustainable development and the well-being goals
- (b) taking other action that promotes achievement of that objective, and
- (c) not taking action that hinders achievement of that objective.

The Act puts the ecosystem approach into statute through a set of Sustainable Management of Natural Resources (SMNR) principles, which are based on the 12 principles (Ecosystem Approach principles) contained in the UN Convention on Biological Diversity (CBD).

The Environment Act imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”. This new duty under Section 6 of the Environment Act came into force in May 2016.

In considering proposals for new quarries, or extensions to existing quarries the principle national policies are those contained within Chapter 14 of Planning Policy Wales (Edition 9), and guidance from Minerals Technical Advice Note 1 - Aggregates (MTAN 1). At the regional level the Regional Technical Statements, whilst not Welsh Government Policy, are a requirement of MTAN1 and forms a key consideration when determining planning applications for quarries/quarrying activities.

Planning Policy Wales (specifically chapter 14)

Para 5 confirms that mineral working is different from other forms of development in that, extraction can only take place where the mineral is found to occur; it is transitional and cannot be regarded as permanent; adverse effects on local communities and the environment need to be controlled; and the land needs to be restored to a high standard with beneficial after-use.

Para 10 sets out the five key objectives/principles of Sustainable Mineral Development. These principles are to

- Provide mineral resources to meet society's needs and to safeguard resources from sterilisation
- Protect areas of importance to natural or built heritage
- Limit the environmental impact of mineral extraction
- Achieve high standard restoration and beneficial after-use
- Encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials

Para 11 indicates that each Local Planning Authority should ensure that an appropriate contribution is made in its development plan to meeting local, regional and UK needs for minerals, which reflects the nature and extent of resources in the area and subject to relevant environmental and other planning considerations.

Para 30 deals with the need to protect the quantity and quality of surface and groundwater supplies.

Para 40 introduces the concept of buffer zones between quarries and other sensitive development.

Para 41 indicates that extensions to existing sites are often more generally acceptable than new Greenfield sites.

Para 43 highlights the capacity of the road network as a relevant consideration and the impact of traffic generation needs to be considered. It suggests that if necessary the routes used by vehicles should be controlled by Section 106 Agreements, or by planning conditions/ access design/signage to encourage certain directions of movement.

Para 69 highlights the importance to the UK of high specification aggregates and that this importance should be taken into account when planning applications are being considered.

Minerals Technical Advice Note Wales 1: Aggregates (March 2004)

MTAN1 builds upon the five key principles set out in MPPW.

Para 7 states that the overarching objective in planning for aggregates provision is to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance.

Para's 45 – 49 deal with landbanks for aggregates and identify the need for a landbank of a minimum of 10 years for crushed rock which must be maintained during the entire period of the development plan. Where landbanks are in excess of 20 years of aggregate extraction no new allocations are necessary in development plans and authorities should consider whether there is justification for further extensions to existing sites or new sites as these should only be granted in exceptional circumstances. It may be justified where the supply of an aggregate of a particular specification is clearly demonstrated.

Para 42 indicates that certain aggregates have limited availability geographically, such as high quality aggregates for road construction that have the ability to provide particular levels of surface skidding resistance and durability, such material is a special case due to limited availability and national need.

Para 70 and 71 indicate that buffer zones of at least 200m should be applied around all hard rock quarries so as to protect land uses that are most susceptible to the impact of mineral operations. The main impacts are identified as dust, noise, traffic and vibration from blasting.

Para 50 requires the Regional Aggregate Working Parties (South Wales and North Wales) to prepare a 5 year Technical Statement for the region to ensure that an adequate supply of primary aggregate minerals can be maintained.

Regional Technical Statement - Minerals Technical Advice Note 1: Aggregates requires the preparation of Regional Technical Statements (RTS) for the areas covered by the North Wales and South Wales Aggregates Working Parties and for these to be reviewed every 5 years. The most recent iteration of the RTS being endorsed by all the relevant Local Authorities on August 1st 2014.

The purpose of the RTS is to provide a strategy for the future supply of construction aggregates within each Region, taking account of the latest available information regarding the balance of supply and demand, and current notions of sustainability as enshrined in Planning Policy Wales. The overarching objective being to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance, reflecting the aims of Chapter 14 of PPW.

Local Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 generally requires that any planning application must be determined in accordance with the development plan unless other material considerations indicate otherwise. The development plan for the purposes of Section 38 is the Powys Unitary Development Plan. The policies most relevant to the proposed development are discussed below:

UDP SP3 Natural, Historic and Built Heritage

A. In order to safeguard the natural heritage of Powys, development proposals will be expected to take account of the need to protect, conserve and wherever possible enhance sites and features of importance for their aesthetic, amenity, biodiversity, ecological, geological, nature Conservation, physio-graphical and scientific value.

B. Proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural, heritage conservation and historic interest.

UDP SP10 - Minerals Developments

'The extraction of mineral resources will be permitted under circumstances where:

- i. Adverse environmental impacts are avoided or minimised to acceptable standards as identified in the policy MW1 criteria.
- ii. It is in the local, regional and/or UK interest for that extraction to take place; and
- iii. Where similar products cannot be readily supplied from secondary and recycled sources. Where valuable mineral resources exist, they will be safeguarded from sterilisation resulting from alternative development.'

POLICY GP1 – DEVELOPMENT CONTROL

Development proposals will only be permitted if they take into account – where appropriate – the following:

1. The design, layout size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area;
2. The design, layout and lighting of the development shall minimise the potential for crime;
3. The amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by levels of noise, light, dust, odour, hours of operation or any other planning matter;
4. Adequate utility services shall exist or be capable of being readily and economically provided without unacceptable adverse effect on the surrounding environment;
5. Important trees, hedgerows, stone walls, open spaces and other local features that contribute significantly to the quality and character of the local environment shall be safeguarded and, where practicable, enhanced;
6. Developments shall be landscaped using appropriate indigenous species or materials which complement and enhance the character of the locality. Additionally, development proposals must take into account:
 - a. the needs of all transport users, especially pedestrians and Cyclists (policies t4 and t6);
 - b. the needs of those with disabilities and mobility impairment (Policies t4 and dc1);
 - c. features and designated or proposed sites of natural, historic, archaeological or built heritage interest (policies env4, etc);
 - d. the protection of water and soil quality (policies dc9, dc10 and dc11);
 - e. the need for adequate drainage (policies dc10, dc11 and dc13);
 - f. flood risk (policies sp14, dc13 and dc14);
 - g. highway access and parking (gp4).
 - h. the development shall incorporate appropriate measures for Energy, water and waste efficiency and conservation (gp3).

Policy ENV1 - Agricultural Land

'When considering proposals for development, the Best and Most Versatile agricultural land will be safeguarded wherever possible. It may be appropriate to safeguard lower quality agricultural land in situations where such land is of particular value to agriculture within the locality.'

UDP ENV 2 - Safeguarding the Landscape

'Proposals should take account of the high quality of landscape throughout Powys and be appropriate to the character of the surrounding landscape. Proposals should ensure integration into the landscape, not adversely affect features of importance for nature conservation or amenity and should not result in significant damage to ancient and semi natural woodland and should seek to conserve native trees and hedgerows.'

UDP ENV 3 – Safeguarding Biodiversity and Natural Habitats

'The need to maintain biodiversity and the nature conservation and amenity value of habitats and features that are of importance for wild flora and fauna is recognised. Wherever possible, those interests will be protected against adverse forms of development and they will be maintained within development proposals.'

UDP ENV4 - Internationally Important Sites

Proposals for development that might affect Special Protection Areas (SPA's) and Potential PSPA's, Special Areas of Conservation (SAC) and candidate SAC's or listed RAMSAR sites, may only be permitted where:

A. They are directly connected with or necessary to the management of the site for nature conservation; or
B. They will not significantly affect the achievement of the conservation objectives for which the site is designated either individually or in combination with other proposals. Where it cannot be shown that a proposed development will not adversely affect the integrity of the site and this effect cannot be removed by conditions, permission will be refused unless there is no alternative solution and:

1. Where the site hosts a priority habitat or species, there are reasons of public health or safety or beneficial consequences of primary importance to the environment; or
2. There are other reasons which in the opinion of the European Commission are imperative reasons of overriding public interest why the development should proceed.

UDP ENV5 - Nationally Important Sites

There will be a presumption against proposals for development likely to damage, either directly or indirectly, the nature conservation interest of National Nature Reserves or Sites of Special Scientific Interest. Developments will only be permitted where the benefits clearly outweigh the nature conservation value of the site and conditions will be attached to any permission or a planning obligation sought to ensure:

1. Satisfactory provision for the safeguarding of features of Nature conservation importance within the proposed development; or
2. The provision of appropriate compensatory or mitigation measures to offset the impact of the proposals.

UDP ENV6 - Sites of Regional and Local Importance

Development proposals unacceptably adversely affecting the conservation interest of sites of regional or local nature conservation, geological or geomorphological importance will be refused. Where development is considered to be acceptable a condition may be attached to any permission or a planning obligation sought to ensure:

1. Satisfactory provision for the safeguarding of features of Nature conservation, geological or geomorphological importance within the proposed development; or
2. The provision of appropriate compensatory or mitigation measures to offset the impact of the proposals.

UDP ENV7- Protected Species

1. Developments which contravene the protection afforded to European protected species will only be permitted where they are necessary in the interests of public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. Evidence will be required to indicate that a developer has considered alternative sites for the development but that these have not proved suitable.

2. Where other protected species are affected by a proposal, the applicant must conform with any statutory protection provisions and conditions will be attached to any permission to safeguard the species within the development and to provide appropriate mitigation measures.

UDP ENV9 – Woodland Planting

New planting, restocking, natural regeneration and management of existing broad-leaved woodlands in appropriate locations will be encouraged. Proposals for the commercial, recreational or conservation development of broad-leaved or coniferous Woodland including the planting of appropriate native broadleaved species in existing copses, woodlands, and hedgerows, will be favoured providing that:

1. Proposals are compatible with and properly managed in an integrated fashion with agriculture and other countryside uses and do not adversely affect the viability of farm holdings;
 2. Proposals are designed to a high standard and do not adversely affect the quality of the landscape;
 3. Wherever possible, existing broad-leaved trees and hedgerows, woods or ancient semi-natural woodlands are retained, protected and incorporated into proposed schemes;
 4. Nature conservation areas are protected;
 5. Sites of archaeological or historic importance are protected;
 6. The integrity of extensive wild, open and undeveloped tracts of land and other upland landscape, which it is important to conserve in its own right, for landscape conservation, nature conservation, recreation or grazing purposes remains unaffected;
 7. Water resources and the aquatic environment, including groundwater resources and fisheries, are safeguarded and that adverse impact resulting from the effects of coniferous afforestation on run-off and water quality is avoided, with particular reference to acidification and sedimentation;
 8. The proposals include a detailed long term plan for the protection and the management of woodlands, trees and/or hedgerows, including provisions for nature conservation and access for nature conservation, sport and recreation;
- And
9. Where practical, substantial proportions of broad-leaved trees are included within and around mainly coniferous plantations.

UDP ENV 16 – Landscapes, Parks and Gardens of Special Historic Interest

Development proposals which would unacceptably adversely affect the character or appearance of historic parks and gardens and their setting will be opposed. During consideration of development proposals, the protection of the special historic interest of historic landscapes included in part 2 of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales will be sought.

POLICY ENV 17 - Ancient Monuments and Archaeological Sites

Development which would unacceptably affect the site or setting of a scheduled ancient monument or of an archaeological site of national importance will not be permitted and other sites of archaeological importance will be safeguarded where possible.

UDP ENV 18 – Development proposals affecting archaeological sites

1. Where it appears that a proposed development may affect a site potentially containing important archaeological remains, the applicant will be requested to undertake an archaeological field evaluation before determining any planning application.
2. In instances where archaeological remains of importance are revealed on development sites, their preservation in-situ should be carried out wherever possible.
3. Where preservation in-situ is not possible but the Council is convinced that the merits of the proposal mean that development should proceed, they will impose

conditions on any planning consent or seek planning obligations to facilitate archaeological mitigation through such means as a site excavation, survey or a watching brief during the development and the observation and/or recording of remains of archaeological interest.

UDP T3 – Transport assessments and travel plans

Planning applications that are considered to generate significant amounts of travel will only be approved where they include a satisfactory transport assessment and a travel plan. Proposals that generate significant travel demands will only be permitted where adequate public and other sustainable forms of transport are incorporated as part of the proposal and are consistent with the role and function of the road network.

RL6 - Rights of Way and access to the countryside

Proposals that improve access to and enjoyment of the countryside by the public, including persons with limited mobility will be encouraged. In particular support will be given to:

1. Development of the existing rights of way network through sensitively located circular routes, local walks, links and other trails, particularly those related to recreational sites, car parks, picnic areas, etc.
2. Improvement of opportunities for access by those with special needs;
3. Continued maintenance and enhancement of existing rights of way, including sign posting and waymarking.
4. The recreational use of existing routes in private ownership, such as canal towpaths, redundant railway lines, etc.
5. Creation of new rights of way within proposed developments with links to the existing network.
6. Safeguarding from development of canal towpaths, disused railways or similar forms of traditional transport routes. Development will be permitted provided that it can be shown that the development will not prejudice the potential reuse of the former transport route.

UDP MW1 – Mining and Waste Disposal

This is a multi-faceted policy and contains specific policy considerations when determining applications relating to minerals proposals, the various criteria can be viewed in the Unitary Development Plan.

UDP MW2 – Hard Rock Reserves

In considering planning applications for the exploitation of hard rock for aggregates use, having taken due note of regional guidelines, regard will be given to the existence of large consented reserves of such material. New extraction sites and extensions to existing workings will only be permitted where it can be shown that the particular hard rock is of high quality, limited availability geologically and cannot be supplied from existing or permitted workings, and where extraction is environmentally acceptable.

UDP MWM5 – Restoration of aggregate and building stone extraction sites

All new planning applications and permissions subject to review will require that a restoration and aftercare scheme be agreed in principle and a strategy be submitted prior to the cessation of working. Where progressive restoration is feasible this will be an expectation. Where opportunities exist for visual improvements or the creation of wildlife habitats it is expected that final or progressive restoration schemes will include such.

UPS MWM8 – Blasting

Blasting operations must be designed so as to reduce ground vibration and air overpressure at the nearest occupied dwellings or other sensitive properties to minimum levels consistent with safe and efficient blasting practice. The maximum level for ground vibration should be no higher than 10 mm/sec ppv, and routine/normal levels should be very considerably less than the maximum. Any proposal that is predicted to involve more than 5% of blasts in any six-month period exceeding 6 mm/sec, ppv will not be permitted. The timing of blasting will be strictly controlled by planning condition and will be expected to be restricted to the core hours of the working day (precise hours to be agreed).

UDP MWM13 – Access onto a highway

The vehicular access from a proposed mineral working or waste disposal site onto the public highway should not prejudice highway safety and shall comply with generic policy GP4. Where engineering or demolition works, or tree, shrub or hedgerow removal are proposed in order to attain requisite highway standards, applications will be subject to careful consideration and appropriate ameliorative measures should be included within the development proposals.

UDP MWM14 – Noise

The first part of this policy sets out specific requirements for any noise attributable to the site and establishes acceptable decibel levels. The remainder of the policy seeks to ensure that noise monitoring is carried out in a suitable manner and that noise limits are not exceeded at noise sensitive properties, the policy also seeks to ensure that, whilst no specific limits will be enforced during preparation of the site the authority will consider whether the noise generated is likely to have an unacceptable impact on any local residents.

UDP MWM15 – Reversing alarms

Proposals for new mineral workings/waste disposal sites or the extension of existing workings/sites will be required to include measures to limit to a minimum (consistent with safe working) disturbance to the occupiers and users of neighbouring properties by reason of vehicle reversing alarms or other noises with outstanding tonal qualities. Applicants will need to demonstrate that the most appropriate option(s) have been adopted.

UDP MWM16 – Dust and litter

All proposals for mineral working or waste sites will need to submit acceptable proposals in respect to dust and litter control measures making use of the 'best available techniques not entailing excessive cost'.

UDP MWM17 – Settlement Lagoons

Where water settlement lagoons are proposed or are required as part of a minerals or waste development, wherever possible and necessary such features must be designed in a manner that facilitates their use and retention (possibly with modification following the cessation of works) as features of value as wildlife habitats.

UDP MWM18 – Geomorphology, Archaeology and History

All proposals for the working of minerals or the deposition of waste will be required to comply with the relevant policies in the environment chapter of the UDP and to include an assessment of the geomorphological, archaeological and historic content and value of the site to be worked or otherwise affected. Proposals that involve the destruction of damage to or an adverse effect on the setting of, known sites, features or structures of geomorphological, archaeological, historic or architectural interest will be the subject of careful examination. In cases where the need for the mineral or the waste disposal facility outweighs the losses involved, it will be required that the site,

feature or building be fully investigated, evaluated and recorded before any development takes place in the location concerned.

UDP MWM19 – Developments affecting sites of geological or palaeontological interest

Where excavation works are known in advance or are subsequently revealed to be of geological or palaeontological interest, facilities for research purposes should be offered to suitable educational, scientific or cultural establishments, if safety criteria can be met. Worked out areas known to be of geological interest, for research or educational reasons, should be considered as sites appropriate for suitable restoration which enhances their value. The disposal of waste in such sites would be the subject of very careful scrutiny and proposals prejudicing important geological or palaeontological sites may be refused.

UDP MWM21 – Ancillary Plant

Development proposals for the siting of ancillary minerals or waste processing plants should be located either inside or adjoining sites which have planning permission for waste disposal or mineral extraction, winning and working and are currently in use. Such a proposal will be permitted where:

1. It is of a siting, scale, design and massing appropriate to its setting.
2. It includes a landscaping scheme capable of screening or substantially mitigating any adverse visual impacts from major public vantage points.
3. It is linked to the life of the mineral winning or waste deposition on the site and would be removed upon the cessation of such.
4. It does not lead to an unacceptable intensification of use of the local road network, particularly the use of class 2, 3 and unclassified roads during unsocial hours or have any other unacceptable impact on local amenities such as noise or dust.

UDP MWM22 – Buffer Zones

A buffer zone should be established for all authorised mineral working and waste deposition sites with an expected life of five years or more.

All proposals that are likely to be incompatible with the adjacent mineral working or waste disposal operation will form the subject of a rigorous examination and proposals that would be unacceptably adversely affected or prejudice the mineral working operations will be refused.

Proposals for the extension of the mineral working operation, including those considered against the requirements of policy MW2, will not be permitted within buffer zones except where it can be demonstrated that there would be no unacceptable adverse impact on existing sensitive development within or adjoining the buffer zone.

Policy DC3 - External Lighting

Proposals involving external lighting will not be permitted where they would cause:

1. A nuisance or hazard to highway users;
2. Unacceptable levels of light pollution, especially in the countryside;
3. Harm to the character and appearance of any building or the surrounding environment;
4. Adverse impact on wildlife.

Special consideration will be given to those proposals essential for public safety.

UDP DC9 – Protection of water resources

Following consultation with the environment agency, development proposals which impact on the water environment and associated land will only be permitted subject to the following criteria:

1. The proposed development shall not unacceptably impair the quality, quantity or flow of surface or ground waters.
2. The proposed development shall not lead to pollution problems for example those that might arise with the disturbance of contaminated land.
3. The proposal shall not be of detriment to existing water abstractions, fisheries, and amenity or nature conservation.

UDP DC13 Surface Water Drainage

Proposal will only be permitted where; they make adequate provision for land drainage and surface water disposal, they would not affect flood management schemes, they would not give rise to on or off site flooding – if mitigation measures are required to permit a development a condition will be attached to any planning permission or a planning obligation by agreement sought to ensure necessary works are completed prior to the commencement of the development, where proposals include satisfactory alleviation measures to overcome any problem of drainage these will only be acceptable where they will not result in; - the loss of wetlands habitats, unacceptable adverse impacts on surface or ground waters or the loss or impediment of access to watercourses and public rights of way.

PLANNING CONSIDERATIONS

Strategic Location and Land-use

Dolyhir and Strinds Quarries are located outside development boundaries as defined in the Powys UDP. However, as highlighted in the policy considerations above, minerals are different from other planning applications as the reserve can only be worked where it lies. Therefore, whilst the minerals are outside of the development boundaries of neighbouring villages the application area reflects where the high quality minerals are present. Chapter 14 of PPW also highlights the importance of High Specification Aggregates in the UK and this importance should be taken into account when dealing with planning applications. The PPW also highlights that extensions to existing sites are more favourable than a completely new site which would potentially involve additional land take from green field and/or brown field site (i.e., new areas would be needed to site plant, and other infrastructure, whereas at an existing quarry this would already have been established). Whilst development is generally directed towards settlements, and within development boundaries, this planning application is clearly a special case and requires special consideration with regard to the location of the proposed development, outside of settlement boundaries. Taking the above into account it is clear that it would not be feasible for the extension to be located anywhere else.

Need for the Mineral

The first review of the Regional Technical Statement (RTS) 2014 for South Wales has identified, in its regional annex, that there is a need for some 62.75 million tonnes (of crushed rock) in Powys over the 25 year plan period. The overall land bank for Powys amounts to some 119 million tonnes so on an arithmetic basis there is no need for the mineral as such. However, it should be noted from the South Wales Aggregate Working Party Annual Report 2015 that the annual crushed rock production in Powys was higher than predicted in the RTS.

As highlighted in paragraph 49 of MTAN 1 where there is an adequate land bank Local Authorities should only consider further extension to existing sites or new extraction sites in rare and exceptional circumstances. This may be justified where supply of an aggregate of a particular specification is clearly demonstrated (or where operators are prepared to unilaterally surrender consents relating to other permitted reserves, through Prohibition Orders).

The RTS also notes that whilst there is no need for further allocations or further release of reserves within Powys during this plan period, it does note that there are other factors that may justify the release of further reserves during the current LDP plan period. At paragraph B75 It states that the landbank calculations do not take into account all factors that may be material to ensuring an adequate supply of aggregates, obtained from appropriately sourced locations. These factors include the following

- The technical capability of one type of aggregate to interchange for another
- The relative environmental cost of substitution of one type of aggregate for another
- The relative environmental effects of changing patterns of supply
- Whether adequate production capacity can be maintained to meet the required level of supply.

As highlighted by the applicant Dolyhir and Strinds Quarry produces high specification sandstone aggregate which is important in a UK context. The occurrence of high specification aggregate is limited in the UK but it is required to produce aggregate suitable for road surfacing construction and maintenance where high skid resistance is necessary. The technical capability of the aggregates at Dolyhir and Strinds quarry is very high and there are limited resources across the whole of the UK that can be interchangeable with these aggregates.

Local Planning Authorities are required to consider this importance to the UK when making planning decisions. In addition, in this case the current washing and screening plant at this site effectively sterilise a significant part of the high specification aggregate resource. This is not considered to be sustainable in mineral planning terms. In order to access this resource the plant needs to be relocated, in its current state Strinds is not a suitable location for this plant. Whilst Strinds is being worked out, in order to accommodate the washing/screening plant the proposed extension would allow for a steady supply of HSA and meet the high level of demand for this product. Provided the resource can be extracted without significant adverse effects on the environment and amenity there is a strong case for the extraction of the resource being maximised.

Landscape & Visual Impact

The ES submitted includes a full landscape and visual impact assessment that evaluates the impact of the proposed development during both the operational phase and following the completion of restoration of the site. In an attempt to mitigate any potential visual impacts there are numerous mitigation measures proposed by the applicant, these include:

- The early establishment of a screening landform (mostly to the west) which has been designed to closely reflect the existing landform and visual appearance

- A Surface water management scheme will be established along with the creation of aquatic marginal habitats
- Advanced and progressive tree, shrub and hedgerow planting an species rich grasslands throughout land within the site boundary to mitigate changing character of the site and any loss of existing planting
- Roll over restoration of the upper northern and eastern quarry faces to 'soften' the visual impact of the existing faces
- Seeding and planting will help establish strong wildlife corridors as well as large scale structural and visual features reflecting the character of the local area
- The implementation of a comprehensive restoration strategy for the overall quarry complex, including additional public access.

Visual Impacts during the operational phase –

The LVIA identifies that there is a wide variety of landscapes and landscape sensitivity in the area surrounding the existing quarry and the proposed extension, the sensitivity of the landscape here varies from low sensitivity all the way up to outstanding sensitivity.

The ES identifies numerous potential operational effects that will impact on landscape and visual amenity of the local area, including soil stripping, the formation of the screening landform and the increased operational timescale associated with the release of further mineral reserves (to name a few). The first section will look at the visual impacts associated with the operational phases of the development, followed by an assessment of the visual impacts resulting from the proposed restoration and aftercare scheme.

Operational Phase

The visual appraisal concluded that within close proximity to the site (within 1 kilometre) any visual impacts would likely to be neutral to slight adverse overall. This takes into account the limited effect to receptors in the east, south and west, when compared with the current and potential impact of the already approved quarry scheme. Generally, as distance from the site increased the impacts decreased, but moderate impacts were identified from Offas Dyke long distance footpath at Hergest Ridge. Although it was noted that this impact was only experienced from two limited locations along the footpath, which is mostly screened by intervening landforms and the ridge itself. Views of the site would also be at a distance of approx 1.7 kilometres so the site itself would form only a small part of the wider, expansive view as a whole. It is noteworthy that the area has experienced quarrying for a significant amount of time and this element of industrial heritage has become part of the landscape in the wider area. A quarry, or extension, would not be 'out of place' in the setting, given the presence of other quarries and the past history of quarrying in the area.

The early establishment of the screening landform to the west of the site, and progressive, ongoing restoration to the east and north of the site would all help to mitigate for any potential visual and landscape impacts. The proposed screening bund to the west would be established early on and planting carried out as soon as possible (ie in the appropriate planting season). As the planting on this landform matures over time this would help the landform to blend in with its surroundings. It is proposed that the landscaping form would mostly be laid to pasture with some woodland blocks, this would be a reflection of the existing landscape in the area.

Views into the site from the north would be relatively limited due to the existing topography and vegetation, the quarry would not 'break through' the ridge of higher ground to the north (the hill in close proximity to Yatt Farm) and so would remain below this ridge. Directly to the north there are also few receptors and the surrounding land is mostly agricultural in nature. The village of Old Radnor is to the north east of the proposed site and whilst in relative close proximity to the site, due to the topography of the area it is not considered that the proposed quarry would have an adverse visual impact. The extraction area does not extend all the way to the red line and during phase 2 of the development additional planting of broadleaved woodland would be carried out to the north-east of the site and this would screen any visual elements of the development further, when looking from the north and north east of the site.

From the east of the site most of the residential receptors are at a lower level than the existing lip of the quarry and so operations going on within the quarry bowl are largely screened from any receptors in the east. On the eastern boundary of the existing and proposed quarry there is also extensive woodland (Yatt wood) with further planting proposed along the eastern and northern flanks of the proposed quarry extension. This additional planting would be provided in order to extend the existing feature of Yatt wood and would help to provide additional screening to the east of the proposed site. Further east where the land rises above the level of the proposed quarry (such as Stanner Rocks and Bradnor Hill the quarry would be more visible, but it must be noted that these would be more distant views (approx. 1.7 km from the top of Stanner rocks) and the quarry would be seen in the wider landscape (in which there are existing quarries).

To the south of the quarry there would be more of a visual impact, as revealed in the landscape visual impact assessment, much of the ground to the south is at a higher elevation and there would be views into the site from many of the foot paths to the south of the proposed site. It must be acknowledged that there is already quarrying activity in the area and any landscape impacts need to be considered taking into account the visual impacts that already occur due to quarrying. Taking this into account, when considering the visual receptors to the south, and the separation distances between these receptors, and the proposed site, there would clearly be an impact from the extension but clearly the current quarry already has an impact, and with progressive restoration of faces the proposed extension, whilst having a visual impact would not have enough of a visual impact to warrant a refusal on those grounds alone.

To the west of the proposed site viewpoints are again relatively limited, the closest receptors would be the properties, 'the Row', that front the C-1341, which are approximately 500 meters to the west of the existing site (the proposed site is further to the north of the existing site). The establishment of the landform on the western edge of the proposed site would have some impact on these properties during the construction of the outer flanks. However, once the outer flanks of the slopes had been established (the outer flanks would be mostly established in phase 1) and seeded the visual impact would be much reduced for these properties. It should also be noted that there is a strong hedge line between these properties and the site and this would also help to screen the development (mostly during summer as it is mostly deciduous in nature.) The small village of Yardo lies further west (approx. 1.8 km) and there may be some limited views of the site from this village but these would mainly be limited due to distance, the topography of the site itself and the intervening land and due to any intervening vegetation (including hedgerows and a small copse.) Further west again there are numerous footpaths that criss-cross the landscape around Castle Hill and Highgate Hill, approximately 3.2 kilometres from the site.

These footpaths are on higher ground than the proposed quarry and views into the site would be possible from these footpaths. However, as with Hergest ridge these would be distant views and would be limited by intervening vegetation and the topography of the area.

Restoration and Aftercare Phases

Whilst the proposed quarry will increase the area that needs to be restored and will ultimately increase the size of the waterbody, the restoration plan submitted with this scheme is much more comprehensive in comparison to the currently approved plan. There is more woodland planting proposed and the proposed western landform and rollover restoration of benches in the north and east of the site form a much more comprehensive package overall.

The LVIA submitted by the applicant advised that within close proximity to the site (within 1km) receptors associated with nearby houses, footpaths and minor road users would experience a negligible adverse to slight beneficial significance of effects, following completion of restoration at the site. It is considered that this is mainly due to the improvements the proposed restoration scheme would bring with regard to receptors in the east, south, and west, in comparison to the currently approved scheme.

At longer distances from the site the LVIA concludes that receptors associated with surrounding houses, footpath users and minor road users would experience a neutral to slight beneficial significance of effects, mainly due to their proximity to the site and intervening vegetation.

In light of this it is considered that in relation to restoration and aftercare, the proposals, whilst increasing the size of the waterbody, would be more favourable in terms of their impact on visual amenity, in comparison to the currently approved scheme. The proposed restoration plan incorporates numerous measures (such as the western landform, additional tree planting and roll over restoration on the benches) which would all contribute to reducing any visual impacts associated with the restoration scheme.

In summary, there will undoubtedly be visual impacts associated with the proposed quarrying operations and the significance of these will vary, as discussed above. However, it is considered that the significance of the visual impacts will be mitigated sufficiently (although not so there is no impact from all receptors) by the proposed measures, detailed above. It is also noteworthy that quarrying has a long history in the area, and whilst it may not appeal to everyone quarrying is part of the landscape in this area and has been for a long time. In light of this it is considered that the proposal would not be in conflict with the following UDP policies: SP3, GP1, SP10, ENV2 & ENV16

Ecology & Biodiversity

Prior to the submission of the application the applicant sought a scoping opinion from Powys County Council, the opinion highlighted that the Ecological Impact Assessment (EclA) would draw upon extensive background data, resulting from numerous ecological surveys that have been carried out within and in the vicinity of Dolyhir and Strinds quarries over the past 10 years. On top of this wealth of data there would also be further baseline studies undertaken, to include the following;

- Desk study

- Habitat survey
- Hazel dormouse survey
- Bat survey
- Great crested newt survey
- Reptile survey
- Breeding bird survey and
- Badger survey.

A wealth of information has been submitted regarding ecology on and around the site. The site itself is a SSSI for geological reasons (Dolyhir Quarry SSSI). With regard to ecological designations the site is within close proximity to Dolyhir Meadows SSSI, which are located within the application site, but not within the extraction area. Stanner Rocks NNR & SSSI is located approximately 1.7 km east of the site boundary. Yatt Wood (in close proximity to the east of the site) is an ancient semi natural upland oak and ash woodland, supporting a number of rare plants. Stones Coppice (to the north) is another area of ancient semi natural woodland, and restored ancient woodland site. In addition to these designated sites a background search for records of protected and notable species was undertaken, extending to 2km from the proposed extension area. This search revealed a high number of records with a number of internationally and nationally protected and priority species, including numerous species of bats, hazel dormouse, slow worms, great crested newt, and various species of moths.

In and around the site there are also areas that are of biodiversity importance, but are not designated, this consists of grasslands (mostly semi improved agricultural grasslands, but of more importance are the small areas of calcareous grasslands on the periphery of Strinds Quarry) woodlands (including Yatt Wood and Stones Coppice, as mentioned above, and more recent small areas of Broadleaved plantation which were planted approximately 20 years ago as screening) hedgerows and trees (hedgerows mostly being in a poor condition, except for those along a farm track with some veteran trees in some of the fields) and finally running water and other aquatic habitats (the Cynon Brook and numerous ponds and lagoons, associated with the quarry which are known to support various amphibian species). Therefore, the area surrounding the site can be considered to be of some importance ecologically speaking (with regard to protected species and habitats etc.) and this needs careful consideration.

In considering the potential impacts the proposed quarry operations may have on ecology the EclA has focused on a number of ecological receptors, as listed below:

- habitat loss (direct), primarily agriculturally improved grassland with hedgerows and mature trees;
- habitat loss (indirect), potential effects upon 'off site' receptors which potentially includes ecologically designated sites;
- hazel dormouse;
- bats;
- otter;
- badgers;
- amphibians;
- reptiles;
- breeding birds; and
- Invertebrates.

It is considered that any impacts to habitats would relate mainly to the direct impacts occurring from the extension of quarrying activities, such as vegetation removal and soil stripping operations. Potential also exists for impacts to occur during the operational phase of the quarry (in direct impacts) such as changes to hydrological regimes or through dust deposition. It is considered by the applicant that the main potential impacts would be as follows:

- habitat loss,
- fragmentation and isolation through land-take;
- alterations to ground water;
- alterations to surface water flow and quality;
- pollution;
- dust deposition; and
- post construction (restoration) impacts.

These potential impacts have all been considered in detail, having regard to the ecological receptors (as listed above) in the ECiA submitted with the application. In an attempt to mitigate for any impacts identified with regard to the above potential impacts comprehensive mitigation measures have been proposed by the applicant, this includes

- In order to account for the loss of agriculturally improved grassland (which forms the majority of habitat loss) the applicant has proposed the creation of a more ecologically diverse grassland, the western landform. The loss of 0.25 ha of plantation woodland represents a minor loss and the wider creation of 15 hectares of woodland would represent a gain in this aspect.
- The loss of 3.1 km's of hedgerow represents a significant loss of habitat and in order to compensate for this the applicant has proposed to provide 3.6 km's of new and replacement hedgerows.
- With regard to the risk to hazel dormouse during habitat removal it is proposed that a risk based, phased approach would be taken
- Measure have also been proposed to minimise any risk to otters (even though none were found during the surveys)
- With regard to badgers, updated surveys will be undertaken prior to the advance of each phase of quarry development to ensure that baseline conditions remain as described, with mitigation strategies to be drawn up if any new setts are established
- Amphibian mitigation schemes have been previously agreed as part of the ROMP and northern tip applications which were approved in March 2012. As part of this application the previous measures have been brought forward and includes the creation of receptor ponds and refuges, the preparation of receptor sites by decreasing grazing intensity, translocation of amphibians following the establishment of ponds and monitoring for 2 years after translocation, with the potential for the creation of further ponds following completion of works on the screening landform.

The ecologist for Powys County Council and Natural Resources Wales have been consulted on the application and following the submission of comprehensive additional information (including a 'Framework Newt Management Strategy' as part of the Supplementary Ecological Information, submitted in February 2017) NRW have withdrawn their previous objection to the application and have suggested numerous conditions to be included. The Ecologist for the council did not raise any objections, or request further information during the consultation period and suggested that numerous conditions be attached to any planning permission. Therefore, following

the submission of further information it is considered that the scheme would not have a detrimental impact upon ecology, and would provide opportunities for enhancement, in line with the requirements of the Environment (Wales) Act 2016 in the area and numerous conditions have been suggested in order to ensure that no detrimental impacts occur as a result of the proposals. In light of this it is considered that the proposed development would not be in conflict with the following UDP policies: SP3, SP10, GP1, ENV2, ENV3, ENV4, ENV5, ENV6 & ENV7

Ground and surface water

In order to assess any potential impacts on ground and surface water resulting from the extension the ES considers the existing conditions at the quarry along with the baseline geology, baseline surface water conditions, surface water flows and quality and numerous other factors. Following this initial assessment numerous potential receptors that may be affected by the development were identified, including surface water features, water abstractions and designated sites. This information was then used to construct a conceptual model of the ground and surface water circumstance of the site and the surrounding area. On the basis of this model the impact assessment considers any changes to the baseline conditions resulting from the additional of the northern extension area, and whether this may alter any conclusions from the previous assessment approved under previous applications.

The potential impacts on groundwater have been examined in greater detail in the ES, however, briefly some of these potential impacts include:

- Potential of contamination from fuel/chemical spills
- The extension and deepening of Dolyhir and Strinds quarry have the potential to divert groundwater flow into the voids, resulting in a partial dewatering of bedrock. This could affect flows in the Cynon, Gilwern and Riddings brook. However, calculations carried out show that any dewatering of the bedrock, and subsequently of streams would be low and any impacts would be considered negligible.
- There are two private water supplies within the maximum radius of influence of the quarry, one of these is owned by Tarmac and the other is located 300 metres south of Strinds – the max influence zone extending to 350 metres.
- There are 4 wells identified – but these are not listed as abstractions so it is likely that these do not exist, or are not for human consumption
- There are also five abstraction licenses identified, four are related to the site and controlled by Tarmac, with two of these being removed by quarrying. The other licence is within the site and controlled by Hope Construction Material Ltd – this takes water from Gilwern Brook with the effect of quarry dewatering on this receptor considered to be negligible.

Potential impacts on surface water were also examined as part of the EIA process and these are considered in more detail in the Environmental Statement, a brief summary of the potential impacts are covered below,

- Accidental spillage of fuels or lubricants from the plant utilised on site could have direct impacts at ground level, or via subsurface pathways which would occur if a spillage occurred within the void. Whilst the probability of this impact is low, the significance is potentially high, without appropriate mitigation measures.
- There is potential for surface waters to become contaminated with suspended solids due to surface run off from working areas and soil stockpiles,

particularly in the western side of the site where the large screening landform is proposed.

- It is also considered that the lateral extension of the site could alter local surface water regime, mainly relating to rainfall runoff. By extending the lateral extent of the quarry the catchment for Ridding's brooks will be reduced – although it was considered that the size of the catchment area compared to the extraction area would mean any impact would be mostly negligible.

In order to reduce potential impacts relating to surface water the applicant has proposed a number of mitigation measures, most of which are standard practice, such as standard fuel handling protocols and a series of cut off drains around the perimeter of the quarry, particularly in the northern and western areas (due to the screening landforms) which will discharge into a series of settlement lagoons prior to off-site discharge. The system of settlement lagoons should ensure that any water which is discharged off site will not be contaminated, it is also worth noting that any discharge points will also be monitored by NRW to ensure water quality remains adequate.

Following initial consultation with both NRW and the land drainage department of the council, NRW requested that the applicant submit a water management plan to provide more details, along with further information relating to how the extension will feed into the existing permitted discharges. Further information was submitted in the form of a water management plan, submitted to the Authority in February 2017. This identified further mitigation measures with regard to fuel handling protocols and measures to control silt laden discharge into surrounding watercourses, these are discussed below;

- The quality and quantity of water will be regulated by discharge consents regime
- Turbidity meters will be placed on the main discharge from the quarry, with measures to shut the discharge off if suspended solids exceed the consent limit
- Re-fuelling will only be undertaken in designated areas on a concrete pad, surrounded by a bund, in the event of a spill any spill will be contained and removed using absorbent materials and disposed of appropriately.
- Any oil spill will trigger switching off the sump pump to reduce the risk of any oil being pumped off site, any materials used to soak up oil will be stockpiled on site
- A series of cut off drains around the site (notably at the base of the northern and western landforms) to ensure uncontrolled run-off off site does not occur. This will then be pumped back into the quarry, or discharged into a series of settlement lagoons, prior to off-site discharge.

Following the submission of this further information both NRW and the Land Drainage Department for the Council accepted that the proposed extension would not pose a risk to either ground water quality or create any adverse impacts relating to surface water run-off (although conditions were suggested). The applicant has proposed a comprehensive set of measures (many of which are industry standards and are already in place on the existing quarry site) to ensure that the proposed extension would not have any adverse impacts. In light of this, and in light of the consultation responses received, it is considered that the proposed development would not have any adverse impacts relating to ground water and surface water run-off. It is considered that the proposed development will not be in conflict with the following UDP policies; DC9 & DC13.

Noise

Operating hours and Noise levels at the quarry site are currently controlled by numerous conditions imposed by the ROMP planning permission (P/2010/1207), operations in the extended tip area are covered by planning permission P/2010/1204. During the scoping stage of this application the Environmental Health Officer dealing with noise was consulted and suggested that the Environmental Statement for the proposed development would need to demonstrate that the existing noise levels would not be exceeded by the proposed development, in any of the monitoring locations specified under the existing conditions.

There are numerous conditions relating to the operating hours of specific operations on site, these are set out in the Environmental Statement, and the applicant has not suggested a change to these working hours and the previous conditions can be carried forward if permission is granted for the proposed development. A specific noise level was set out under condition 14 of planning permission P/2010/1207 which stated that

'Noise limits for quarrying operations, based upon LAeq (1 hour) readings, shall not exceed 55dba at the façade of the monitoring points set out in condition 14 (sic 13) above between the hours of 5:30 to 22:00 and 45 dba at all other times'

In MTAN the suggested noise limits are 52 dba (freefield) for daytime operations and 42dba (again, freefield), for night time operations, therefore it is proposed that these are the noise limits applied to this proposal. The Environmental Health Officer has been consulted and has not raised any objections to this approach of setting the noise limits within the ES. During noise monitoring two more noise monitoring locations were added (Siluria Cottages – location 10, and Harpton Court – location 11) in order to reflect the extension of the existing quarry on a northerly direction, the same 'target' noise levels were attributed to these newly added monitoring locations.

Having gathered the relevant background noise information for the existing quarry operations the ES goes on to predicting noise levels for the proposed quarry, these were carried out in compliance with the relevant British Standard (BS5228:2009 Part 1 + A1: 2014 Annex F). Numerous different processes and processing equipment were factored into these calculations in order to ensure that all elements of the proposed operations were factored into any predicted noise levels. The results show that none of the monitoring locations would experience noise levels of above 52 dba during day time operations (05:30 – 22:00). Looking to predicted night time noise levels, again, the data provided shows that the proposed operations would not give rise to noise levels above 42 dba (free field) between the hours of 22:00 – 05:30.

The predicted noise levels provided in the ES are very much worst case scenario and when compiling the data plant was assumed to operate on the highest working face at the closest practical position to each individual property. It was also assumed that all plant items work 100% of the time at these locations (except the rock drill/pecker – which were assessed separately). Therefore, bearing this mind it is clear that in reality the noise experienced at the monitoring points included in the noise impact assessment may be less than the noise levels included in the report, it is unlikely that all the plant will be working 100% of the time in the closest locations to these properties. Also, as time goes on the depth of the quarry will increase and this will mean the impact of noise will be reduced by the quarry walls themselves. The Environmental Health Officer for the council has been consulted and raised initial queries regarding the cumulative impact of Gore Quarry on the noise readings,

queries were also raised regarding raw data, and some anomalies in the data. The applicant responded to these queries with further information provided with the letter dated 10th February 2017, following the submission of this extra information the EHO has not raised any further objections/points of clarification and has suggested that conditions 8 -21 of planning permission P/2010/1207 be carried forward onto any new issue of planning permission. In light of this it is not considered that the proposed extension would have any adverse noise impacts, over and above the noise impacts already present due to quarry operations in the area.

Blast Vibration & Air overpressure

The site will generate blast vibrations and associated air overpressure as a result of blasting operations on site and these have the potential to impact on nearby properties. There are two conditions relating to blasting at the existing site, these are as follows,

Condition 18 – No blasting shall be carried out which would result in any component of peak particle velocity at any occupied property attributable to the blast exceeding 12mm/sec pp/ (Peak Particle Velocity)

Condition 19 relates to blasting times – Blasting shall be carried out in only between 08:30 and 16:00 hours Monday to Friday and 10:00 and 12:00 on Saturdays. No blasting shall take place on Sundays or bank or public holidays.

Blast monitoring has been carried out at the site for some time and this historic data was used in combination with a scheduled production blast, held on 12th January 2016. In line with good practice (BS6472-2-2008) several locations were used for monitoring, at differing distances from the blast event, along with differing amounts of explosives used. Following the collection of this data a 'blast regression line' was plotted. In basic terms this process shows what PPV will occur at differing blast monitoring points, using distance from the blast and the amount of explosives as variables. The blast data for the properties closest to the blast locations (Trecoed – 200 metres, Yatt Farm – 225 metres and Dolyhir Cottages – 225 metres) show that using 104 kg of explosive charge will result in a PPV of 6 (for Trecoed) and 5.6 (at Yatt Farm and Dolyhir Cottage) at a confidence level of 95% (as stipulated in the British standard mentioned above).

As the separation distance between the blast location and the nearest vibration sensitive property increases the amount of charge that can be used, whilst complying with the BS, will increase. Table 11-4 in volume 1 of the environmental statement shows that at 100 metres separation distance the maximum charge would be 26kg, whilst at 500 metres separation distance the maximum charge would be 651 kg. As stated above, using 104kg of explosive would provide an acceptable confidence level, in compliance with the BS at the nearest vibration sensitive properties. Historic data for the site, taken over the last 12 months, has shown varying levels of explosives used, from 30 -143kg with blast vibration levels varying between 0.02 and 10mms PPV. In all cases the blast results remained within the limits set by the current planning permission, and within the more stringent limits suggested in the BS and MTAN1, as per the MTAN the blasting limits applied for this proposal, if permitted, would be as follows;

'maximum level of ground vibration at vibration sensitive locations: ground vibration as a result of blasting operations should not exceed a peak particle velocity of 6 mms-1 ppv in 95% of all blasts measured over any 6 month period, and no individual blast should exceed a peak particle

velocity of 10 mms-1 ppv'

In accordance with best practice, in line with the Quarries Regulations 1999 there are numerous, common practice that can be employed to ensure that effects from blasting are kept to a minimum, this includes the following:

- Correct blast design and appropriate burden placement to ensure there is no over-confinement of charge (which can significantly increase ground vibration)
- Setting out and drilling of shot hole should be as accurate as possible, with the holes being surveyed for any deviation
- Correct charging of any shot holes
- Correct stemming will help control air overpressure, fly rock and control ground vibration, the length of stemming in the shot hole is also important.
- Monitoring of the event is also key to re-optimising the blast design in light of the results.

The historic and current blasting data and the regression curve provided with the application give a clear indication of the potential impacts due to blasting. Using this data the ES concludes that a charge weight of 104kg would be the maximum weight when blasting nearby to the properties above, in these circumstances there would be a 95% confidence of achieving a PPV of 6mms¹, in compliance with the BS. In addition, the operator has proposed that upper limit of blasts will be reduced from the currently conditioned limit, 12 mms, to a lower limit of 10 mms, in line with MTAN 1 and with the BS6472-2:2008, this is clearly a benefit as it means that if any additional surveys or investigations would need to be required they would be triggered at a lower level compared to the current situation.

Air overpressure may also occur as a result of blasting and may vibrate buildings, and in particular windows, however, damage caused by air over pressure is rare. Air overpressure is also heavily influenced by meteoroidal conditions and wind speed, direction as well as cloud cover, humidity and temperature inversions can all have an impact on the intensity of air overpressure levels. This means that it is often difficult to predict air overpressure levels and also difficult to control, irrespective of how well a blast is designed air overpressure levels are often outside of the operators hands. In light of this it is recommended that a condition be attached to any permission issued, requiring a review of any permitted blast monitoring scheme, should air over pressure levels exceed 120db on a regular basis.

The Environmental Health Officer has raised no objections to the proposal and has suggested that various conditions from the current permission be carried over to any new permission, with alteration beings made to the Peak Particle Velocity, which should be reduced from a upper level of 12 mm/s to a upper level of 10 mm/s, with 95% of blasts not exceeding 6mm/sec over any 6 month period. Being as this has been suggested by the applicant it is clear that this reduction would not cause any issues from the applicants point of view. In light of this it is not considered that blasting at the proposed site would cause any adverse impacts on nearby vibration sensitive receptors, and blasting operations would be in compliance with the relevant BS and with the requirements of MTAN 1. It is also considered that the proposed development would not conflict with the following UDP policies relating to blasting and general amenity; SP10, GP1 & MW8.

Dust & Air Quality

The ES examines the current legislation relating to dust and air quality as well as the potential sources of dust from quarrying operations and the mitigation measure that are available to reduce any potential impacts from the site. The proposed extension of the quarry will mean that quarrying operations will be brought closer to properties to the north of the site (these dust sensitive receptors are identified in table 12-3, on page 203 of the ES volume 1) and there is potential that dust from these operations could have a detrimental impact on air quality for these properties. Data available for existing air quality in the area shows that the air quality in the vicinity of the proposed (and existing site) is generally good, with concentrations well below the annual objectives for PM 2.5 (set at $40\mu\text{g}/\text{m}^3$) and also well below the objective for 2020 (set at $25\mu\text{g}/\text{m}^3$). There are no Air Quality Management Areas in close proximity to the site, the closest being in Hereford and Leominster (approx. 25 kms) and in New Road, Newtown, which is approximately 35 km's from the site.

The main potential impacts on air quality in the area, relate to the presence of suspended dust (the smaller particles) deposited dust (larger in size) and emissions to air from traffic generated by quarrying operations. The sources of dust and air emissions are discussed in more detail in the ES, briefly, the main sources of dust (both types) are identified as being from:

- Soil stripping and overburden removal
- Blasting –although it is considered that dust generated by blasting can be significant it is generally very short term in nature. The main source of dust from blasting is from the drill rigs used to drill shot holes for the explosives. However, research has shown that the use of shrouds can reduce this impact and impacts would be very localised.
- Extraction of gritstone and limestone
- Transfer of material within the site
- Tipping of quarry waste material (to the west and north west of the extension area)
- Progressive restoration
- The main sources of vehicle emissions obviously relates to the vehicles both on site and those carrying material off-site. However, no increase in output has been proposed so it was not considered that this would require further examination as H.G.V movements would mostly be the same so any impact would also remain the same as is currently the case.

The generation of dust has the potential to impact upon two main receptors, ecological receptors (identified at table 12-4 page 204 of volume 1 of the ES) and human receptors (identified at table 12-3). The ES examines the potential impact of dust on these receptors and looks in more detail at the different sources of dust and the impact that these may have with regard to human and ecological receptors.

Looking first to ecological receptors, it is considered by the applicant that highly alkaline or acidic dusts could cause a risk of impact on the nearby vegetation and designated sites. However, as highlighted by the applicant the output and processing would not change, and the surrounding area has been subject to dust emissions from the quarry for some time now without any obvious negative impacts. Therefore, if there is no increase in output or change in processing methods it is unlikely that there would be any impacts on ecology, above the current potential impacts resulting from dust emissions. The ES also highlights a study carried out by the design manual for roads and bridges which suggests that only dust deposition levels above $1000\text{mg}/\text{m}^2/\text{day}$ are likely to affect sensitive ecological receptors. It also states that most species appear unaffected until dust deposition rates are at levels considerably

higher than this. The applicant highlights that this level of dust deposition is 5 times greater than the level at which dust deposition become a nuisance for humans, due to the proximity of human receptors to the north, it is imperative that dust deposition levels are kept below 200mg/m²/day. Therefore, given that the levels at which dust deposition has an impact on sensitive ecological receptors and the much lower level required to impact on human receptors it is unlikely that dust deposition would be allowed to get high enough to impact on ecology as this would have potentially serious consequences for human receptors.

Looking to human receptors, the ES examines in detail the impact that suspended dust and deposited dust may have on a number of human receptors (the human receptors have been identified at table 12-6, page 210 of volume 1) taking into account the potential sources of dust. The ES refers to the Air Quality Strategy with regard to the relevant targets for suspended dust. The report highlights that current levels for suspended dust (PM10) leaves a headspace of 24.66µg/m³ until the AQS limit of 40 would be exceeded. In light of this, and in combination with mitigation measures, it is considered highly unlikely that that the proposed extension would lead to an increase in PM10 to a level that exceed the AQS objectives. PM2.5 have also been considered and, again, there is a large headspace of 16.03µg/m³ until the AQS objective would be exceeded. Therefore, suspended dust as a result of the proposed extension is not considered to pose an adverse threat to air quality.

Deposited dust has also been studied and the results show that a number of the receptors, that would be closer to operations as a result of an extension, are at risk of impacts without mitigation measures (these receptors being Stones Farm and Trecoed). Impacts at Old Radnor and The Row were considered to be insignificant or acceptable, also, there is considered to be an increased risk of impact at Yatt Farm due to changes in the frequency of exposure. In light of these potential impacts the applicant has suggested numerous mitigation measures (many of which form conditions attached to the existing permission which could be carried forward). This includes:

- Mobile spraying units to be employed on haul roads, and stocking areas, especially during dry weather
- It shall be ensured that spraying units have an adequate supply of water
- All exhausts to point horizontal
- Dust collection machines on all drilling machines
- Drill rigs shall use dust containment bags
- All vehicles leaving the site shall be sheeted (unless the material is in excess of 75mm in diameter)
- Wheel wash facility to be maintained and operated throughout the duration of site operations –no deleterious material to be deposited on the highway.
- Drop heights of material while unloading/loading will be minimised and double handling will also be minimised
- No movement of soils in extreme wet or dry weather
- Long term storage mounds to be seeded as soon as possible and profiled to reduce dust entrainment
- Speed limits are employed on the access road

It is considered that whilst potential has been identified for dust impacts on some human receptors the applicant claims that the carrying forward of the existing mitigation measure will reduce any potential impacts to an acceptable or insignificant impact.

The environmental health officer for the council has been consulted and has not raised any objections to the application based on any potential impacts relating to dust/air quality issues. The EHO has suggested carrying forward some of the conditions relating to dust control measures from the existing permission onto any new permission granted. In light of this, whilst there is potential for impacts on dust and air quality issues, it is considered that the comprehensive package of dust control measure suggested by the applicant would be sufficient to ensure that impacts are kept to an absolute minimum.

In light of this it is considered that the proposals do not conflict with the following policies UDP SP10, GP1 & MW16.

Transportation/Highways

The ES highlights that the current combined operation of Dolyhir and Strinds quarry operates at an average output of between 650,000 – 800,000 tonnes per annum. For the purposes of this application an average output of 700,000 tonnes per annum has been assumed, based on this tonnage the lorry movements would amount to some 127 loads per day. Notwithstanding this the ES highlights that the use of vehicles with 32 tonne payloads means this will realistically be closer to 100 lorry loads per day – resulting in 200 movements. Any HGV traffic resulting from the proposed development would utilise the road network in the same way that current operations do and the routing of HGV's would also remain the same. The proposed extension would not seek to increase the output of the site, therefore lorry numbers would remain similar to the existing numbers. The operating hours relating to vehicle movements would also remain the same as would access routes.

One proposed change in relation to highways would be the construction of a new agricultural access to the west of the site, which would connect to the existing lane, the C1341. This would allow for continued access to farmland, and would be located approximately 180 metres to the North West of the existing access. The highways officer has reviewed the proposal for a new access and has raised no objections, but has suggested conditions to ensure that the junction is constructed in line with guidance for agricultural accesses.

Clearly, the extension of the site will also mean that operations would carry on for a longer period of time so quarry related traffic would continue for an additional 43 years beyond the current permitted end date of 2042. However, as mentioned in the ES it is considered that the existing road network retains sufficient capacity to accommodate traffic related to quarrying operations, Therefore, traffic continuing at the same level, but for longer, should not raise any issues with regard to highway safety or to the capacity of the highways network.

One other change to highways will be when the wash plant from Dolyhir Quarry is moved into Strinds Quarry, in approximately the 25th year of the project programme. This would result in the need to transport dried filter cake from the plant in Strinds to the tip in Dolyhir, resulting in approximately 17 loads per week (based on a payload of 20 tonnes) equating to 3 – 4 loads per day (or 6-8 movements). It is to be noted that these movements would be across the road only and lorries would enter the public road network only briefly.

The application has been considered by the highways division and no objections have been raised based on the information submitted, conditions relating to the new agricultural access have been suggested and these can be added if permission is to

be granted. Therefore the proposals comply with the relevant transport policies, namely; UDP T3 & UDP MW13

Geology

As stated above Dolyhir quarry itself is designated as an SSSI for geological reasons, and concerns have previously been raised by NRW that when the quarry is restored some of the geological exposures that are of interest would be inaccessible, mainly due to the water level in the quarry. However, the applicant has highlighted that much of the SSSI boundary is confined to the areas of historic quarry and does not include land within the proposed northern extension to the quarry. The applicant has highlighted that the extension of the quarry could, in fact, expose more geological exposures of interest, and could potentially enhance the current SSSI. NRW requested further clarification on the final water level of the restored void and sought clarification on whether or not the areas of interest would be accessible for further study in the future. Following the submission of further details and following a site meeting between the applicant and NRW it was agreed that, subject to health and safety requirements, a planning condition would provide for the opportunity of on-going research and would ensure that key exposures are retained un-restored as part of the final restoration scheme, including that approximately 3 faces will be above the water level of the lake when any pumps are turned off and the void is allowed to fill up with water. The suggested condition is below;

“Within 6 months of the date of the planning permission, a Geological Management Plan shall be submitted for the approval of the MPA. The scheme shall set out proposals to facilitate ongoing research of the stratigraphical and mineralogical interest at the site, and for the retention of important exposures as part of the final restoration scheme. The scheme shall be implemented as approved”

This condition has been forwarded on to NRW who, on receipt of this condition, have withdrawn their initial objection on the grounds of potential impacts on the SSSI, in light of this it is considered that the proposed operations would not have an adverse impact on the geological SSSI of Dolyhir Quarry. In fact, as stated by the applicant, the proposed extension of the quarry may reveal further geological exposures of interest that could enhance the current SSSI. The development, therefore, complies with the relevant plan policies, namely; ENV4, ENV5 & ENV6.

Public Rights of Way

As a result of the proposed works various public rights of way will be affected, as discussed previously in the report.

- FP RB1383 – which runs east to west across the central area of the existing site joining the public highway C1341 in the west. This PROW would require a permanent diversion (see plan D095/00109) it is intended that the foot path would be diverted from stones farm, around the northern edge of the extension site and the northern edge of the screening landform to FP RB1418 200m north of the current intersection of FP RB1383 and FP RB 1418. The route of the diverted footpath would follow the alignment of a new farm access track, which would continue south from the intersection of 1383 and 1418 to a new access onto the public highway.
- FP RB1417 – would be diverted onto a roughly parallel alignment, 100 metres to the west of the intersection of the diverted RB1383 and RB1418 and would join the existing route at the south western boundary of the quarry tip,

approximately 80 metres west of its current alignment. This diversion would be necessary due to the outer flank of the western landform and the location of a temporary top soil storage bund and related water management infrastructure.

- Finally, FP RB1418 – this runs north from FP RB1383 through the extreme north-western area of the proposed extension site, a crossing point (or temporary diversion) would be created on this PROW to help deal with any potential impacts during the construction of soil storage bund 2 – during phase 1 and the for the removal of this bund during phase 4.

Whilst the potential impacts of the proposed development on the Public Rights of Way is a planning consideration, it also has to be noted that any future diversions would also need to be dealt with by a separate legislation. This would provide the opportunity for a detailed examination of any issues surrounding the proposed diversions, be they temporary or permanent.

The public rights of way department and the Powys Ramblers association have both been consulted on the application. Powys Ramblers raised no objections to the proposed plans but did raise the issue of funding to ensure that any diversions are clearly marked and to help maintain paths on their land. The public rights of way officer did not raise any objections to the proposed plans but did note that there would be an impact on PROW in the area and requested that a condition be attached requiring an 'Access Management Plan' to be drawn up and agreed with Countryside Services, before the commencement of construction. The 'Access Management Plan' would seek to plan and map out the management and improvement of the public rights of way network on the site throughout the life of the quarry. Due to the concerns relating to the wider PROW network the PROW department also requested an Access Improvement fund of £10,000 from the operator, so that the public rights of way off-site can be improved. The fund should be received by Countryside Services pre-commencement to allow the improvement works to be undertaken before the public rights of way on site are affected by the proposed works. The operator has agreed to make this contribution towards the Access Improvement Fund, and a Unilateral Undertaking, to this affect, has been engrossed and can be released to the Council if planning permission is granted.

The site will have an impact on PROW in the area but has provided for this impact by the proposed diversions, which will need to be dealt with by section 257 applications. It is considered that the proposed diversions would be sufficient to ensure that the users of the PROW network in the area would not be adversely affected by quarrying activities. The operator has agreed to pay in to the 'Access improvement fund', as requested by the Public Rights of Way officer and this, in combination with the proposed diversions would be sufficient to mitigate against any adverse impacts. Therefore, the development would not conflict with policies RL6 and TR2.

Cultural Heritage and Archaeological Heritage

There are a number of sites that are of cultural heritage interest in close vicinity of the quarry, and further afield. These have been identified in the comprehensive response of the listed buildings officer for the council. When considering planning applications that may impact on listed sites or on the setting of a listed site, special consideration needs to be given to the potential impacts on these listed buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority, or as the case may be, the

Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” In discharging this duty the Courts have recently emphasised that this special regard should be accorded considerable importance when weighing this factor in the balance with other material considerations that have not been given this special statutory status.

The listed buildings, and the potential impact on these from the quarry extension have been considered in great detail by the listed buildings officer for the council (see reply). Any potential impacts on the listed buildings were considered in light of the emerging best practice guidance from Cadw (since adopted in May 2017 titled *Setting of Historic Assets in Wales*) that seeks to advise decision makers in assessing the impact of a proposed change or development in the execution of their duty under Sections 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990. Having examined the potential impact of the proposed quarry on each listed building in the vicinity the conservation officer concluded that ‘given the topography, woodland and proposed mitigation measures it is not considered that the proposal would have a direct adverse impact on the setting of the listed buildings considered above, and as such I would not wish to object to the proposal on those grounds’.

Whilst this is acknowledged the conservation officer also pointed out that she has only considered the potential impacts on the individual listed buildings only, not on the significance of the landscape identified by LANDMAP. The landscape and visual impact of the quarry, both when operational and once restored/in aftercare has been considered earlier in the report. The conservation officer also notes that she has not considered scheduled ancient monuments or registered parks and gardens, these have been considered by Cadw. Having considered the application Cadw have not raised any objections to the potential impacts of the proposed extension on scheduled ancient monuments, or parks and gardens (for example, the parks and gardens at Harpton Court). Cadw noted that

‘The Theoretical Zone of Visibility produced for this development suggests that the proposed development will not be visible from any of the above scheduled monuments due to the topography of the area. The screening provided by the existing vegetation along with the proposed additional screening mounds provided by the proposed development will ensure that there will be no impact on the settings of any of the above scheduled monuments.

The proposed development is also located within the vicinity of the historic park and garden known as Harpton Court PGW (Po) 59(POW). The identified essential setting for the historic park and garden extends towards the application area; however this area contains large areas of woodland, which with other existing vegetation will block views towards the proposed development. Consequently there will be no impact on the setting of the registered Harpton Court historic park and garden.’

In light of this it is considered that the surrounding topography and vegetation, in combination with the proposed mitigation measures are sufficient to ensure that there would be no adverse impacts (if any in certain locations) on listed buildings (and their settings) scheduled ancient monuments and registered parks/gardens, as a result of the proposed quarry extension. Neither the conservation officer for the Council or Cadw have raised any objections to the application, based on any potential impacts on cultural heritage in the area.

An objection by the community council has cited the loss of Stone Farm (which is to be demolished as part of the quarry plans) as an adverse impact on the historic environment. The loss of this building has been identified in the ES as a major adverse impact, upon a building of low value – resulting in a slight, or moderate significance of effect prior to mitigation. The applicant has suggested that as part of mitigation for this impact a 'level 3' survey, including photographic recording, will be carried out as the building is being demolished. Whilst it has been recognised that the building is a 'historic asset' its significance was not enough for it to be listed. Cadw were contacted during the period when this application was being considered with regard to listing the building but it was decided that the building was not to be listed. Therefore, whilst the building has some value with regard to the historic environment it is not listed and not in a conservation area. Therefore, the (limited) value of this building alone would be insufficient to be able to oppose the demolition of the building, as noted in the Conservation officer's consultation response.

Archaeological Heritage

Leading up to the submission of the planning application the applicant had been in close contact with the archaeological advisor to Powys Council who determined that the cultural heritage study would require support from archaeological fieldwork. It was not possible to get this done when the ES was submitted so it was accepted that the Archaeological Evaluation could be submitted at a later date, the information was compiled and submitted in November 2016.

The evaluation used a series of trial trenches (9 in total) which were 1.8 metres in width and between 15 metres and 50 metres in length, as shown on the plan attached to the survey. All trenches were excavated by mechanical excavator under constant observation by archaeological supervision, until either archaeological deposits were found or natural substrate. In summary, the trial trenches revealed some evidence of medieval/post medieval agricultural activity in the south-western part of the site, where there were a number of shallow plough furrows. Three undated ditches, correlating closely to linear anomalies previously identified, were identified in the south western part of the site – it may be that these related to tracks leading to a former quarry.

Following the submission of this initial report the Archaeologist at CPAT (Clwyd-Powys Archaeological trust) did have some further queries, regarding Stones House, 'the green lane' and the origin and nature of some boulders that had been found in part of a field that formed part of the survey area. An additional report was provided by the applicant in an attempt to address the queries that were raised by CPAT. Following the receipt of this report CPAT raised no objections to the development but did suggest conditions that related to a Level 3 recording of Stones Farm and a scheme of investigation to cover the additional area of excavation in the area of the ditches recorded in trench 9. It was also observed that the applicant's suggestion of moving the boulders to the outer edge of the excavation area (where further examination could take place if desired) would be an acceptable mitigation. In light of this, whilst some features of archaeological importance (mostly limited importance) have been revealed, the officer at CPAT has no objections to the development with the suggested conditions being adequate to ensure that any impacts would be acceptable. In light of this it is not considered that the proposed development would be in conflict with the relevant UDP policies, namely; SP3, GP1, ENV14, ENV16, ENV17, ENV18, MW18 & MW19.

Loss of Agricultural land

Following an Agricultural Land Classification survey and soil resource report the applicant has identified that the proposed extension would mostly be taking place on agricultural land classed as grade 3b (limited by wetness) with some better draining areas with potential to be 3a. The proposed quarry extension (including the proposed western landform) would cover approximately 36.6 hectares in total. It is anticipated that following restoration 20.7 hectares of this 36.6 total will be put back to a land based after use. The concept restoration plan shows the outer face of the western landform restored to agriculture, with a gradient of 1 in 6 – within the slope criteria for achieving grade 3b. The top of the landform would be interspersed with blocks of woodland, the inner slope being steeper in gradient and consisting of species rich grassland. The land restored to agriculture and woodland would extend to 15.17 hectares and the species rich grassland extending to 5.53 hectares – target soil profiles for these restored areas would be 44cm of topsoil over 68cm of subsoil. The resulting permanent loss of agricultural land would amount to approximately 15.9 hectares.

In order to ensure that the any proposed agricultural restoration is carried out to the highest standard possible the applicant has suggested numerous measures that will help to ensure that any soils which will be needed for restoration will be handled and stored in the most sensitive way possible, to ensure that the soils are kept in the best condition possible. The stripping, moving of soils and the formation and maintenance of top and sub-soil storage mounds will also be carried out in accordance with the MAFF (2000) guidelines, which are recognised as best practice for soil handling. The weather and the condition of soils will also be considered in detail before soils are stripped or moved on site. It has also been suggested by the applicant that in advance of each phase of extraction and tipping a detailed soil survey of the stripping areas is to be carried out to predict the thickness of sub and top soils – this will help to inform volumes of long term bunds and the potential thickness for restoration soil profiles. At the end of each soil moving season a full audit will be completed this will enable a comparison to be made with the predicted soils levels and in turn will allow any necessary adjustments on restoration profiles to be made if needed.

It is inevitable in a hard rock quarry that land will be lost, and the loss of agricultural land needs to be balanced against the benefits from obtaining the minerals and the quality/demand of the mineral. The quality of the restoration is also a key consideration, whilst agricultural land will be lost, the ability of the operator to maximise the amount of land restored, along with ensuring the best quality restoration is also a key consideration. With regard to this application the proposed quarry development will result in the loss of approximately 24 hectares of agricultural land but will release approximately 22.98 million tonnes of premium gritstone (HSA) and 3.69 million tonnes of limestone/shale material. The stone from Dolyhir Quarry is of high quality and HSA stone such as this is always in demand, irrespective of the landbank situation, for road building and repair projects. The site operator is a large company and has vast experience of restoring different quarry sites and has the machinery and man power to be able to carry out a high quality restoration of the site, returning as much of the land as possible to an agricultural use (where specified) and to a good standard. There are also numerous conditions that can be attached to any permission that would help to make sure that the restoration of the quarry to agricultural land (where applicable) is carried out to a high standard. The Agricultural advisor for the Welsh Government has been consulted on the application and has not raised any objections but has suggested that numerous conditions be attached if permission is granted. In light of this, although the proposal would result in the permanent loss off agricultural land the loss of this land is not considered to

outweigh the benefits (as well as the required demand for HSA) from obtaining the HSA minerals. The proposal would not be in conflict with policy ENV1 of the UDP.

Restoration and Aftercare

The visual impacts of the restoration and aftercare have been looked at in more detail in this report, this section will focus on the habitat creation element of the sites restoration. As highlighted earlier on in the report there will be on-going restoration at the site (with associated aftercare when restoration has been completed) as well as final restoration and aftercare once quarrying at the site has ceased. These works will consist of the following;

- During phase 2, enhancement of woodland (in the south and east) via further woodland planting, the majority of which would be hazel to encourage dormouse colonisation.
- The placement of stripped soils, overburden and non-processable waste into the proposed western landform which will be created during phases 1-4, this will help to mitigate any potential landscape impacts.
- Seeding and planting works on this western landform to further strengthen the structural and visual form of the western landform, these early works will establish an agricultural after use of this landform.
- Roll over restoration of the eastern faces/benches of the existing (and permitted) quarry operations, this will help to soften these more visual elements of the quarry, and create additional habitat for wildlife.
- The creation of a network of numerous small scale ditches/pools that will not only serve for surface water attenuation and management but also as habitat creation for wetland/marginal aquatic species of flora and fauna. It is also proposed to excavate various shallow scrape ponds which will be ephemeral in nature and would suit species such as the Great Crested Newts that exist at the current quarry site.

The long term restoration of the site (following the achievement of the proposed finished profile) will result in the creation of roughly six restoration types, of interlinked landscape and wildlife habitats in an attempt to ensure a seamless restoration of the site. These six restoration types are as follows;

- Tree and shrub planting, this will cover approximately 15 hectares of the restored site
- Species rich Meadow grassland, this will cover approximately 16 hectares of the restored site
- Agricultural grazing land, this will cover approximately 10 hectares of the restored site
- Species Rich hedgerow, there will be approximately 3,600m² of hedgerow in the restored site
- Ponds and ditches, these will cover approximately 3.3 hectares of the restored site
- Site lakes – (on completion of quarrying the void will be allowed to fill up to its natural level) these will cover the bulk of the restored site at approximately 38.48 hectares.

The planning application statement and other elements of the Environmental Statement cover the restoration of the site in more detail and provide species mix, construction and maintenance of these habitats. Following the successful restoration of the site and any subsequent approval of restored areas these restored areas will

enter into aftercare. All areas within the confines of the site that are to be managed for agricultural, amenity and conservation after uses will be subject to a detailed 5 year aftercare programme. Any land within the internal quarry site will be subject to ongoing management throughout the operational lifetime of the site with a further 5 years aftercare following the cessation of minerals operations at the site.

The main aims of the restoration of the site are detailed within the planning application statement and are as follows

- To utilise the full footprint of land ownership at the first available opportunity to establish an agricultural and wildlife enhancement, with a peripheral landscape around the whole of the site which reflects the local landscape character. This will create a landscape buffer around the site utilising landform replication, woodland blocks, hedgerows and existing topography to minimise operational disturbance
- To maximise mineral reserve whilst mitigating potential adverse impacts or local residents
- To maximise the potential of the quarry to provide a range of biodiverse habitats and to meet local BAP targets
- To increase the length and amenity value of the local public rights of way, including improving the public access network.
- To create strong woodland links throughout the restoration area in particular between Yatts Wood and Stones Coppice.

The ES provides all the finer details with regard to species to be planted, the mix of species, fertiliser application rates etc, once the areas have been restored the site will be put into aftercare. Full aftercare plans can be submitted closer to the completion of restoration at the site, clearly the life time of the site is long and site circumstances may change meaning that aftercare details would need to change to reflect any changes. As is often the case on sites of this size an annual aftercare meeting will be held to discuss the aftercare operations of the previous year and any aftercare operations going forward. The local planning authority and other statutory bodies (such as NRW, the Local Planning Authority and the Agricultural advisor for the Welsh Government) will have the opportunity to attend these meetings and have a constructive input in to the aftercare operations, this can be enforced through the use of suitably worded conditions.

The restoration of the site has been carefully thought and designed to ensure impacts are kept to a minimum and all opportunities for habitat creation, public access have been maximised to ensure that the restoration of the site is to the highest standard, this is all reflected in the submitted plans. As mentioned above it will be a significant length of time before aftercare will take place at the site and it is sensible for further details to be submitted closer to the time. In light of the above it is considered that the proposed restoration and aftercare is more than sufficient and has been designed to achieve the highest standard of restoration possible with the materials available. In light of the above it is considered that the proposed development would not conflict with the aims of the following policies of the UDP; ENV1, ENV2, ENV3, ENV5, ENV6, ENV7, RL6, MW5

Socio-economic benefits

The proposed extension of the quarry would bring numerous socio economic benefits to the area, supplying high quality aggregates to the road building industry, to help maintain road surfaces to the highest standard, being one of them. The applicants

also highlight the employment that it brings to the area, as of spring 2016 the quarry directly employed 123 people, including plant operatives, administration staff, site management and contractors. The quarry, is, therefore, one of the largest employers in the local area and the majority of employees reside in Kington and the local villages surrounding the quarry, meaning the quarry makes a substantial contribution to local employment. There are also a substantial number of jobs related to in-direct employment from the site, for example, blasting engineers, plant servicing and maintenance and other specialist sub-contractors.

The applicant also highlight the substantial sums of money that the Quarry injects into the local economy. The majority of the work force lives within a 10 mile radius of the quarry and so the economy of the local area benefits from a direct employee wage bill of £3 million per annum. Business rates paid by the Quarry average £200,000 per annum, as a result, the quarry make a substantial contribution of approximately £3.5 million into the local economy. In line with the principles of sustainable development planning applications need to consider a multitude of factors, Planning Policy Wales highlights sustainable development as; *The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the (defined) well-being goals*' When considering planning applications all of these factors need to be taken into account, not just environmental factors. Taking the above into account it is clear that the quarry will be of benefit to the economy, and will also have certain social benefits (maintaining long-term, well paid employment in the area).

Other Issues

Alongside the main considerations discussed in this report, other considerations have been raised, in the objections received and the correspondence from the Community Council (in both of their responses) that need to be taken into account. These are as follows;

Noise levels – the community council has requested that a further noise survey be conducted as the current one is from 2015 and the Community Council feel is out of date. There have been no changes to the BS5228:2009 Part 1 + A1: 2014 Annex F (relating to carrying out noise surveys) and the Council are not aware of any proposed changes to site operations, therefore, there is no reason why another noise report needs to be conducted. The Community council also note that independent monitoring of noise would be beneficial – the survey was carried out by a suitably qualified noise consultant so any results should be non-biased. It is also worth noting that if noise issues did develop on the site these issues may potentially need further investigation and monitoring and this monitoring would be carried out by the County Councils own Environmental Health Officer, so this monitoring would then be independent of the site operator. Condition 20 requires a noise monitoring scheme to be submitted for the approval of the Authority – this scheme will provide details of monitoring locations, monitoring frequency, details of equipment to be used for monitoring, details of plant and machinery on site, presentation of these results and the procedures to be adopted in the event of noise levels being exceeded. This scheme should help to ensure that noise levels are adequately monitored and in the event of these levels being exceeded there are procedures in place to be adopted and mitigation measures commenced.

Dust control – the community council have also highlighted that dust control at the site needs proper consideration, including dust generated from the workings, not just from the lorries leaving the plant. With regard to this, condition 12 has been attached

and this includes measures that are mostly industry standard practice (such as spraying units, exhausts pointing upwards, internal speed limits of 10mph, dust collection units on drilling machines as well as measures relating to vehicles). Therefore, the potential sources of dust (drilling being one of the main ones) have been considered and mitigation measures have been proposed via an appropriately worded condition (condition 12). It is considered that the requirements of this condition would be adequate to ensure that dust does not become an issue for local residents. Crucially, any crushing/screening plant will also be subject to stringent legislation under the environmental permit scheme and any plant on the site will need to have gained an environmental permit from the authority. These environmental permits set out strict and specific standards for various measures of air quality and are monitored to ensure compliance with the prescribed limits.

Lighting – The Community Council has also raised the issue of lighting at the site and consider that there is potential for light pollution relating to the extension. This has been considered by the Authority and is reflected in condition 27 which has been worded to ensure that any lighting equipment will be sited carefully to ensure that light pollution impacts are kept to a minimum.

Loss of trees – this has been raised by the Community Council and by the objections received. Whilst it is acknowledged that there will be a loss of trees on site the comprehensive planting strategy, forming the restoration strategy, includes a mix of broadleaved woodland (to include 20% oak) amongst other native deciduous species. The extensive proposed planting will create strong links between Yatts wood and Stones coppice and help to create a strong woodland character for the western (and to a lesser extent the north and eastern) area of the proposed quarry. Taking this into account it is considered that, whilst the loss of the trees would have a negative impact, the well-designed restoration plan, with a strong emphasis on tree planting would help to balance out any negative impacts from the loss trees, and there would, in time, be a long term gain from the proposed tree planting.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 imposes a duty on public bodies to carry out sustainable development. Well-being goals identified in the Act are:

- A prosperous Wales
The development would make a positive contribution to the prosperity of Wales and specifically the local area as well as ensuring that important resources of UK importance are used efficiently and are available for future generations. The proposal would also offer the chance for developing skills and skilled jobs in the local economy (over a medium length time period).
- A resilient Wales
The development has potential to have a negative impact on this elements, however, the applicant has proposed a comprehensive set of measures relating to ongoing restoration, aftercare, habitat creation and public access to the site during and following the cessation of operations at the site. Social and economic resilience will be increased through this development. Whilst ecological resilience may be impacted in the short term, it is considered that, in the long term, the restoration and aftercare measures combined with the proposed habitat enhancements would provide a medium to long term benefit in terms of ecological resilience (in comparison to the currently approved scheme).

- **A healthier Wales**
There is potential for this development to have a detrimental impact on people's physical and mental well-being (through numerous impacts relating to noise, dust, blasting etc., as discussed in the main body of the report). However, all these factors have been considered extensively in the Environmental Statement and it is considered that the development would not have any unacceptable adverse impacts relating to noise and dust etc. With regard to mental well-being –for those that live and work in the area the development offer some comfort as the employment contribution that the site makes, as well as the economic contribution, will continue for some time and this may contribute positively towards mental well-being. However, there are those that may be impacted negatively with regards to mental health due to the proximity of the quarry and the nature of the operations. As considered above the applicant have put forward numerous measures to limit the physical impacts of the quarry and this should mean that the mental well-being of people living nearby should not be adversely affected. With regard to future health and well-being – when the site is fully restored the site will continue to allow access to the countryside through public rights of way. The site would also help to secure longer term employment and the economic contribution that the site makes and this can be seen as a positive contribution to mental well-being.
- **A more equal Wales**
As highlighted previously the site is a substantial employer in the local area and injects a substantial amount of money into the local economy. This contribution could help people to fulfil their potential, whether it be through direct employment at the site or through self-employment/sub-contracting. The economic contribution that the site makes in the area could help newly established business's to establish themselves – the site has the prospect to offer employment where people can fulfil their potential.
- **A Wales of cohesive communities**
As highlighted previously in the report the quarry operations will have a visual impact in the area and this could affect the attractiveness of certain communities in close proximity to the quarry. The applicants have put together numerous mitigation measures that would help to reduce any visual impacts. Any potential impact on the attractiveness of the area must also be considered taking into consideration the currently approved restoration and aftercare plans. In comparison to the currently approved scheme the proposed restoration would offer a more attractive overall package and therefore, in the long term, could offer a benefit in terms of the landscape and the attractiveness of communities.

The proposal would definitely have a positive impact in terms of the viability of communities. Without the quarry there would be substantially less well paid employment and less disposable income in the area (which could impact on local businesses such as shops, pubs, etc.) and this would almost certainly have a negative impact on the viability of communities in the area. The proposed extension would offer a much longer period of employment and viability for the community.

It is not anticipated by extending the site that safety would be any more of a risk than it currently is so in this respect there would be no impact over and above any potential safety concerns already present due to the quarry.

The development will impact on local PROW which could impact on the connectedness of communities but this is unlikely as these PROW are used mainly for individual recreation, also, measures would be put in place to ensure there is still access to the paths that will not need a permanent diversion. The proposed extension would not impact on connectedness via public transport or via the road network (there is no proposed increase in HGV traffic.)

- A Wales of vibrant culture and thriving Welsh language
This element of the bill would not be applicable to this particular planning application other than quarrying is part of the culture of this area.
- A globally responsible Wales
The proposed extension would provide for a long term supply of HSA for road building/repairs (amongst many other end products) and would help to ensure a steady supply of these minerals for future generations. Rather than set up a new quarry with all the associated infrastructure and plant the proposal will extend the existing quarry and make use of the existing plant and ancillary infrastructure. This would be a more sustainable option and would reflect advice given in chapter 14 of PPW.

CONCLUSION

In considering this application it is important to note that minerals planning applications are different to other planning applications in that extraction can only take place where the mineral is found (as highlighted in para 14.1.1 of PPW). In this case the mineral is a High Specification Aggregate that is of a relatively rare quality and is of great importance to the needs of society (for example for road building and repairs, amongst other end uses). Minerals of this quality are not easily found, and are also in high demand. Therefore, in this instance there are no, or limited, opportunities to obtain this quality of mineral, there are, in fact, few sites within the UK that can provide stone of this hardness and quality, consequently, the location of the extension is justified in this instance.

Whilst the quality of the minerals has been established any decision must be made based on a variety of factors, not just the quality of the mineral offered, this is acknowledged at para 14.1.2 of PPW which states that

'The essential role of mineral planning authorities in relation to mineral working is to ensure that a proper balance is struck between that fundamental requirement, the need to ensure a prudent use of finite resources, and the protection of existing amenity and the environment.'

In order to help Mineral Planning Authorities achieve this balance PPW has highlighted 5 key principles that should be taken into account by Minerals Planning Authorities when dealing with planning applications for quarries, or related developments, these are dealt with below

Providing positively for the safeguarding and working of mineral resources to meet society's needs

The proposed development would contribute towards providing an adequate, and long term, supply of important HSA aggregates in order to help meet societal demands for this material. It is estimated that if this extension were to be granted the lifetime of the site would be approximately 60 years (this is based on the proposed total release of 48 million tonnes of reserve, with a notional output of 700,000 tonnes per annum – this could be subject to change). This will help to ensure an adequate supply of important minerals, meeting society's needs, for a substantial period of time, increasing the current life time of the site by a considerable margin. Whilst the Powys landbank is currently deemed adequate (these issues have been dealt with in more detail earlier on in the report) HSA can be considered a special case in this instance and the importance of HSA and the need to safeguard these materials for future generations is recognised in both PPW and MTAN 1: Minerals.

Protecting areas of importance to the natural and built heritage from inappropriate mineral development

The extension site does not extend operations into any designated sites (although the existing quarry is a SSSI itself the proposed extension would not have direct impacts on this) but has the potential to impact in directly on designated sites and protected species. The applicant has provided an Environmental Statement that has identified numerous measures to help mitigate for any potential impacts on natural heritage, these measures have been studied in some detail earlier on in the report. The ecologist for Powys County Council has not raised any objections to the development relating to any potential adverse impacts, but has suggested numerous conditions. Following the submission of numerous additional reports/information (relating to surface and ground water, great crested newts amongst others) NRW have also confirmed that they have no objection to the development and have suggested their own conditions, in addition to those from the Council's ecologist.

From a built heritage point of view, numerous listed buildings and parks and gardens have been identified in the area, the impact that the quarry extension may have on these has been assessed by numerous parties. In all cases, both the listed building's officer for the Council and Cadw found that the proposals would not have an adverse impact on any of the buildings or parks of cultural significance – mainly due to the topography and vegetation in the vicinity of the quarry that would offer significant screening. Clywed Powys Archaeological Trust were also consulted and following the excavation of numerous trial trenches it was considered by the archaeologist that the imposition of numerous conditions would be adequate to ensure impacts from any extension would be acceptable.

PPW highlights that where proposed minerals developments may impact on designated sites or on protected species the use of suitable, satisfactory conditions can be imposed to mitigate any impact. It is considered in this case that all the potential impacts have been thoroughly examined in the ES and by the statutory consultees. Following consultation neither of the statutory bodies have raised any objections with regard to any impacts the extension may have on any buildings of importance or any natural sites of importance. Instead, a comprehensive set of conditions have been suggested by these consultees and in this case, taking into account the importance of the mineral available, it is considered that the suggested conditions would be sufficient to ensure that any impacts are acceptable.

Reducing the impact of mineral extraction and related operations during the period of working

In helping to reduce the impact of mineral extraction during the period of working PPW highlights 4 key areas which can help to reduce the impacts

- Firstly, a buffer zone around any active quarry sites where no new mineral extraction should take place and no new development that would be sensitive to adverse impact (including residential areas, hospitals and schools). In this case there are already some individual properties that would fall within the existing buffer zone and the buffer zone that would be drawn around the proposed extension. However, the rural nature of the surrounding area means that there are few, existing properties that would experience adverse impacts as a result of being inside the buffer zone. The ES has highlighted numerous measures relating to dust control, blast monitoring and noise mitigation measures. The environmental health team have been consulted on the application and, following the submission of further information, have not objected to the application and have suggested numerous conditions to help reduce any potential impacts. Therefore, whilst the buffer zone around the existing quarry and the proposed quarry would have some sensitive properties within, impacts on these would be limited due to the various mitigation measures outlined in the ES.
- Secondly, the PPW recognises that extensions to existing sites are more preferable than development of new Greenfield sites. This obviously applies to this application in that it is proposed to extend an existing site, with all the associated infrastructure in place, rather than develop a new Greenfield site. In this regard the extension of the existing site is clearly advantageous as opposed to developing a brand new site.
- Thirdly, PPW has a preference that, where possible, quarry product is carried by rail or waterways, where possible, rather than by road. However, PPW also states that if road transport is the only means possible then the capacity of the road network needs to be considered. The capacity of the road network has been considered, the applicant has not proposed an increase in traffic movements over current levels and these levels have not raised any objections from the highways department.
- Finally, PPW advocates that a system of structured environmental management should be set up by mineral companies, Tarmac have confirmed that this has been established within their company with all operational quarries which are accredited with ISO 14001.

The above highlights that the applicant has put forward a comprehensive set of measures to help reduce any impacts from the quarry, in line with advice in national policy. Whilst, some impacts may be experienced in the vicinity the magnitude of these impacts should not be as great as to cause any adverse impacts.

Achieving a high standard of restoration and aftercare and providing for beneficial after-uses when mineral working has ceased

The applicant has proposed a comprehensive set of restoration and aftercare measures, including the on-going restoration of the existing Dolyhir Quarry, as well as the final restoration and aftercare. PPW highlights the importance of successful restoration and aftercare and emphasises that restoration and aftercare *'should at least maintain, and preferably enhance, the long term quality of land and landscapes taken for mineral extraction. This will be of the benefit to local communities and ensure that a valuable natural asset will be passed on to future generations'*

The restoration and aftercare plans submitted have maximised opportunities for habitat conservation, will maintain access to the countryside via PROW (some will be retained during development and any diversions will be re-instated after restoration) and have also provided details on how some of the restored land will be restored back to useful agricultural land, at grade 3b. The plans submitted for the extension area have built upon those previously approved under the ROMP permission for the site, which did not provide as many opportunities for ecological enhancements. In light of this, it is apparent that the restoration and aftercare plans submitted with this application offer the best opportunity for the successful restoration and aftercare of the site.

Encouraging the efficient and appropriate use of high quality materials and maximising the potential for re-use and recycling

Dolyhir quarry produces HSA that is used for road building/repairs, this aggregate at Dolyhir is processed so it is suitable to be used for the high end of the market as a high specification aggregate, this would also obviously be in the interests of the company for maximising profit. The lower grade material coming out of Dolyhir quarry is generally utilised for a number of lower spec jobs such as construction fill or on agricultural units. The limestone from Strinds quarry is generally utilised in construction materials, as well as for agricultural lime. This is a long standing pattern of operations at the site, and there is no reason why this would change should permission be granted for the extension. It is apparent that the minerals will continue to be worked in an efficient way with appropriate uses of the material, as stated previously, this is within the interests of the operators in order to maximise profit. It is also within the interests of the operator to ensure that any resources are used as efficiently as possible and any opportunities for re-use and/or recycling are maximised on site. Therefore, it is considered that the extension of the quarry would not be to the detriment of efficient and appropriate use of high quality materials and operations would continue as they currently are, and have been for some time.

Taking all the above into consideration it would seem that the proposed extension would be in accord with the aims and objectives of PPW (in particular the 5 key principles dealt with above) and with other policy regarding minerals planning. As stated previously when assessing minerals planning applications one must bear in mind that the mineral can only be extracted where it is present, minerals such as those at Dolyhir are finite and need to be managed carefully in order to ensure that the demand of future generations can be met. The proposal would provide a long-term steady supply of High Specification Aggregates to the road industry. Material of this quality is in high demand, and there will be a market for this material for the foreseeable future.

The quarry will inevitably have some impacts, as have been discussed in more detail in this report. However, it is felt that the applicant has made every effort in their application to ensure that any adverse impacts are kept to a minimum, amenity impacts have been dealt with in detail, as has the loss of agricultural land and impacts on ecology. On balance the advantages offered by the scheme, including the longer-term employment opportunities and the economic benefit, in combination with the opportunities for sustainable minerals management, would outweigh any of the negative impacts from the quarry. If wide-ranging measures had not been put forward by the applicant, this may not be the case, however, the comprehensive set of measures included in the ES are considered to be sufficient mitigation to tip the balance towards approval of the scheme. Therefore, taking all of the above into account the proposal is recommended for conditional approval.

RECOMMENDATION

The proposed development is considered to be fundamentally in accordance with policy. The recommendation is one of conditional approval.

Environmental Information has been considered.

Conditions

TIME LIMITS

1. The development hereby permitted shall be construed as being implemented on the date of determination. The date of determination is defined as the date upon which new conditions subsequent to the applications are finally determined, i.e. the date upon which all proceedings on the applications, including appeals to the Secretary of State and the High Court have been determined, and the time period for any further appeal has expired.
2. Extraction of minerals, the processing of residual excavated material, the restoration of the site and the removal of buildings and plant shall cease by 31st December 2111. For a period of 5 years from the date of completion of restoration on any part of the site in accordance with the approved restoration plan, the site shall be managed in accordance with the approved aftercare plan relating to the restored area. The planning permission shall expire following the complete restoration and aftercare of the site in accordance with the most recently approved restoration and aftercare schemes.

WORKING PROGRAMME AND PHASING

3. Unless amended by conditions included below, the development hereby permitted shall be carried out in accordance with the submitted application documents, namely;
 - a) Environmental Statement Volumes 1-4 inclusive (ref SLR April 2016)
 - b) Drawing Numbers:
 - Figure 1.1 –Location Plan ref DO95/00104, dated 19/11/2015
 - Boundaries Plan ref DO95/00105, dated 19/11/2015
 - Current situation ref DO95/00106, dated 19/11/2015
 - Block Phasing ref DO95/00107 (Phases 1-4), dated 19/11/2015
 - Block Phasing ref DO95/00108 (Phases 5-7), dated 19/11/2015
 - Phase 1 Working and restoration ref DO95/00109, dated 19/11/2015
 - Phase 2 working and restoration ref DO95/00110, dated 19/11/2015
 - Phase 3 working and restoration ref DO95/00111, dated 19/11/2015
 - Phase 4 working and restoration ref DO95/00112, dated 19/11/2015
 - Phase 5 working and restoration ref DO95/00113, dated 19/11/2015
 - Phase 6 working and restoration ref DO95/00114, dated 19/11/2015

- Phase 7 working and restoration ref DO95/00115, dated 19/11/2015
 - Concept Restoration ref DO95/00116, dated 19/11/2015
 - Cross sections, ref DO95/00117 dated 25/11/2015
- c) Supplementary Ecological Information, dated February 2017
- d) Dolyhir/Strinds Quarry Water Management Plan, dated February 2017
- e) Dolyhir Quarry, Dolyhir Powys, Archaeological Evaluation, dated November 2016
- f) Dolyhir Quarry Northern Extension, Heritage Addendum, April 2017
4. A copy of this permission and the approved plans showing the method and direction of working and restoration shall be available in the operators site office at all times during the operational life of the site. Any subsequent amendments shall also be available at the site office.
5. The developer shall submit a revised working programme and phasing plans (including areas for progressive restoration envisaged within the next 5 years) for the approval of the Local Planning Authority every 5 years from the date of determination until completion of operations at the site, and a revised concept restoration plan every 10 years from the date of determination until completion of operations at the site.

HOURS OF WORKING

6. Except in the case of emergency, or other occasions as may be agreed in writing with the Mineral Planning Authority, the operations and uses hereby permitted shall not take place outside the following hours:
- a) Extraction of Stone and associated operations (excluding blasting)
06.00 - 19.00 Monday to Friday
06.00 - 13.30 Saturday
- b) Processing and stockpiling of stone and associated activities (including the concrete plant, T beam and block manufacturing operations)
06.00 - 22.00 Monday to Friday
06.00 - 13.30 Saturday
- c) Movement of HGV's and other on-site vehicles associated with b) above
05.30 - 22.30 Monday to Friday
05.30 - 14.00 Saturday
- d) Operation of the asphalt plants and associated activities, including the movement of HGV's and on-site vehicles
No restriction to hours of operation
- e) The Local Planning Authority shall be notified at least 36 prior to any intention to operate the asphalt plants between the hours of 13.30 Saturday to 06.00 Monday.

f) Operations involving the construction of screen/baffle mounds and the stripping of soil shall not be carried out other than within the hours of
08:00 and 18.00 Mondays to Fridays and
08.00 and 14.00 on Saturday

NEW AGRICULTURAL ACCESS

7. Prior to the use of the new agricultural access, any entrance gates to the new agricultural access off the C1341 shall be set back at least **5.5 metres** distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
8. The access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and **2.4 metres** distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and **90.0 metres** distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
9. The area of the new agricultural access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of **5.5 metres** from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
10. **Within one month of the commencement of the new agricultural access works**, the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of **5.5 metres** from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
11. Upon formation of the visibility splays as detailed in condition 7 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

DUST

12. In order to minimise the generation of dust, the following steps shall be taken:
 - a. A sufficient number of mobile spraying units shall be maintained in efficient working order and used so as to ensure that haulage roads,

stocking areas and other areas subject to vehicular traffic are kept damp at all times during dry weather.

- b. The mobile spraying units shall have an adequate supply of water available at all times.
 - c. No vehicle shall be employed on site with an engine exhaust pointing in a downward direction.
 - d. A speed limit of 10 mph shall apply to all traffic using internal haul roads
 - e. Effective dust collection systems shall be fitted to all drilling machines before any such drilling machines are put into operation.
 - f. Drilling rigs used on the site shall be fitted, and operated, with dust containment bags.
 - g. All vehicles leaving the site, with exception of those transporting material in excess of 75 mm in diameter, shall be securely sheeted.
 - h. The existing wheel-wash facility shall be maintained and operated throughout the duration of the site operations. No dust, mud, stone or other deleterious material shall be deposited upon the highway.
 - i. All HGV's leaving the site shall pass through the wheel wash detailed at part h (above)
13. The transporting and tipping of overburden, handling of soils and the building of screen/baffle mounds shall cease in the area concerned when the soil moisture, wind direction and strength is such as to carry particulate material generated on the site to any residential property

BLASTING

14. Blasting shall be undertaken in such a manner to ensure that ground vibration, measured as a maximum of three mutually perpendicular directions taken at the ground surface, does not exceed a peak particle velocity (ppv) of 6 mm per second in 95% of all blasts measured over any continuous 6 month period and no single blast shall exceed a ppv of 10 mm per second. The measurement is to be taken at or near the foundations of any noise sensitive building not owned by the quarry owner or operator.
15. Blasting shall be carried out only between
- a) 08.30 and 16.00 hours Monday to Friday and
 - b) 10.00 and 12.00 hours on Saturdays.
 - c) No Blasting shall take place on Sundays or Bank or public holidays

16. Monitoring of blasting shall be undertaken in accordance with a scheme to be submitted for the written approval of the Local Planning Authority within 6 months of the date of determination of this permission. The approved scheme shall thereafter be implemented in accordance with the approval.
17. All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts. If air overpressure exceeds 120dB at any nearby residential property the Local Planning Authority shall be informed within 7 days and the design, management and implementation of the blasts must be reviewed and revised in accordance with the findings of such review prior to any further blasting being undertaken at the site.

NOISE

18. Noise levels arising from the development, based upon dBLAeq (1 hour) (freefield) readings, shall not exceed 52dB at any of the monitoring points identified below between the hours of 05.30 to 22.00, and shall not exceed 42dB at any of the monitoring points at all other times.

Noise monitoring points:

- a. Stone's Farm
 - b. Yatt Farm
 - c. Croft Castle
 - d. Crabtree Cottage
 - e. Weythel Farm
 - f. Strinds Farm
 - g. Rhydolffordd
 - h. Dolyhir Cottages
 - i. The Row
 - j. Siluria Cottages
 - k. Harpton Court
19. The noise level attributable to operations on the periphery of the site or at high levels, or in unscreened location, such as the stripping of soils; and the formation, removal or alteration of spoil tips, baffle mounds, screening and storage embankments at the site, measured at any of the noise monitoring points specified in condition 18 above, shall not exceed 67 dbLAeq (1 hour) (freefield). These noise limits shall apply for a maximum of 8 weeks in any calendar year and only between the hours of 08.00 and 18.00 Monday to Friday.
 20. Within 6 months of the date of determination a scheme for monitoring noise levels arising from the working of the site shall be submitted for the written approval of the Local Planning Authority. The scheme shall provide for:
 - i) Noise monitoring locations and frequency of monitoring
 - ii) Details of equipment proposed to be used for monitoring
 - iii) Recording the details of plant and machinery working at the time of monitoring

- iv) Logging of all weather conditions and wind direction
- v) Presentation of results
- vi) The procedures to be adopted in the event of noise levels being exceeded.

Such scheme shall be implemented as approved and complied with at all times

- 21. Silencers and means of silencing or covers shall be fitted to, used and maintained on all vehicles, plant, and machinery used on site, including power hammers and percussive equipment. Save for the purpose of maintenance, no machinery shall be operated with the covers open or removed.
- 22. All vehicle reversing alarms shall be of an ultra-sonic type, unless a suitable alternative type is agreed in writing by the Local Planning Authority.

WATER PROTECTION AND POLLUTION PREVENTION

- 23. Prior to stripping of soils in the extension area the predicted run-off figures contained in the Surface Water & Drainage Assessment prepared by ESI Ltd, dated April 2016, shall be revised (using a 25% allowance for climate change) and submitted for the written approval of the Local Planning Authority.
- 24. No soil stripping within the extension area shall be undertaken until a detailed scheme for the control of surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include any revisions necessary following the revision of predicted run-off figures required in condition 23 above, a timetable for its implementation and, a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the drainage schemes throughout its lifetime.
- 25. No contours shall be altered within 5m of any watercourse or 3m either side of any culverted watercourse.
- 26. Any facilities for the storage of oils, fuels or chemicals on the application site shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

FLOOD LIGHTING

27. All lighting equipment shall be so designed and directed as to illuminate only that which is necessary for the safe and efficient operation of the quarry and associated works. No lights shall be so positioned or directed as to cause disturbance, in the form of direct glare, to or at occupied residential property or cause danger to highway safety. Any lights that are found to be causing disturbance shall be adjusted to avoid any further disturbance.

ARCHAEOLOGY

28. No development shall take place within the extension area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority.
29. The archaeological programme of work referred to in condition 28 shall be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.
30. No development affecting Stones Farm and its related outbuildings shall take place until a programme of building recording and analysis, equivalent to an English Heritage Level 3 building survey, has been secured and implemented, in accordance with a written scheme of investigation which has been submitted and approved in writing by the Local Planning Authority. The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.
31. The stones identified in section of 4 of the report '*Dolyhir Quarry Northern Extension – Heritage Addendum: April 2017*' shall be moved from their current location and placed at a location where they will not be damaged by quarrying operations, prior to any operations being undertaken within 20m of their current location.

ECOLOGY

32. The quarry development shall be implemented in accordance with the Framework Newt Management Strategy dated 8th June 2017 and the detailed mitigation measures as set out in the Supplementary Ecological Information Report prepared by SLR Consulting Limited, February 2017.
33. Prior to the commencement of development in the extension area a Biosecurity Risk Assessment shall be submitted for the approval of the Local Planning Authority. The scheme shall be implemented as approved.
34. Prior to the commencement of development in the extension area, an ecological compliance audit scheme shall be submitted for the approval of the Local Planning Authority. The scheme shall be implemented as approved.
35. Prior to the commencement of development in the extension area, an Ecological Management Plan (EMP) shall be submitted for written approval of the Local Planning Authority. This should comprise a precautionary approach setting out the following:
 - a. Detailed reasonable avoidance measures to avoid and minimise any impacts to protected species as included in Chapter 7 of ES Vol 1; the plan should include a schedule of future ecological surveys and mitigation measures developed to coincide with future phases of quarry development;
 - b. An ecological monitoring schedule to determine the success of mitigation measures which are implemented;
 - c. Detailed measures to protect retained trees and hedgerows on the periphery of the proposal, in accordance with BS 5837: Trees in relation to design, demolition and construction – Recommendations;
 - d. The plan should include mechanisms to measure success over time and should be reviewed and updated at regular intervals to be agreed with the LPA.

The scheme shall be implemented as approved

36. Within 6 months of the date of determination, a Geological Management Plan shall be submitted for the approval of the MPA. The scheme shall set out proposals to facilitate ongoing research of the stratigraphical and mineralogical interest at the site, and for the retention of important exposures as part of the final restoration scheme.

The scheme shall be implemented as approved

LANDSCAPING

37. The existing trees, bushes and hedgerows on land within the applicants control (other than those shown as being removed in the approved plans and documents) shall be retained and shall not be felled, lopped, topped or removed) without the prior written approval of the Local Planning Authority. Any such vegetation removed without prior written approval, dying, being seriously damaged or diseased shall be replaced with trees or bushes of such

size and species of a similar species and size in the planting season immediately following any such occurrences.

38. Trees, shrubs and/or hedges planted in accordance with the submitted proposals, a revised scheme, a restoration plan or aftercare plan shall be maintained and any plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with plants of a similar species and size.

SITE MAINTENANCE

39. Throughout the period of working, restoration and aftercare the developer shall:
 - a) Protect and support any ditch, watercourse or culvert passing through the permission area, or satisfactorily divert it, and shall not impair the flow or render less effective drainage onto and from adjoining land.
 - b) Provide for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land, to ensure that there is no pollution of watercourses by the approved operations.
40. From the date of determination until the completion of aftercare, the operator shall maintain and make stock proof the perimeter of the operational site. Where the operational site boundary does not coincide with an existing hedge, fence or wall the operator shall provide and maintain stock proof fencing
41. The developer shall ensure that any flow of water used for agricultural purposes that is adversely affected by the development is reinstated within 3 months, including the provision of alternative supplies where necessary
42. All injurious weeds, as defined by the Weeds Act 1959, growing within the development area shall be eradicated or adequately controlled by approved method.
43. All vegetation growing on soil storage bunds and peripheral areas within the site shall be cut at least once during the growing season

SOIL STRIPPING HANDLING AND STORAGE

44. All topsoil and subsoil shall be conserved in accordance with the developer's proposals as described in the Environmental Statement Volume 1, Chapter 8 ref SLR April 2016, to include all soil stripped from the development area, including the quarry extension area, screening landform and soil storage areas. Any amendments to this method of working shall be the subject of revised proposals to be submitted and approved by the Local Planning Authority prior to implementation of the amendments.
45. Soil shall only be moved when in dry and friable condition and when ground conditions are dry and firm, in accordance with current best practice, and the specific measures set out in Section 8.6 of the Environmental Statement (ref SLR April 2016). The developer shall give 48 hours notice to the Planning Authority of an intention to strip soil.

46. In each calendar year, soil stripping shall not commence on any phase until any standing crop of vegetation has been cut and removed.
47. Topsoil and subsoil storage bunds shall be placed in the locations illustrated on plan ref D095/00109, (any deviation from these locations shall be agreed in writing by the Local Planning Authority prior to the placement of any soils) and constructed by approved method and to approved size and shape to ensure secure storage without damage, loss or contamination, and thereafter maintained in tidy condition.
48. Long term soils storage mounds shall be seeded as soon as possible and profiled to minimise dust entrainment and erosion of the soils.
49. No topsoil or subsoil material shall be removed from site.
50. At the end of each soil moving season a full audit of soil material shall be completed and the details of soil storage bunds and the volume of soil they contain shall be submitted to the Local Planning Authority.

RESTORATION

51. Soiling, seeding and planting of progressive restoration areas in accordance with the phased restoration strategy outlined in Chapter 5 of the Planning Statement (SLR April 2016) shall be undertaken within 12 months following completion of the previous phase of quarrying, to allow early establishment of enhanced wildlife habitat/landscape buffer and minimise the extent of topsoil storage areas.
52. At least 6 months prior to the intended completion of any part of the restored landform, or a phase of restoration, the developer shall submit for the approval of the Local Planning Authority a detailed Restoration Plan showing the final landform, soil profile characteristics and all necessary agricultural facilities and woodland/wetland areas, including written specifications. The Restoration Plan shall identify the intended phasing of the restoration, as appropriate
53. Prior to the placement of soil or soil forming material, the developer shall submit for the approval of the Planning Authority a plan showing the final contours to be achieved in the restored landform.
54. Upon permanent cessation of extraction and processing of residual excavated material, all plant, machinery, buildings, fixed equipment, and areas of hard standing including site compounds shall be removed unless otherwise agreed.
55. Following the phased formation of the restored screening landform to approved contours as illustrated on plan ref numbers D095/00109 – D095/00113, the resultant base material shall be comprehensively ripped to a minimum depth of 400mm to break up surface compaction before any soil

material is spread. Special attention shall be given to areas of excessive compaction such as haul/ access roads where deeper ripping may be necessary. All large stones and boulders, wire rope and other foreign material arising shall be removed.

56. Soil material shall be placed in accordance with the scheme set out in Chapter 8.0 of the Environmental Statement (ref SLR April 2016). Any alteration to this working method shall only be carried out with prior approval from the Planning Authority.
57. The soil material (topsoil and subsoil) set aside for use in the agricultural restoration shall be spread uniformly and in correct sequence over the ripped base material, and shall, where necessary, be rooted and scarified to full depth without causing mixing between different soil layers.
58. All stones greater than 100mm in any direction brought to the surface by soil loosening or cultivation operations shall be removed.
59. The soil profile in all areas restored to agricultural after use shall be minimum 1.12 metre depth and shall consist of 44cms topsoil and 68cms subsoil, covering an area approximately 20.7 hectares in extent. Any intention to alter this soil depth will require prior approval from the Planning Authority.
60. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme as defined in this permission, and which in the opinion of the Local Planning Authority constitutes a permanent cessation, a revised scheme, to include details of reclamation and aftercare, shall be submitted for the written approval of the Local Planning Authority within 12 months of such permanent cessation.

AFTERCARE

61. Aftercare management will commence following the completion of restoration works on any part of the site. The applicant shall develop a strategy to monitor the success of all restoration works which shall be submitted for the written approval of the Local Planning Authority within 5 years of the date of determination. The scheme shall be implemented as approved and the operator will regularly inform the LPA regarding performance against the objectives set within the restoration strategy outlined in Chapter 5 of the Planning Statement (ref SLR April 2016), as a minimum at annual intervals.
62. The Developer shall be responsible for submitting an Aftercare Scheme that shall identify the steps that are necessary to bring the land to a condition that satisfies the standard of agricultural, amenity or nature conservation use as specified in the planning consent.
63. A detailed First year Aftercare Scheme shall be submitted for the approval of the Planning Authority not later than 3 months prior to the date when the Restoration works on any part of the site are due to be completed and shall include where appropriate the following details :

- a) Tree planting and landscaping

- b) Cultivations, seeding and management of the land, in accordance with the rules of good husbandry.
 - c) Fertiliser and lime application based on soil chemical analysis, the results of which are to be submitted to the Planning Authority.
 - d) Provision of water supplies and land drainage facilities, including watercourses, field ditch systems and piped field underdrainage where appropriate. Where the installation of a piped underdrainage scheme is considered by the Planning Authority to be essential to the satisfactory restoration of the site, the Developer shall submit a scheme for approval by the Planning Authority, and the scheme shall be installed during the first year of the Aftercare period unless otherwise agreed.
64. There shall be a formal annual review of the agricultural management of the site during the five year aftercare period. The timing of these formal reviews shall be during the winter period and prior to the commencement of management in the spring. The parties to this review shall include where appropriate the Developer, the landowner(s), the occupier(s), the Local Planning Authority and a representative of the Welsh Government Land, Nature and Forestry Division. At least 4 weeks prior to the holding of this review, the developer shall submit to the Local Planning Authority a record of the operations carried out during the period covered by the review and a written programme of management to cover the year ahead.
65. The Developer shall ensure that the agricultural land is under competent agricultural management at all times during the aftercare period.

COMMUNITY LIAISON

66. The developer shall continue to invite representatives of the Local Planning Authority, the relevant Community Council in which the site is located, and local residents to attend Site Liaison Committee Meetings at the site or such other location as may be advised. The functions of the Committee shall include discussion of site operations, restoration and traffic movements. The developer shall convene meetings at intervals of 6 months, or such other period as may be agreed by the Local Planning Authority, shall keep a record of the proceedings and shall distribute copies of that record to each organisation and individual invited to attend.

REASONS

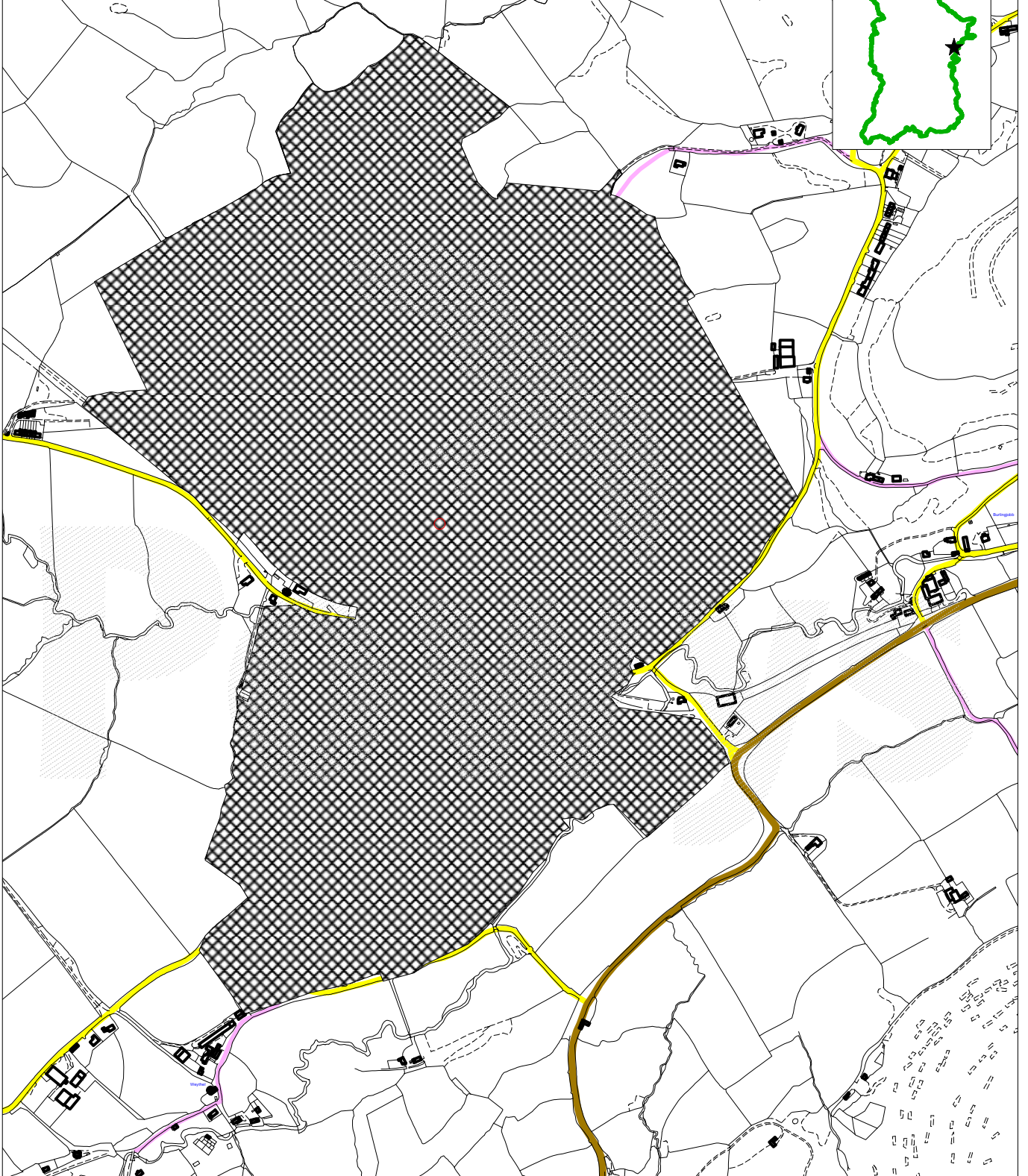
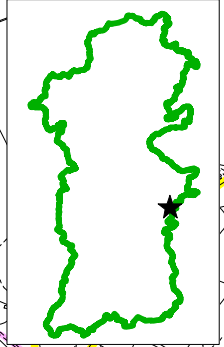
1. To comply with Section 91 of the Town and Country Planning Act 1990
2. The development is of a type not considered suitable for permanent retention
3. To comply with Section 71ZA of the Town and Country Planning Act 1990
4. To ensure that the developer and site contractors are aware of the working programme and conditions attached to carrying out the development
5. To enable revision of the working programme to reflect demand and to identify areas for progressive restoration at an early stage of the development
6. To minimise the impact of the development on the amenity of local residents and land-users
- 7 - 11 – In the interests of highway safety
- 12 - 13 – To protect the amenities of the locality from the effects of any dust arising from the development

- 14 – 22 – To protect the amenities of local residents
- 23 – To minimise the risk of flooding in the catchment
- 24 – To minimise the risk of pollution of the water environment
- 25 – To minimise the risk of flooding in the catchment
- 26 – To minimise the risk of pollution of the water environment
- 27 – To minimise the nuisance and disturbance to neighbours and in the interests of highway safety
- 28 – 31 – To enable the sites archaeological interest to be adequately investigated and recorded
- 32 – 35 – To maintain and enhance biodiversity in accordance with the requirements of the Environment (Wales) Act 2016
- 36. In the interests of geodiversity
- 37 – 38 - In the interests of the amenity of the area, wildlife conservation and to ensure screening vegetation is retained.
- 39 – To prevent pollution of drainage features and the risk of flooding
- 40 – 41 – To protect the welfare of livestock kept on adjoining agricultural land
- 42 – To prevent the build-up of harmful weeds in soils to be used for agricultural purposes
- 43 – 50 - To ensure the restoration of the site is not put at risk by poor soil handling techniques
- 51 – 60 - To ensure the proper restoration of the site.
- 61-65 - To ensure the proper aftercare of the site and to ensure the land is suitable for a beneficial after-use.
- 66 – To provide a forum for discussion between the quarry operator, the Local Planning Authority and the local community which will provide an opportunity to identify and remedy any impacts of quarrying on the surrounding community.

NOTES/ADVISORIES

Any proposed diversion or culverting of any ordinary watercourse will require prior consent from the Lead Local Flood Authority (Powys County Council) under the terms of Section 23 of the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010). Relevant application forms and guidance should be sought from the County Council's Land Drainage team.

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6.3

Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2017/0571	Grid Ref:	312659.85 326184.17
Community Council:	Llanrhaeadr	Valid Date:	Officer: 18/05/2017 Eddie Hrustanovic
Applicant:	Mr N Jones, Tanat Valley Developments, Woolston Bank, Fairfield, Oswestry SY10 8HZ		
Location:	Land adjoining Brynderw Park Street, Llanrhaeadr Ym Mochnant, Oswestry SY10 0JJ		
Proposal:	Outline application for residential development for up to 5 dwellings, formation of access road and all associated works		
Application Type:	Application for Outline Planning Permission		

Reason for the update

The application was deferred from Committee on the 26th October 2017 for Officers to further assess the potential impact of the proposed development on the Welsh language and culture.

Officer Appraisal

Para 3.2.2 of Planning Policy Wales states that when a LPA receives a proposal for a large development in an area it has defined as linguistically sensitive or significant, an assessment of the likely impact of the development on the Welsh language may be undertaken. A large development would normally be defined as 10 or more residential dwellings unless the LPA has set locally-appropriate thresholds in development plans, based on evidence.

Within the UDP policy GP5 has identified Llanrhaeadr ym Mochnant as a settlement where proposals will only be acceptable where it can be demonstrated that proposals have taken full account of the importance of the Welsh Language and culture.

Concerns were raised at Committee on the 26th October regarding the potential impact of this proposal in combination with recently consented schemes on the Welsh language and culture of the area. The original report provided detailed information regarding the local population and the Welsh language and identified that there had been a decrease in the numbers of Welsh speakers in the area. Since 1991 the percentage of Welsh speakers in Llanrhaeadr ym Mochnant has fallen from 64% to 43% (as recorded in the 2011 Census).

As such, whilst difficult to state that the development of housing is the reason for the decline in Welsh speakers, it is considered that on this occasion it would be beneficial require a Welsh Language and Culture mitigation plan to be submitted in order to alleviate any potential impacts. The condition will read as follows;

Prior to occupation of any dwelling a Welsh Language and Culture mitigation plan including details of mitigation measures and their implementation of measures shall be submitted to and approved in writing by the local planning authority. The measures to support the Welsh Language and Culture shall be implemented as agreed.

RECOMMENDATION

Therefore, the recommendation is one of conditional consent subject to a section 106 agreement for the provision of open space amenity, phasing of the development and subject to conditions listed below;

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site as indicated in drawing no: P-02.

5. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

6. The affordable dwelling shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of

the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and retained in perpetuity.

8. A detailed landscaping scheme shall be submitted at the same time as the other reserved matters. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

9. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

10. Any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

11. Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

12. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

13. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

14. The width of the access carriageway, to be constructed to an adoptable standard, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.

15. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including

the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

16. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

17. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

18. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

19. No storm water drainage from the site shall be allowed to discharge onto the county highway.

20. Prior to occupation of any dwelling a Welsh Language and Culture mitigation plan including details of mitigation measures and their implementation of measures shall be submitted to and approved in writing by the local planning authority. The measures to support the Welsh Language and Culture shall be implemented as agreed.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.

2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).

6. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).

7. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).

8. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (9th Edition, 2016).

9. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical

Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (Edition 9, 2016).

10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

15. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

20. To comply with the Powys County Council UDP Policy GP5 and Technical Advice Note 20: Planning and the Welsh Language (2017).

Llanrhaeadr Y M CC

No response received.

Highways Dept north

Recommendations/Observations

HC1 Any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, to be constructed to an adoptable standard, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.

HC19 No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

HC20 The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

HC29 All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

HC31 The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

In the interests of highway safety.

Building Control

Building Regulations application required.

STW

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Wales & West Utilities

No reply received with the current application

Environmental Health

As the proposed dwellings will connect to mains drainage I have no objection to the planning application.

PCC Rights of Way

Thank you for consulting Countryside Services on the above application. A Public Right of Way (Footpath 4) abuts part of the north-western external boundary of the proposed development, outside of the site, and **does not** appear to be directly affected by it.

Affordable Housing Officer

No reply received

PCC Ecologist

No reply received

PCC Land Drainage

No reply received

Cllr Aled Davies

No reply received

Representations

Following the display of a site notice and publicity in the local press no third party comments have been received.

Planning History

P/2017/0487 - Reserved matters application for access, appearance, landscaping, layout & scale in connection with P/2015/1228 (5 dwellings), Pending.

P/2015/1228 - Erection of 5 detached dwellings with garages, formation of vehicular access and associated works (outline), Consent.

P/2015/0548 - Erection of a dwelling and detached garage together with creation of new vehicular access (outline). Withdrawn.

M/1996/0752 - Residential development and access (outline). Refused.

Principal Planning Constraints

- Dyffryn Tanat/Tanat Valley Landscape of Outstanding Historic Interest;
- Class 2 highway; and
- Outside of settlement boundary.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 2 - Planning and Affordable Housing (2006)

TAN 5 - Nature Conservation and Planning (2009)

TAN 6 - Planning for Sustainable Rural Communities (2010)

TAN 12 - Design (2016)

TAN 18 - Transport (2007)

TAN 20 - Planning and the Welsh Language (2013)

TAN 23 – Economic Development (2014)

TAN 24 – The Historic Environment (2017)

Welsh Government Circular 016/2014 – The Use of Planning Conditions for Development Management

Welsh Office Circular 13/97 - Planning Obligations

Welsh Office Circular 10/99 - Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development

Welsh Office Circular 11/99 - Environmental Impact Assessment

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy

UDP SP3 – Natural, Historic and Built Heritage

UDP SP5 - Housing Developments

UDP GP1 - Development Control

UDP GP3 - Design and Energy Conservation

UDP GP4 - Highway and Parking Requirements

UDP GP5 – Welsh Language and Culture

UDP HP3 - Housing Land Availability

UDP HP4 - Settlement Development Boundaries and Capacities

UDP HP6 - Dwellings in the Open Countryside

UDP DC10 - Mains Sewage Treatment

UDP DC11 - Non-mains Sewage Treatment

UDP DC13 - Surface Water Drainage

UDP DC8 - Public Water Supply

UDP DC9 - Protection of Water Resources

UDP ENV1 - Agricultural Land

UDP ENV2 - Safeguarding the Landscape

UDP ENV3 - Safeguarding Biodiversity & Natural Habitats

UDP ENV7 - Protected Species

UDP ENV16 - Landscapes, Parks and Gardens of Special Historic Interest

UDP ENV17 - Ancient Monuments and Archaeological Sites

UDP TR2 - Tourist Attractions

Powys Residential Design Guide

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires 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 made in accordance with the plan unless material considerations indicate otherwise.

Principle of development

The proposed development lies wholly outside the development boundary of Llanrhaeadr Ym Mochnant as detailed on inset map M164 and would result in five dwellings being constructed outside the settlement boundary.

Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing land supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, 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".

TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Llanrhaeadr Ym Mochnant is classified as a large village within the Powys Unitary Development Plan and one site was allocated within the UDP for residential development (site M164 HA1 – Land opposite the Telephone Exchange, part OS0776 (1.3Ha) with capacity for 20 dwellings) and this site still remains undeveloped and no application was ever received for the development of this site during the current plan period. This allocation would indicate that it is considered that the settlement can sustain a development of that proposed

with the scale and density of the development not leading overall capacity of the settlement being significantly exceeded.

It is important to note that the Planning, Taxi Licensing and Rights of Way Committee resolved to grant outline permission for five dwellings on land adjacent to the current application site under reference P/2015/1228, while the Reserved matters application is currently being considered by Development Management, which clearly indicates the commitment by the developer to develop this site as soon as possible.

it should be noted that the site itself is approximately 60 metres to the north east of designated settlement boundary with consented site P/2015/1228 between.

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys needs to be given considerable weight in the determination of this application. However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Sustainable location

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Llanrhaeadr Ym Mochnant is classified as a large village in the UDP and it is noted that the village is served by a good range of community services and facilities including medical practice, dentist practice, shops, primary school, places of worship, village hall, public houses, recreation ground and industrial estate. It is also noted that the village is served by a bus route.

In light of the above, the site is considered to be within a sustainable location due to the services provided locally and additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Affordable housing

Given that the proposal is for five dwellings, the UDP requires a proportion of affordable housing. UDP Policy HP7 states that a proportion of affordable housing will be sought based on the extent and type of need as identified by the Council's Housing Needs Survey, successive surveys or other reliable robust data sources and the nature of the site.

Evidence of local need has been provided by the Council's Affordable Housing Officer during the Phase 1 application which indicated the following data:

Bedroom	Housing need
1	14
2	30
3	12

This is an accepted form of evidence which demonstrates robust evidence of housing need in the locality. The applicant has offered to provide on-site provision of one affordable dwelling. This equates to a 20% provision which is below the 30-35% proportion advised that is normally achievable within the UDP. The UDP supporting text to Policy HP7 emphasises that:

'The negotiation process will be the key to actual provision by ensuring that each site is capable of providing the necessary subsidy and yet still able to be developed economically. All negotiations for the provision of affordable housing will be based on the characteristics - development costs, constraints and nature – of each individual site and whilst all eligible sites will be expected to contribute, the degree of provision actually achieved will vary in relation to the circumstances of each site. Although the scale of affordable housing to be provided will be a matter for negotiation for each individual site, as a guideline, proportions of between 30-35% should normally be achievable and this is in line with the level of need identified in the Housing Needs Study 2002.'

Members are advised that the provision of two affordable dwellings would equate to 40% provision, which is above the proportion advised within the UDP. Given the scale of the proposed development, whilst a 20% provision is lower than the recommended percentage within the UDP, Development Management considers that the provision of **one** unit is acceptable in terms of the principle of the housing policies of the UDP and the affordable housing SPG.

The outline submission indicates five four bedroom dwellings; however Members are advised that this scale is indicative only with scale being a reserved matter for future consideration. Therefore, it is considered that there is scope to provide a dwelling or dwellings to match the need and a condition could be attached to restrict the floor space of the dwelling to that set out within the UDP (130m²).

Design and layout and impact upon surrounding area – landscape and visual impacts

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area. Whilst design and layout are reserved and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The site is not located within a designated area of outstanding natural beauty, however the character of the locality is noted, where the site is an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change. In terms of LANDMAP Visual Sensory Areas (VSA), the site sits within the Llanrhaedr Farmlands VSA (MNTGMVS351) which has a high evaluation. The land opposite the site, across the highway is situated within the Lower Tanant Valley VSA (MNTGMVS580) which has a moderate classification. The village of Llanrhaeadr is situated within the Llanrhaeadr-ym-Mochnant VSA (MNTGMVS654) which is classified as moderate.

The indicative layout and scale shows five detached, two storey dwellings with garages sited in two rows north of the approved Phase 1 scheme and accessed off a shared private drive. The layout demonstrates that the site can accommodate five dwellings and detailed design would follow at a later date, if this outline application receives consent which would provide

the opportunity to ensure that the dwellings have an acceptable appearance and design. The immediate surrounding properties consist of a mixture of one and two storey detached properties with a mixed palette of materials; including brick and render. Dwellings in the centre of the village are predominately stone with mixed scales of one and two storey, terraced and detached. Therefore, the proposed scale of two storeys is not considered to be out of character with the locality.

The submission also indicates some shrub and tree planting although the details of such have not been provided.

Whilst it is acknowledged that the site is elevated above the highway and that the proposal would result in a visual change in comparison to the current agricultural use and that the access works would be significant engineering operations, existing dwellings to the west and east of the application are in an elevated position with associated vehicular access points and driveways. Taking into account the character of existing development in the locality, that landscaping measures would reduce the visual impact and that the proposed scale of additional five dwellings is considered to reflect the character of the development that has occurred along the highway at this location. It is recommended that any consent should include conditions requiring the submission, approval and implementation of more detailed landscaping measures.

Impact upon amenities enjoyed by the occupants of neighbouring properties

Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The proposal would develop agricultural land north east of Bryn Derw and north west of Llys Awel. In addition, the site is opposite the property known as Penymaes which is located to the south across the highway and with intervening Phase 1 development.

The Council's Residential Design Guide does not set out minimum distances for privacy in respect of front elevations and states that distances should normally be determined by the character of road widths in the area. In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. Whilst this distance is less than 40 metres in relation to plot 5 and Llys Awel, the detailed design could take account of the overshadowing guidelines and as such would be considered at reserved matters stage.

The side elevation of Bryn Derw is shown to be located in excess of 25 metres from the side elevation of plot 2 which complies with the guidance set out within the Residential Design Guide.

Taking into account the character of existing development in the locality and the highway, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance

with UDP Policy GP1 and the Council's Residential Design Guide. In addition, this planning consideration can be considered further at the reserved matters stage.

Highway access and parking requirements

UDP Policy GP4 requires adequate highway provision in terms of a safe access, visibility, turning and parking. Access to the Phase 2 site would be gained off B4580 highway via new access which was consented on Phase 1 development. The speed limit at this location is 30 mph and the Highway Authority has not objected to the proposal in this respect.

The key concern of the Highway Authority during the Phase 1 application was the lack of pedestrian facilities into the village and whether the proposed footpath along the frontage of the site can be constructed.

Whilst the officers at that time considered that it would be preferable to provide a footpath into the village to benefit proposed occupiers, existing residents and highway users, it was considered that such provision was not feasible at this location. It was also noted that there is no footpath along Park Street from Market Square, past the Hand Inn to the car park and as such it was questioned where an extended footpath would link to. Therefore, whilst pedestrian links are encouraged, in that instance, given the local site circumstances, it was considered unreasonable to impose an additional cost to the development that would be of limited benefit.

Therefore it is considered that adequate provision for highway access in terms of visibility, turning and parking within the current site (Phase 2) would be provided in accordance with UDP Policy GP4.

Foul and surface water disposal

It is proposed to dispose of foul sewage to the mains system which is the preferred method of disposal within planning policy. Severn Trent Water has confirmed that there is no objection to the proposal subject to the inclusion of a condition requiring drainage plans for foul drainage. It is recommended that the suggested condition is attached to any consent granted to ensure a satisfactory means of drainage in accordance with UDP Policy DC10.

It is proposed to dispose of surface water via main sewer and soakaway. Severn Trent Water has not objected to this proposed method, however they have recommended a condition requiring the submission, approval and implementation of a surface water drainage scheme. In order to ensure an adequate means of surface water disposal is provided in accordance with UDP Policy DC13, it is recommended that the suggested condition is attached to any consent granted.

Impact upon nature conservation

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

Although the County Ecologist did not comment in this instance, however given that the site is currently within agricultural use and that there are no known species or sites within the locality which would be affected by the development, it is not considered that the proposal would affect nature conservation interests. Landscaping would be considered at the reserved matters stage and as such this would provide biodiversity enhancements in accordance with UDP Policy ENV3.

Impact upon tourist attractions

The Countryside Officer notes that a Public Right of Way (Footpath 4) abuts part of the north-western external boundary of the proposed development, outside of the site, and does not appear to be directly affected by it. The proposed development would be visible from the public right of way and would result in visual changes to the locality, as considered above. However, given that the existing detached dwellings in the locality can be seen from the public right of way, it is not considered that the introduction of further detached residential dwellings would cause an unacceptable adverse effect upon the environmental setting of this public right of way in accordance with UDP Policy TR2.

Impact upon heritage assets

Dyffryn Tanat/Tanat Valley Landscape of Outstanding Historic Interest

The site is located within the Dyffryn Tanat Landscape of Outstanding Historic Interest. Chapter 6 of Planning Policy Wales advises that information on the historic landscapes in the second part of the Register should be taken into account by local planning authorities in considering the implications of developments which are of such a scale that they would have a more than local impact on an area on the Register. The effect of proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, or on the setting of such a park or garden, may be a material consideration in the determination of a planning application. UDP Policy ENV16 requires consideration to be given to the protection of the special historic interest of historic landscapes included in part 2 of the register of landscapes, parks and gardens of special historic interest in Wales will be sought.

The landscape is summarised as a narrow lowland river valley situated between the Berwyn Mountains and the Montgomery Hills, containing diverse evidence of land use from prehistoric to recent times. The area includes significant crop-marks of hidden prehistoric ritual and funerary sites; large well-preserved Iron Age hillforts; prehistoric to recent mining remains; medieval mottes, settlements and Pennant Melangell Church.

Given the scale of the development, that the impact can be mitigated by landscaping and design considerations, it is not considered that the proposal would have more than a local impact upon the Landscape of Outstanding Historic Interest and would not have an unacceptable impact upon the character or appearance of the overall landscape asset in accordance with UDP Policy ENV16.

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land. The land is not known to fall within grades 1, 2 and 3a and therefore is not considered to be of the best and

most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

Welsh Language and Culture

Planning Policy Wales (PPW) notes the Welsh Governments commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

With regards to the Development Management function, PPW states as follows:

“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability’.”

Technical Advice Note 20: Planning and the Welsh Language provided further guidance. Within TAN 20 it is noted that it is estimated that between 1,200 and 2,200 fluent Welsh speakers are moving out of Wales each year. The Welsh Government aims to reverse this trend.

With regards to the Development Management function, TAN 20 states as follows:

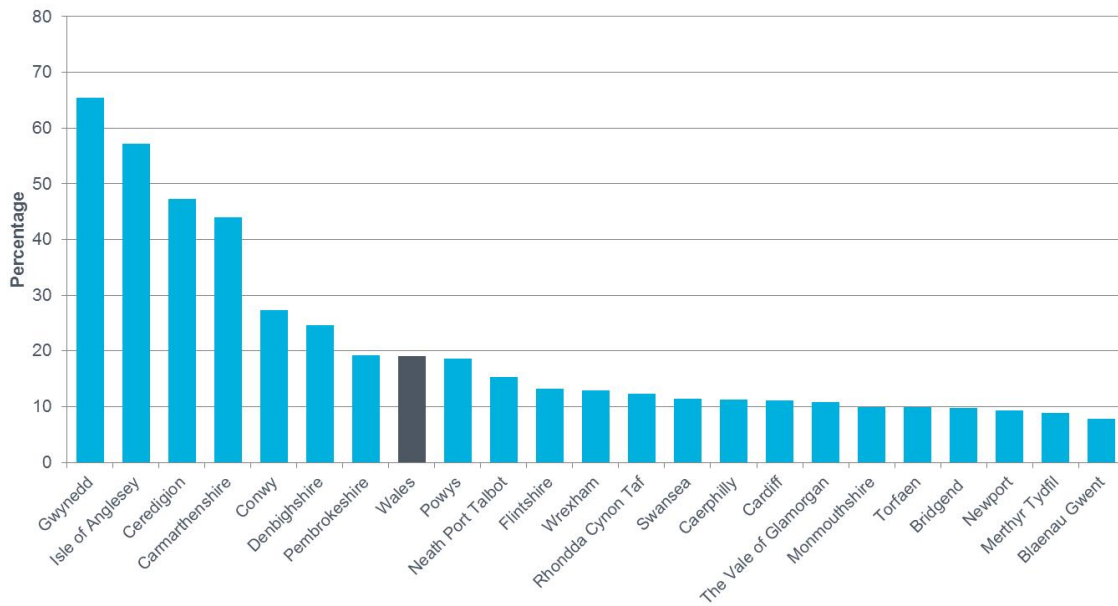
“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Llanrhaeadr ym Mochnant has been identified as one of the settlements under policy GP5.

Census Information

Looking at a Local Authority level the graph below provides a picture of the Welsh Language in Powys compared to that in the rest of Wales;

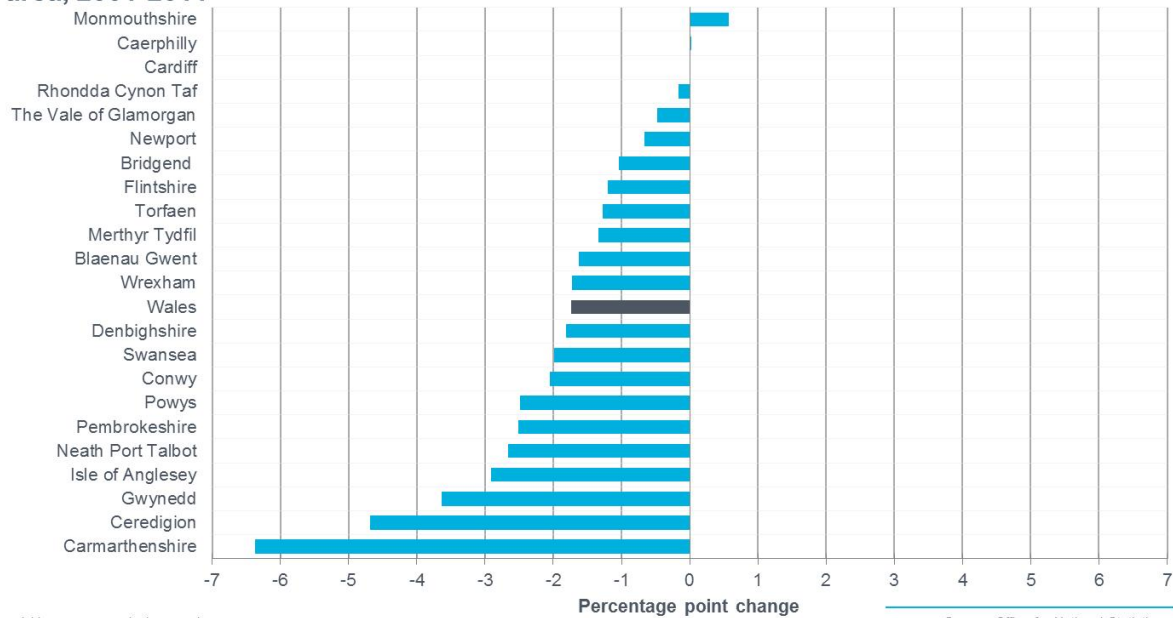
Percentage of the population able to speak Welsh according to the 2011 Census, by local authority area



welshlanguagecommissioner.wales

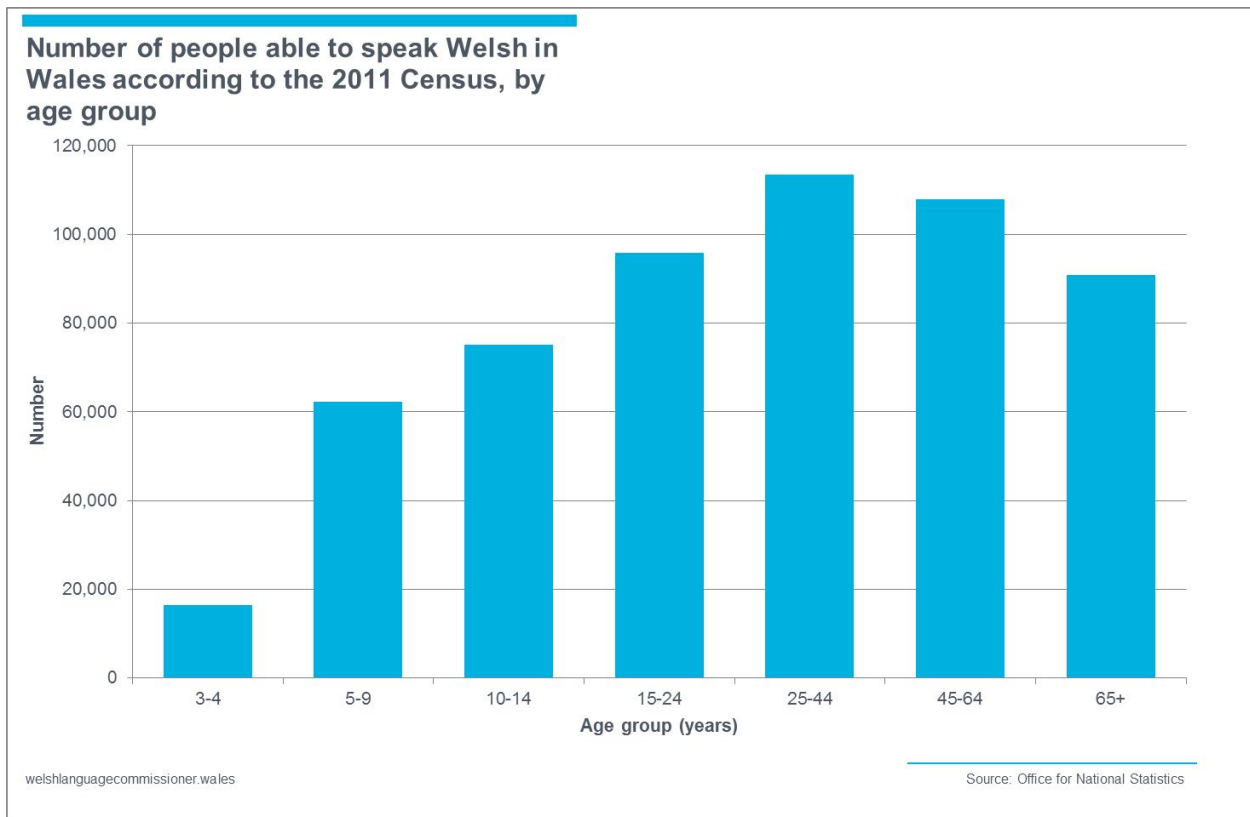
Source: Office for National Statistics

Change in the percentage of the population able to speak Welsh (percentage point), by local authority area, 2001-2011



welshlanguagecommissioner.wales

Source: Office for National Statistics



2001 Census

All people aged 3 and over	Understands spoken Welsh only	Speaks but does not read or write Welsh	Speaks and reads but does not write Welsh	Speaks, reads and writes Welsh	Other combination of skills	No knowledge of Welsh
1,435	81	74	36	673	27	544

2011 Census

All usual residents aged 3 and over	No skills in Welsh	Can understand spoken Welsh only	Can speak Welsh	Can speak but cannot read or write Welsh	Can speak and read but cannot write Welsh	Can speak, read and write Welsh	Other combination of skills in Welsh
2,242	1,204	207	756	104	53	602	72

The census information has been looked at by the Welsh Language Commissioner who has provided the following breakdown regarding the ability to speak Welsh in the area.

	2011	2001	2011	2001
Age	%	%	Number	Number
3+	42.5	54.1	497	639
3-15	56	68.2	93	159
16-64	39.3	48.5	85	349
65+	43	57.7	119	138

It is apparent from the figures above that the numbers of people speaking Welsh in the Llanrhaeadr ym Mochnant ward has unfortunately decreased. In assessing the impact of the proposed development on the Welsh Language and culture of the area the following statement has been submitted;

“The scheme proposes 1 affordable unit, this provision represents 20% of the overall development and is in keeping with the Viability Study for providing Affordable Housing in Powys (August 2016). It is considered that the provision of affordable housing helps mitigate against the impact of a development on the Welsh language, the affordable house provision and the contribution the four open market dwellings make to the lack of a five year housing supply are given considerable weight and as such Members are advised that the proposed affordable housing provision is considered acceptable”, and

“It is considered that the introduction of the proposed five dwellings would help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the proposed scale would threaten the existing facilities or force sections of the population away from these facilities”.

The scheme brings forward an appropriate number of affordable units as suggested under Policy GP5. The proposed scheme will provide a proportion of affordable housing. It is stipulated as a guideline within the adopted UDP to be between 30-35%. However, it is noted that the scale of affordable housing to be provided will be a matter of negotiation for each individual site.

In negotiating the proportion, material consideration must be given to the data provided within the Joint Housing Land Availability Study, and referenced in the draft Local Development Plan. It is envisaged that the number of affordable dwellings within the scheme to be approximately 2 units, with a maximum footprint of 130m² therefore ensuring affordability. The affordable dwelling will be integrated throughout the site.

It is considered that the introduction of five dwellings will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten these facilities or force sections of the population away from these facilities. It is considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence, this aids in retaining those residents and helps to mitigate against the impact of a development on the Welsh language.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

In light of the above it is considered that the proposed development could sustain and enhance the services currently within Llanrhaeadr the provision of housing and affordable dwellings will help sustain and enhance the cultural and linguistic vitality of the area.

Other Legislative 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 there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION

Whilst the proposal is a departure from the development plan with residential development having been refused previously, the Council's current lack of housing land supply carries

significant weight in favour of this development. Whilst the site is located close to the development boundary of Llanrhaeadr Ym Mochnant, it is accepted that the proposal would result in visual changes to the locality. However subject to future consideration of the design and the implementation of landscaping measures, it is considered that the proposal would not result in an unacceptable adverse impact upon the surrounding landscape, public vantage points, the identified public right of way and the historic landscape.

Following careful consideration, on balance, it is considered that the lack of housing land supply within the county warrants the approval of this development. Therefore, the recommendation is one of conditional consent subject to below conditions.

Conditional Consent

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site as indicated in drawing no: P-02.
5. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;*
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];*
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*
6. The affordable dwelling shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended

for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and retained in perpetuity.

8. A detailed landscaping scheme shall be submitted at the same time as the other reserved matters. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

9. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

10. Any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

11. Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

12. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

13. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

14. The width of the access carriageway, to be constructed to an adoptable standard, shall be not less than 5.5 metres and shall be maintained at this width for as long as the development remains in existence.

15. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including

the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

16. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

17. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

18. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

19. No storm water drainage from the site shall be allowed to discharge onto the county highway.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.

2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).

6. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).

7. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).

8. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (9th Edition, 2016).

9. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the natural environment, visual amenity and privacy in accordance with Policies GP1, ENV2, ENV3 and SP3 of the Powys Unitary Development Plan (2010), Technical Advice Note 5: Nature Conservation and Planning (2009) and Planning Policy Wales (Edition 9, 2016).

10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

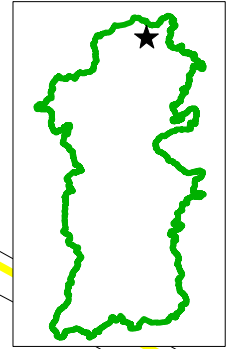
11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

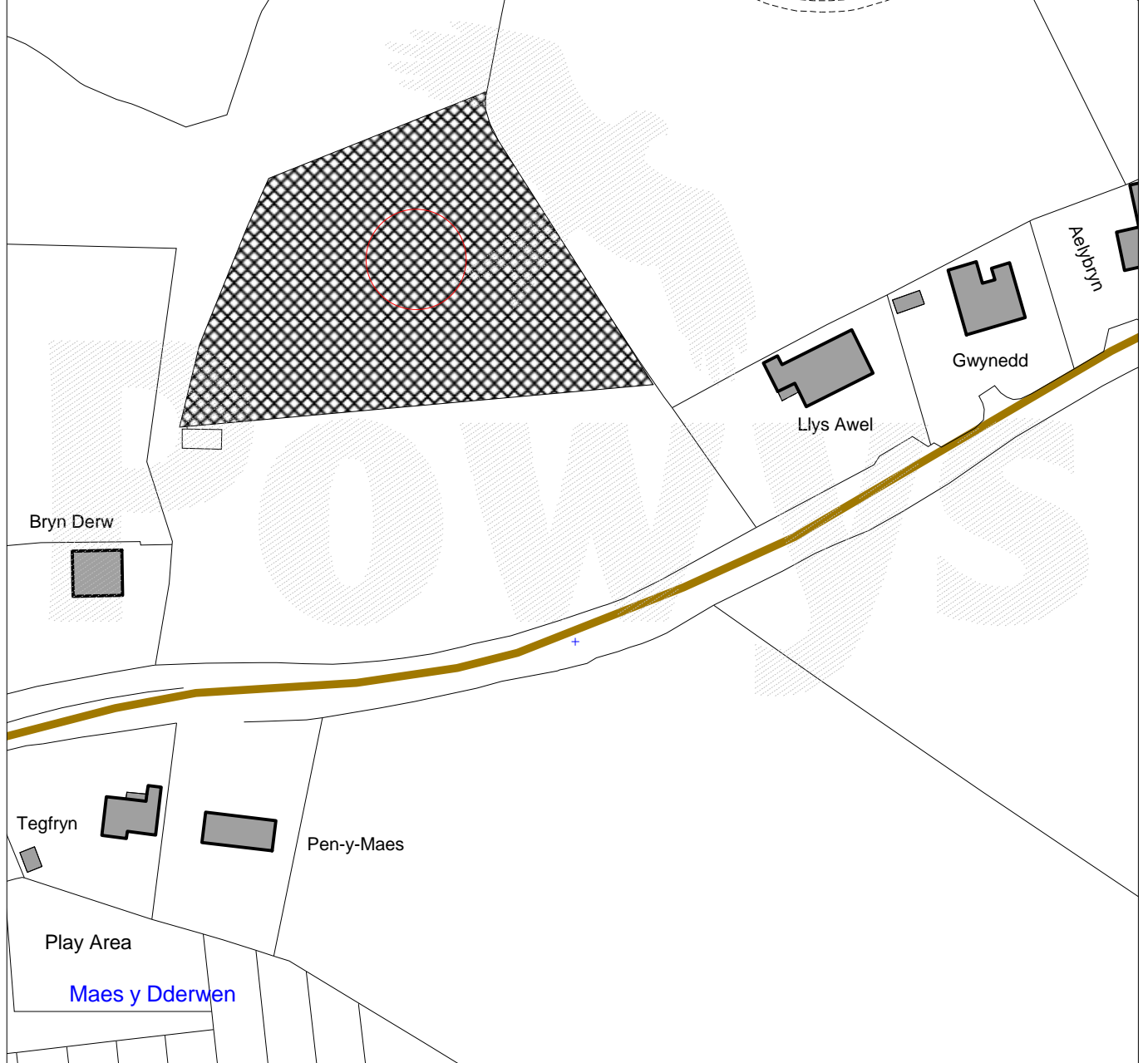
Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
Tel: 01938 551231 E-mail:edin@powys.gov.uk

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Mochnant



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6.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0580	Grid Ref:	309892.84 298237.96
Community Council:	Tregynon	Valid Date:	Officer: 31/05/2017 Eddie Hrustanovic
Applicant:	Tyn Y Bryn Farms, Tyn y Bryn, Tregynon, Newtown, Powys, SY16 3PJ		
Location:	Land adjacent Tyn y Ddol, Tregynon, Newtown, Powys, SY16 3PL		
Proposal:	Outline: Erection of up to 5 dwellings, formation of vehicular access and access road and all associated works		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposed development is a departure from the development plan and is recommended for approval.

Site Location and Description

The site subject to this application is approximately 28 metres away from designated settlement boundary of Tregynon, therefore for the purposes of the Powys Unitary Development Plan (UDP) is defined as open countryside. Tregynon is classified as a Key Settlement in Powys UDP (2010), insert map M194.

The site is adjacent to the number of existing properties along B4389 County Highway which forms a southern boundary of Tregynon. To the north and east, the site is bounded by open agricultural fields, to the west of the site, a row of existing properties is located, Tyn y Ddol being directly adjacent to the site, while to the south the site is bounded by open agricultural fields with intervening county highway (B4389).

Consent is sought in outline for the construction of up to 5 dwellings, including a provision of one affordable dwelling (4 open market + 1 affordable unit). The indicative block plan submitted with the application details a mix of dwelling types ranging from 3 to 4 bedroom detached dwellings with garages.

Consultee Response

Tregynon CC

Following a meeting of Tregynon councillors, I write with the following comments regarding application P/2017/0580. The councillors express their concerns that a footway must be provided to link the new development to the amenities in the village. The proposed houses are family homes and therefore likely to have children, and it is crucial that a safe way to the

school and community centre is in place. The availability of amenities is specified in the application and therefore the councillors feel it is obvious that a footway should be installed.

The councillors are concerned about the 'affordable' provision. The proposed houses are large, detached buildings on big plots. The councillors are therefore concerned that any of them could be considered affordable.

Powys Highways

Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for the relocation of the carriageway, footway link and widening along the Class II B4389, as indicated on drawing numbers RPP/RC-JOB62-03.1 Rev A & C and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Prior to any works being commenced on the site a scheme for the extension of the 30mph speed restriction, and a schedule for the implementation of the scheme shall be submitted to and approved in writing by the local planning authority.

HC1 Any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of

250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as per above conditions, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC21 Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

HC22 Prior to the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

HC29 All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

HC30 Upon formation of the visibility splays as detailed in conditions above, the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

Powys Environmental Health

Foul drainage: Environmental Protection has no objection to the proposal to connect to the mains sewer.

Construction-phase noise control: For the protection of amenity for nearby residential properties, Environmental Protection recommends the following condition for the control of construction-phase noise:

“Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.”

Powys Ecologist

Ecological Topic		Observations
Additional Information		<p>We provided ecological observations on this application on 27/06/17. Additional information provided subsequent to these comments includes an extended phase 1 habitat survey by Arbor Vitae (August 2017).</p> <p>Comments made following receipt of this information are included in bold text below. Otherwise the previous observations remain valid.</p>
EIA Screening Opinion Needed?	No	<p>The site area is understood to be 0.40 hectares and includes up to 5 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.</p>
Ecological Information included with application?	No	<p>These observations are based on an interpretation of available aerial and street imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service and the extended phase 1 habitat survey report prepared by Arbor Vitae (August 2017).</p> <p>The extended phase 1 habitat survey report states that the proposed construction site is located on a grass field on a working livestock farm on the edge of the village of Tregynon. The buildings will occupy the corner of a small pasture in a predominantly pastoral landscape. The site is bounded to the south east by the B4389 public highway and to the south west by the garden of an existing house, Tyn-y-Ddol. The construction of a new access will necessitate the removal of approximately 100 metres of hedgerow to create a visibility splay.</p>
Protected Species & Habitats ¹	European Species ☒	<p>There is a historical record of otters and various bat species within 2km of the application site, but none within the vicinity of the proposed development itself.</p>

¹ Species records within 1km (minimum). Change distance dependant on project type, scale, etc.

		<p>The ecology report confirms that the hedgerow along the southern site boundary may provide a foraging route for bats since it links well with other hedgerows locally.</p> <p>The ecology report recommends that external lighting should be designed to minimise illumination of the adjacent habitats including the adjacent hedge line, the fringes of which may be used by bats for foraging, and that the disruption to bat foraging routes as a result of hedgerow removal is mitigated by hedgerow replacement planting. Recommendations are also made below regarding the protection of hedgerow to the east and west of the site during construction.</p> <p>The ecology report also states that the southern hedgerow, adjacent to the road, is heavily maintained. It is therefore regarded as having a very low potential for dormice, given the lack of dense cover for nesting, the likely absence of food resources (due to regular hedge flailing) and the disturbance by traffic. Also due to the absence of ponds within the search area the report concludes that there will be no risk of impacts upon Great Crested Newts due to the proposed development.</p> <p>It is not considered that the proposed site represents suitable habitat for otters.</p>
	<p>UK Species <input checked="" type="checkbox"/></p>	<p>There are historic records of reptiles from within 2km of the site and several historic records of nesting bird species, although none from within the vicinity of the site.</p> <p>The ecology report confirms that the hedgerows that border the site provide suitable habitat for common nesting birds and refuges for reptiles. The report recommends that hedgerow removal must be carried out so as to avoid the bird nesting season (March to August inclusive). If this is not possible, a pre-commencement survey should be carried out by an ecologist. Loss of breeding habitat for breeding birds will be mitigated by the planting of replacement hedgerows.</p> <p>The ecology report also proposes Risk Avoidance Measures that should be adopted during the works to protect any reptiles which may be present.</p>
	<p>Section 7 Species & Habitat <input checked="" type="checkbox"/></p>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>The ecology report confirms that the affected hedgerows could provide connecting habitat for Hedgehog and Polecat and</p>

		<p>therefore recommends that hedgerow removal should ideally be carried out when hedgehogs are unlikely to be hibernating (March to November).</p> <p>The ecology report also confirms that native species hedgerow forms the southern site boundary but this does not qualify as an 'important' hedgerow under the definition of the Hedgerow Regulations. A total of approximately 100 metres of the roadside southern hedge will be removed to create an access and visibility splay.</p> <p>Proposed mitigation for the loss of the hedgerow will involve the planting of a total of 160 metres of new native hedgerow around the perimeter of the site and a further 85 metres on the southern frontage of the site. This will include native species present in adjacent hedgerows including hawthorn, blackthorn, hazel, holly and dog rose as well as native tree species.</p> <p>Recommendations are also provided in the ecology report for the installation of bird and bat boxes which will help to improve nesting and roosting habitat.</p>
	LBAP Species & Habitat <input checked="" type="checkbox"/>	See observations above.
Protected Sites	International Sites ² <input type="checkbox"/>	None within search area
	National Sites ³ <input checked="" type="checkbox"/>	Gregynog SSSI is located approximately 950m to the south west of the proposed site. Due to the distance and lack of pathways between the two sites no impacts upon the integrity of the SSSI are expected.
	Local Sites (within 500m) <input type="checkbox"/>	None within search area
Invasive Non-Native Species	Unknown	None recorded during the extended phase 1 habitat survey.
Recommendations		<p>Given the proximity of development works to surrounding trees and hedgerows, it is considered prudent to require information from the applicant as to how these features of biodiversity importance for wildlife will be retained and protected during the construction period of works. I recommend that all retained trees and hedgerows are protected in accordance with BS5837:2012.</p> <p>It would seem likely that the creation of the new access and visibility splay would require the removal of a large section of the southern</p>

² Identify International designated site within 2km of the proposals. Consider International sites within 15km of proposals with bats as qualifying features, and 10km with otters as qualifying features if the proposal is likely to affect these features.

³ Any designated sites within 500m of the proposal, extending to 2km dependant on features of interest i.e. wetlands (Powys LDP)

	<p>hedgerow. I suggest that any removed hedgerow is translocated to areas within the development site, such as the new southern boundary, instead of buying and planting new stock.</p> <p>If additional lighting is required I recommend that a sensitive lighting scheme is implemented to avoid any negative impacts on nocturnal wildlife, including bats, which may use the hedgerows to the north, east and west of the development and could also benefit from the new proposed hedgerow along the southern boundary.</p> <p>I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should therefore be provided for approval prior to commencement of development. Enhancement of the site, for example by installation of bat and bird boxes, as part of the proposals would also be welcomed.</p>
<p>Further information required prior to determination of application</p>	<p>None</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application I recommend the inclusion of the following conditions:</p> <p><i>The recommendations regarding hedgerows, bats, breeding birds, hedgehogs and reptiles identified in Section 6 of the Ecological Report by Arbor Vitae dated August 2017 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan to include location of bird and bat boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.</p> <p><i>A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016),</p>

TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Informatives

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

	<p>Birds - Wildlife and Countryside Act 1981 (as amended)</p> <p>All nesting birds, their nests, eggs and young are protected by law and it is an offence to:</p> <ul style="list-style-type: none"> • intentionally kill, injure or take any wild bird • intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built • intentionally take or destroy the egg of any wild bird • intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. <p>The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.</p> <p>The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.</p> <p>Reptiles - Wildlife & Countryside Act 1981 (as amended)</p> <p>All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.</p> <p>The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury</p> <p>All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.</p>
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NRW

Thank you for consulting Natural Resources Wales (letter dated 05/06/2017) regarding the above. NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed, however we have some observations to make.

Flood Risk

We note that reference to flood risk has been made in section 8.0 of the D&A Statement, by Roger Parry and partners dated May 2017. Please be aware that, contrary to the statements in this section, the DAM C2 is not based on the 'Environment Agency's Flood Plan', and justification for the development should not be in line with PPS25. We would expect reference to the relevant Welsh organisations and policies to be made in Roger Parry's reports, in this instance Natural Resources Wales and TAN15. The site abuts DAM C2 which includes an area known to have historically flooded from the Bechan Brook and its tributaries, notably in 2007. The Bechan Brook is now designated as a main river, following the historic Environment Agency enmainment programme in 2008.

We therefore advise that the Planning Authority consults with the LLFA, namely Powys CC drainage team, to verify that the fluvial flood risk depicted in the DAM C2 (which is derived from JFLOW in Powys model, version 3) is correlated by known historic flood extents that have occurred before 2008. Interrogation of JFLOW depths and lidar ground levels indicate that there is in excess of 0.5m of freeboard between calculated JFLOW extents and ground levels where the houses are proposed. Please be aware of the limitations of the generalised JFLOW approach. These outputs cannot be used to support a Flood Consequences Assessment (FCA) but in the absence of a FCA and recognising that the site is outside DAM C2, any additional interrogation is likely to corroborate or refine the theoretical extents. Best practice is advised with regards to setting of finished floor levels, a minimum of 300mm above existing adjacent ground levels will provide added security against flooding from all sources in excess of the design events.

Foul Drainage

We understand the proposal is to connect to the mains sewer as recommended by government policy. If this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Pollution Prevention

Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work. Any waste produced during the construction should be disposed of as per Waste regulations. It is the producer's responsibilities to ensure that Waste regulations are followed. Please see our website www.naturalresourceswales.gov.uk for Waste disposal Guidance.

CADW

- *1st response*

The proposed development is located some 33m to the southeast of scheduled monument MG204 Tregynon Moated Site. The proposed development will be visible from the moat with only minimal screening provided by a field hedge and the plants in the garden of Ty'n-y-ddol. The new buildings will also add to the line of modern buildings along the road to Bettws Cedewain adding further to the perspective that the scheduled monument is being enclosed by modern development. This will have an adverse impact on the setting of the scheduled monument and this will be a material consideration in the determination of this planning application (Planning Policy Wales 6.5.5): however, the application contains no information on this matter and therefore is inadequately documented. Welsh Government recently issued the document 'Setting of Historic Assets' and we recommend that you request that the applicant carries out an assessment of the impact of the development on the setting of scheduled monument MG204 following the guidance given in the Setting of Historic Assets document and re-consult us accordingly.

- *2nd response*

Thank you for the additional information sent on the 24 October 2017. A historic environment desk-based assessment, including an assessment of the impact of the proposed development on the setting of scheduled monument MG204 produced by Trysor has been submitted in support of this application. The report concludes that the proposed development will have a low, but not significant impact on the setting of scheduled monument MG204 and we concur with this assessment. Consequently we now have no objection to this development.

CPAT

Thank you for forwarding a copy of Historic Environment Desk-based Assessment report. Having read through the report, and taking into consideration the conclusions of the archaeological consultant, I can confirm that we would have no objection to the proposed development and no further archaeological mitigation is necessary.

Representations

The application was advertised through the erection of a site notice and press advertisement. One public objection has been received in respect of the proposed development.

The objection received is summarised below;

- Detrimental impact on the visual amenity of the area,
- The development will change the character of the area,
- The site is outside designated settlement boundary,
- Sewage system is at capacity,
- Highway/pedestrian safety
- Existing services in Tregynon are at capacity
- Residential amenity impact.

Planning History

No relevant history to report.

Principal Planning Constraints

Outside settlement boundary

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)
TAN 1 - Joint Housing Land Availability Studies (2015)
TAN 2 - Planning and Affordable Housing (2006)
TAN 5 - Nature Conservation and Planning (2009)
TAN 6 - Planning for Sustainable Rural Communities (2010)
TAN 12 - Design (2016)
TAN 15 – Development and Flood Risk (2004)
TAN 18 - Transport (2007)
TAN 20 - Planning and the Welsh Language (2017)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP DC14 - Flood Prevention Measures
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV17 – Ancient Monuments and Archaeological Sites
UDP TR2 – Tourist Attractions

Powys Residential Design Guide

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires 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 made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Sustainable location

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site is approximately 28 metres away from designated settlement boundary of Tregynon (defined as an Key Settlement within the UDP). Tregynon benefits from a number of services such as Church, Chapel, Area Primary School, Children's Play Area, Community Centre, Village Workshops, Post Office/Shop, Garage, Car Sales. Tregynon also benefits from bus service (operated by Tanat Valley Coaches) which provides access to Newtown. Given the noted proximity, future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services.

Affordable Housing

Latest evidence produced to support the Local Development Plan indicates that 10% affordable housing in this area would be viable. In support of the application the developer has proposed (1 unit) 20% affordable housing which would be conditioned as part of any consent.

Siting, Design and External Appearance

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The site is flat in its entirety and set slightly below the adjacent highway. The block plan demonstrates that the proposed plots will be in linear form along the County highway. Public comment is noted in respect of concerns however it is considered that through sensitive design and landscaping that the development would not have an unacceptable impact on the surrounding landscape and adjacent properties.

The indicative site layout details a private turning head within the site and providing adequate parking and turning area in front of the properties.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, detailing a mix of dwelling types and sizes, it is considered that the application site is capable of accommodating 5 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

The proposed site is considered to be well connected to the village being in close proximity to the village boundary and the cluster of existing dwellings. It is considered that the siting of the proposed dwellings is acceptable in the proposed location. It is also considered that the proposed site is well integrated within the settlement and would not have a significant adverse visual impact upon the character and appearance of the surrounding area.

In light of the above, it is considered that the proposed development complies with policies ENV2 and TR2 of the Powys Unitary Development Plan 2010.

Residential Amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

Consideration must be given to the amenities enjoyed by the occupiers of neighbouring dwellings. The site is adjacent to the group of existing dwellings located along the County highway leading towards Bettws direction. Concern has been expressed by the occupiers of neighbouring dwelling that the proposal would negatively impact on their property.

However it is important to note that indicative plans show that there is sufficient distance with intervening tall hedge between the nearest property in westerly direction (approximately 10 meters from the wall-to-wall between the existing and proposed nearest unit). It is important to note that nearest existing property has its side elevation facing onto the proposed development site. The officers consider that there would be sufficient separation between the properties not to cause amenity issues between the residents of both sites.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

Following consultation with Environmental Health no objection has been received in relation to its impact on neighbour amenity.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. Whilst this distance is less than 40 metres in relation to the proposed site, the detailed design could take account of the overshadowing guidelines and as such would be considered at reserved matters stage.

Due to the proximity of the proposed development to the neighbouring residential properties, Powys County Council's Environmental Health Officers have been consulted on the proposed development. The Officers have stated that should development be granted consent, an appropriately worded condition should be attached. The condition would control the level of noise disturbance to neighbouring properties, by restricting the landscaping and construction period working hours as well as delivery times.

Taking into account the character of existing development in the locality and the highway, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The site will be accessed via the proposed access into the site off B4389. Powys Highway Authority have confirmed that there are no objections to the scheme and have not raised any

highway safety issues in this respect, furthermore they welcome extension of 30mph speed limit beyond the site limits, which will further assist in highway safety. In this instance Development Management considers that a suitable worded condition could be placed on the decision notice to secure the provision. Public representation is acknowledged in respect of the highway safety (pedestrian and vehicular movements), however it is important to note that Powys Highway Department have not raised any concerns in this respect. It is also important to note that the indicative plans show that the 2 metres wide walkway will be also created which will link to the exiting walkway leading into the village. Highway Authority has requested inclusion of number of highway safeguarding conditions in that respect.

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movements. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4 and TAN 18: Transport.

Impact upon Heritage Assets

CADW notes that the proposed development is located some 33m to the southeast of scheduled monument MG204 Tregynon Moated Site.

A historic environment desk-based assessment, including an assessment of the impact of the proposed development on the setting of scheduled monument MG204 produced by Trysor has been submitted in support of this application. CADW notes that the report concludes that the proposed development will have a low, but not significant impact on the setting of scheduled monument MG204 and as such they concur with this assessment.

In light of the above observations, Development Management considers the proposed development to be in accordance with relevant policy in relation to cultural heritage.

Impact on biodiversity and suitability of landscaping

The proposed development would result in the loss of an area of approximately 0.39ha of agricultural land. The land is grazed and considered of low ecological value. No negative comments were made by County Ecologist with respect to the ecology of the site.

The County Ecologist has recommended a number of safeguarding conditions to be attached if the application is approved. Therefore, on the basis of this advice, it is recommended that any consent should include conditions requiring the submission of details with the reserved matters application which will increase site biodiversity in accordance with UDP Policy ENV3.

Having taken the above into account it considered that, subject to conditions, the ecological impacts of the proposed development are considered acceptable and are therefore in accordance with relevant planning policy.

Foul water disposal

Policy DC10 (Mains Sewerage Treatment) requires that developments are adequately served by the public foul sewerage system.

The application states that the proposed development will connect into the existing mains sewerage system. Concerns have been raised from a third party over the capacity of the sewerage system; however no evidence has been received from Severn Trent that there are issues in the area as alleged. Consultation was also undertaken with Environmental Health who offered no objection to the use of mains sewerage.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy DC10 of the Powys UDP.

Development and flood risk

NRW notes that the site abuts DAM C2 zone which includes an area known to have historically flooded from the Bechan Brook and its tributaries, notably in 2007. However, no part of the development site is within designated flood zone and the same has been recognised by NRW and no negative issues have been raised in this respect.

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land. Predictive Agricultural Land Classification (ALC) Map indicates that the land at the site is classified as Grade 3b (Moderate quality agricultural land) and Grade 4 (Urban).

Therefore the land at the site is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

Welsh Language and Culture

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Tregynon has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census it was indicated that in Tregynon 23.3% of the population spoke Welsh. This is an increase from the 2001 census which stated that 21.2% of the population spoke Welsh.

The scheme proposes one affordable unit and it is considered that the provision of affordable dwelling helps mitigate against the impact of a development on the Welsh language.

It is considered that the introduction of 5 dwellings in total will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten local facilities or force sections of the population away from these facilities.

It is also considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence this aids in retaining those residents and helps mitigate against the impact of a development on the Welsh language, the applicant has highlighted that the provision of affordable housing will be approximately 20% with a number of other houses of a modest scale.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

Therefore, given that one of the dwellings will be limited by condition as an affordable unit, which is considered an appropriate level of affordable homes for the proposal, it is concluded that the development would assist in contributing to the well-being of the Welsh language in Powys.

With regard to the developments impact on schools, given the scale of the proposed development, the impact on nearby schools is considered to be minimal. No adverse or positive impact can therefore be identified in relation to the balance between Welsh-speaking and non-welsh speaking students.

In relation to impact on health care provision, given the scale of the proposed development, the impact on health care provision is also considered to be minimal. No adverse or positive impact can therefore be identified in relation to Welsh medium services.

With regard to social tensions, conflict or divisions, given the scale of the proposed development, it is not considered that the proposal would have a significant uneven effect on different parts of the local community, which would potentially advantage some groups and disadvantage others. No evidence has been identified that the proposed development would violate traditional values of certain parts of the community.

Other Legislative 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 there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions.

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the C2106 highway (drawing no: RPP/RC-JOB62-03.1 Rev A & C).

5. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced

6. The affordable dwelling shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. Prior to any other works commencing on the development site, detailed engineering drawings for the relocation of the carriageway, footway link and widening along the Class II B4389, as indicated on drawing numbers RPP/RC-JOB62-03.1 Rev A & C and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

8. Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed and approved in writing by the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

9. Prior to any works being commenced on the site a scheme for the extension of the 30mph speed restriction, and a schedule for the implementation of the scheme shall be submitted to and approved in writing by the local planning authority.

10. Any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

11. Any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

12. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

13. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

14. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

15. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

16. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

17. Before any other development commences provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

18. The width of the access carriageway, constructed as per above conditions, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured

from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

19. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

20. Prior to the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

21. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

22. Upon formation of the visibility splays as detailed in conditions above, the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

23. No storm water drainage from the site shall be allowed to discharge onto the county highway.

24. The recommendations regarding hedgerows, bats, breeding birds, hedgehogs and reptiles identified in Section 6 of the Ecological Report by Arbor Vitae dated August 2017 shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

25. Prior to commencement of development, a Biodiversity Enhancement Plan to include location of bird and bat boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

26. Upon the submission of the reserved matters referred to in conditions 1 and 2, a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to and approved in writing by the Local Planning Authority. Once approved the scheme shall be adhered to and implemented in full for the lifetime of the development.

27. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

28. Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.

2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
6. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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22. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
23. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
24. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

25. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

26. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

27. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

28. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Informative Notes

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

Intentionally kill, injure or take any dormice.

Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.

Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

intentionally kill, injure or take any wild bird

intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built

intentionally take or destroy the egg of any wild bird

intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside

Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

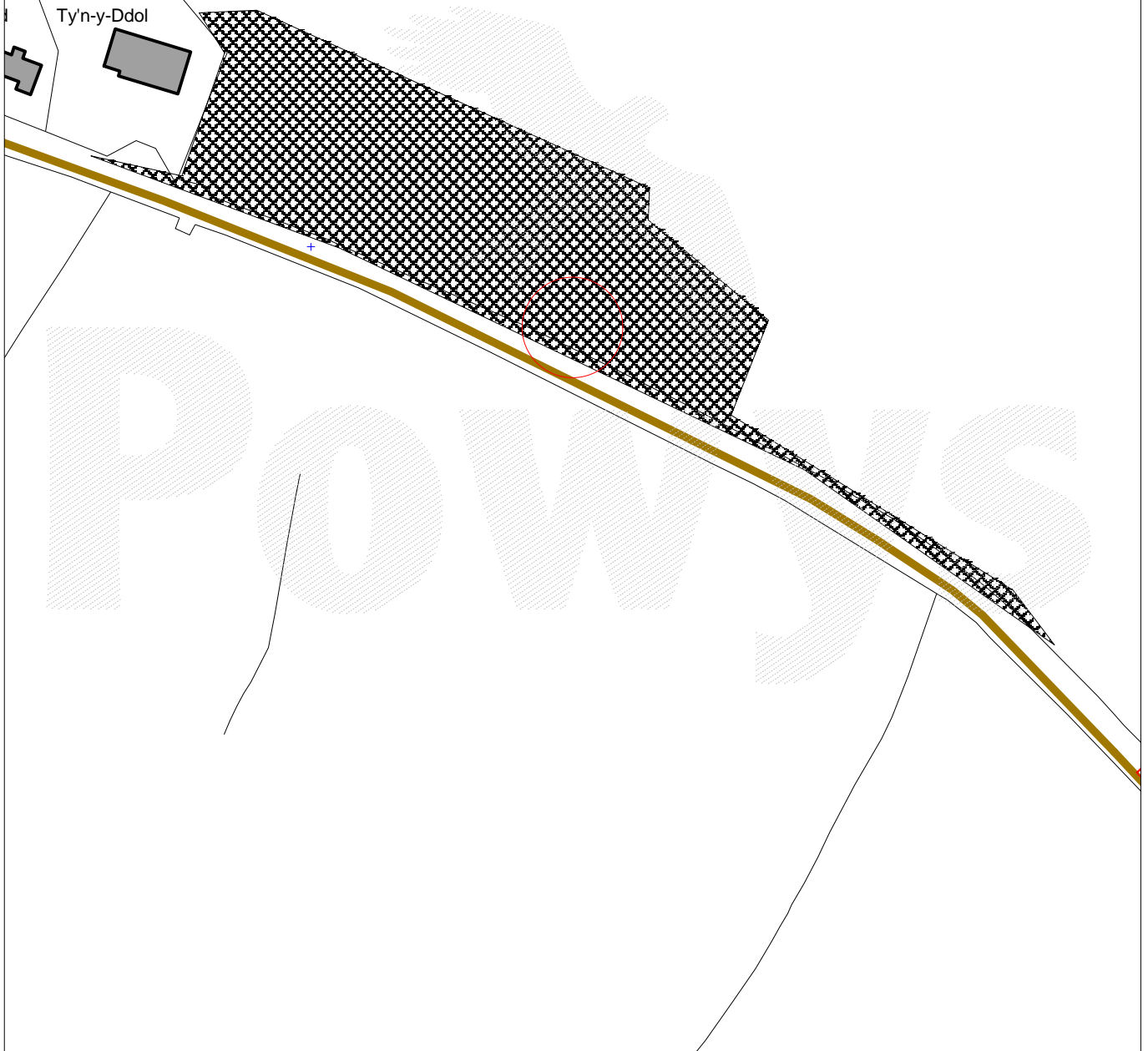
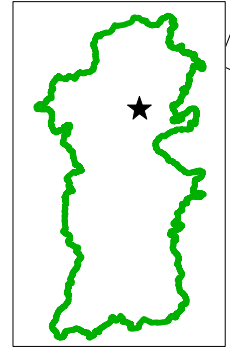
The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
Tel: 01938 551231 E-mail:edin@powys.gov.uk

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6.5

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1114	Grid Ref:	307147.89 246177.92
Community Council:	Erwood	Valid Date:	Officer: 11/10/2017 Thomas Goodman
Applicant:	Mr Jones, Oak Villa, Erwood, Builth Wells, Powys		
Location:	Land at Alltmawr, Abernant, Erwood, Powys		
Proposal:	Full - Application for the retention of a single affordable dwelling and associated works.		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

Cllr Laurie-Parry has called the application.

Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Unitary Development Plan (2010). The application site is surrounded by agricultural land, with ancient woodland to the west, private access is to the north off the A470 trunk road.

Consent is sought retrospectively for the retention of a single affordable dwelling and associated works. The dwelling measures approximately 14 metres in length and 6.2 metres in width (86.8 metres squared externally). The dwelling measures approximately 5.5 metres in height to ridge and 2.7 metres in height to the eaves. The dwelling is finished in horizontal timber boarding under a slate grey corrugated steel sheet roof.

Consultee Response

Erwood CC

Erwood Community Council agreed to support this application.

PCC Highways

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

PCC Building Control

No response received at the time of writing this report.

Wales and West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Sewerage

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 08009172652 or via email at developer.services@dwrcymru.com

Please quote our reference number in all communications and correspondence.

PCC Environmental Health

Details of the proposed package treatment plant or septic tank should be provided and prior to any planning permission being granted the applicant/agent should submit percolation test results in order to demonstrate that the package plant or septic tank, its soakaway and the ground conditions are suitable and sufficient for the foul drainage. The percolation test should be carried out in accordance with document H2 of the Building Regulations and calculations to be submitted for approval by completing and returning the attached Percolation Test Calculation Form.

Environmental Protection to be advised, via the Planning Authority, when the testing is carried out, so that a site visit can be made to examine the exposed ground and percolation test holes which must be left undisturbed until inspected.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registrationguidance.pdf?lang=en>.

PCC Ecologist

The proposed development does not fall within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment (Wales) Regulations 2017.

No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery, available plans, and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

The application site is located to the west of the A470, approximately 6km south-east of Builth Wells. The site, which is accessed directly from the A470, lies within an extensive area of woodland, and forms part of an elongated operational yard which was originally in use for forestry-related activities. Approximately 120m south of this area is a building used for forestry purposes. The application site lies on a shelf above the level of the rest of the site and comprises a wooden chalet, associated shed with a wire run used as a kennel and CCTV which sits on top of a pole.

The site is screened by the mature trees of Fron Wood, which rise up the hillside directly to the west. The mature hedgerows and belts of trees to the east also screen the site from the A470.

Historic records show a number of different European Protected Species within the search area of the proposals. These include Hazel Dormouse (126m), several bat species including Lesser Horseshoe (705m), Noctule (26m), Common and Soprano Pipistrelle (26m) and Brown Long-eared bats (705m). Great Crested Newt (850m) and Otter records (240m) were also found within the search area.

The woodland to the west of the property may offer suitable habitat for Hazel Dormouse. I therefore recommend that prior to commencement of development, a Reasonable Avoidance Method Statement for Hazel Dormice shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA. The application states that no trees are to be removed or adversely affected by the proposals, therefore no significant adverse impacts to Dormice are anticipated.

The mature woodland directly to the west, and the mature hedgerow and belts of trees to the east is considered to be suitable habitat for several species of roosting, foraging and commuting bats. There are many trees located within the immediate area and also bordering the nearby watercourse, which may offer important connectivity to other areas within the wider landscape. No adverse impacts on these areas are anticipated.

As artificial lighting can be extremely disturbing to some bat species, any external lighting features for the development should be carefully positioned with consideration for bats. Any such lights should be angled downwards to illuminate areas for human access and where health and safety considerations demand only, and should be placed no more than 2.5m

above ground level. These lights should also be on an automatic timer so that such lights switch off after a few minutes, and do not stay on all night. Motion sensors would be acceptable. A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

A number of ponds exist in the wider landscape which may offer suitable breeding ponds for Great Crested Newts (GCN), however these ponds are not located close to the proposed development and will not be affected by the proposals. The woodland, however, may provide suitable terrestrial habitat during the Winter for hibernation (generally October to February inclusive). As the application is for continued utilisation of the existing building, and no additional development is required, no adverse effects on GCN are anticipated.

The areas surrounding the River Wye/Afon Gwy may provide suitable areas for Otter resting sites/holts. However, due to the nature and scale of the proposals, and the fact these resting areas/holts are likely to be located at least 180m from the proposals (and separated by the A470 road, fields and a section of woodland) it is unlikely that any such areas would be adversely affected.

The surrounding woodland and mature hedgerows may provide suitable sheltering areas for common species of reptile. However, these areas will not be affected by the scheme, so no negative impacts on reptiles are anticipated.

There are historic records of Badger (426m), Hedgehog (480m), White-clawed crayfish (905m) and Red squirrels (374m) within the search area of the proposals.

The woodland to the west and mature hedgerows to the east of the property appear to offer suitable habitat for Badgers, Hedgehogs and Red squirrels. It is to my understanding that no trees or hedgerows are to be removed as part of the proposals, therefore the continued use of the building will not result in any adverse effects on these species.

The River Wye/Afon Gwy may provide suitable habitat for White-clawed crayfish. However, due to the nature, scale and distance of the site from the river (180m), no significant adverse impacts on this species is anticipated.

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

A number of Section 7 Priority Species were found within the search area of the proposals, including Pine Marten (733m) and Brown Hare (763m).

It seems the woodland to the west of the property may offer suitable habitat for Pine Martens and other small mammals. No adverse impacts to these species are anticipated due to the nature of the development.

Hedgerows are a Section 7 Priority Habitat. However, it is to my understanding that no hedgerows will be removed as part of the application. Therefore, no significant adverse impacts on hedgerows are foreseen.

Rivers are a Section 7 Priority Habitat, and the River Wye/Afon Gwy is located 180m east of the proposals and is separated from the site by the A470 road, a section of woodland, hedgerows and scattered trees, and agricultural fields. Due to the nature, scale and location of the site, no adverse impacts are anticipated as a result of the scheme.

The surrounding woodland, mature hedgerows and belts of trees within the immediate are of the proposals may offer suitable habitat for a number of Section 7 nesting birds. Therefore, it is recommended that two bird boxes should be provided as part of the proposals as a biodiversity enhancement measure.

The River Wye/Afon Gwy SAC is located approximately 240m to the east of the site. Due to the nature, scale and location of the proposals, no significant adverse impacts are anticipated.

Coed Aberedw SSSI is situated 700m north-east of the proposals and Llandeilo, Rhulen and Llanbedr Hills SSSI is located 450m east of the site.

The River Wye (Upper Wye)/Afon Gwy (Gwy Uchaf) lies 240m east of the proposed development.

Due to the nature, scale and location of the proposals, no significant adverse impacts are anticipated.

There are no Local Sites within 500m of the proposals, although a number of Sites of Importance for Nature Conservation (SINC) are situated within 1km.

Allt Mawr Uchaf is located 900m away in the north-western corner of Fron Wood, the distance and location from the site means this SINC will not be adversely affected by the proposals. – 900m

A cluster of three SINCS are also located to the north-west of the proposals. Old Bedw is located 1km away, Old Bedw 2 is situated 922m from the site, and the Old Bedw GCN pond is located 760m north-west of the proposals. These SINCS feature outside of the woodland and are at a distance that means the nature and scale of the proposals is not anticipated to affect them due to the distance between these sites and the proposal area.

No ecological information has been submitted with the application.

I recommend that two bird boxes should be provided as part of the proposals as a biodiversity enhancement measure.

Informatives

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird

• intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Welsh Government Trunk Road Agency

I refer to your consultation of 4th January 2018 regarding the above application, and advise that the Welsh Government as highway authority for the A470 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

The applicant must forward a suitably scaled drawing detailing the proposed access off the A470 trunk road, which must incorporate the following aspects:-

- a) Full length Visibility Splays in either direction from a suitable set-back.
- b) Gradient of the access road and the A470 trunk road carriageway
- c) Access width and radii dimensions
- d) Access surfacing type along with depth and width dimensions
- e) Parking areas
- f) If a gate is to be installed on the access

The above aspects must conform to the Design Manual for Roads and Bridges (DMRB).

The applicant must provide existing and proposed Annual Average Daily Traffic (AADT - vehicle traffic counts) for the access with the A470.

If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@Gov.Wales.

Representations

Following the display of a site notice and press advertisement, 1 letter of objection has been received from members of the public. In summary the objection refers to the following matters:

- The application is retrospective and therefore no significant weight should be given to the affordability argument.
- Landscape and visual impacts

Planning History

None as per GIS

Principal Planning Constraints

Open Countryside

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

- Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015)
- Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)
- Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)
- Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)
- Technical Advice Note (TAN) 12: Design (2016)
- Technical Advice Note (TAN) 18: Transport (2007)
- Technical Advice Note (TAN) 23: Economic Development (2014)

Local planning policies

Powys Unitary Development Plan (2010)

- SP1 – Social, Community and Cultural Sustainability
- SP5 – Housing Developments
- GP1 – Development Control
- GP3 – Design and Energy Conservation
- GP4 – Highway and Parking Requirements
- ENV1 – Agricultural Land
- ENV2 – Safeguarding the Landscape
- ENV3 – Safeguarding Biodiversity and Natural Habitats
- ENV7 – Protected Species
- HP3 – Housing Land Availability
- HP4 – Settlement Development Boundaries and Capacities
- HP5 – Residential Developments
- HP6 – Dwellings in the Open Countryside
- HP9 – Affordable Housing in Rural Settlements
- HP10 – Affordability Criteria
- DC11 – Non-mains Sewage Treatment
- TR2 – Tourist Attractions and Development

Powys Residential Design Guide (October 2004)

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires 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 made in accordance with the plan unless material considerations indicate otherwise.

Planning History

The dwelling hereby applied for is subject to enforcement notices. In relation to this application the enforcement notice required that the residential use of the dwelling shall cease and removed in its entirety.

Principle of Development

For the purposes of the Powys Unitary Development Plan, the site lies within the open countryside. Policy HP4 states that 'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, 8 HP8 or HP9.'

When considering dwellings in the open countryside policy HP6 is carefully considered. The policy states that unless the proposal is for a development in compliance with the affordable housing policies of this plan, proposals for dwellings in the open countryside will only be permitted for agricultural or forestry uses or in association with a suitable rural enterprise such dwellings will only be acceptable where they meet the following criteria:

- It can be clearly demonstrated that there is a functional need for the development and that the proposed enterprise would be financially viable.
- The dwelling should utilise an existing building in accordance with the conversion policy (GP6) or if none is available, any new dwelling shall be located adjacent to existing buildings wherever possible.

In this instance the application does not relate to a forestry enterprise. The dwelling proposed is neither related to agriculture and therefore does not comply with policy HP6 of the Powys UDP. The proposed dwelling has therefore been put forward as an affordable dwelling within the open countryside.

The proposed development is not located within a settlement, nor does it adjoin a settlement with a development boundary, it is also not located within a rural settlement as defined by the Powys UDP. The nearest settlement is Erwood located to approximately 3,900 metres to the south east of the application site. The proposed development therefore does not comply with policy HP7, HP8 or HP9 of the Powys UDP (2010).

The proposal is therefore considered to be a departure from the adopted Powys Unitary Development Plan.

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that:

‘Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.’

The Powys Joint Housing Land Availability Study (JHLAS) 2015 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, 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”.

The JHLAS identified an undersupply of housing land within Powys and, as mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

Sustainability

In considering the proposed development, Members are asked to consider whether the provision of a single dwelling in this location will contribute to the noted shortfall and whether this is regarded as a sustainable location for new residential development. This can relate to a range of matters including education, shops and services.

The proposed development is located approximately 3,900 metres as the crow flies from the settlement of Erwood, the closest settlement with facilities. Given the proposed developments location it is considered that this development is in an unsustainable location within the open countryside.

In this instance the proposed development does not comply with the affordable housing policies of the Powys UDP and is located in an unsustainable location.

Highway Safety

Policy GP4 of the Powys Unitary Development Plan requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

Powys County Council's Highway Authority and the Welsh Government Trunk Road Agency have been consulted on the proposed development. The access from the application site joins the A470 trunk road and therefore falls under the jurisdiction of the Welsh Government Trunk Road Agency (TRA). The TRA have stated that the applicant has provided insufficient information to determine this application has been submitted in support of this application and would require information relating to visibility splays and details regarding the access.

Given the comments received from the TRA it is considered that insufficient information has been submitted in support of this application to demonstrate that the proposed development would not have a detrimental impact upon highway safety. The proposed development therefore fails to comply with policy GP4 of the Powys Unitary Development Plan (2010).

Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010) seek to safeguard and wherever possible enhance protected species and their habitats. This is further emphasised within Technical Advice Note (TAN) 5.

Powys County Council's Ecologist has been consulted on the proposed development. It is noted that no ecological information has been submitted with this application. The Ecologist has noted that the site is located within an extensive area of woodland. Historic records show a number of different European Protected Species within the search area of the proposal. It is recommended that a Reasonable Avoidance Method Statement be submitted prior to the commencement of development. Furthermore it is noted that the mature woodland provides suitable habitat for several species of bats, the ecologist has stated that the proposed development would have no adverse impacts on these areas. In order to ensure that no bats are adversely affected by artificial light, an appropriately worded condition will be attached to any granting of consent in order to secure a lighting scheme to be submitted and approved. The Ecologist has also considered the River Wye SAC which is located approximately 240 metres to the east of the site. The Officer has stated that due to the nature, scale and location of the proposal, there will be no significant adverse impacts anticipated.

In light of the above and the attachment of appropriately worded conditions it is considered that the proposed development fundamentally complies with policies ENV3 and ENV7 of the Powys UDP.

Environmental Health

Powys County Council's Environmental Health Officer has been consulted on the proposed development and has stated that details of the proposed package treatment plant are required. Given that a private package treatment plant is to be utilised it is considered that an appropriately worded condition can be attached to any granting of consent in order to ensure an appropriate method of foul drainage.

Other Legislative 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 there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

The proposed development is a departure from the Powys Unitary Development Plan (2010) and does not comply with affordable housing policies HP6, HP7, HP8 and HP9 of the Powys UDP (2010). The recommendation is therefore one of refusal on the following grounds:

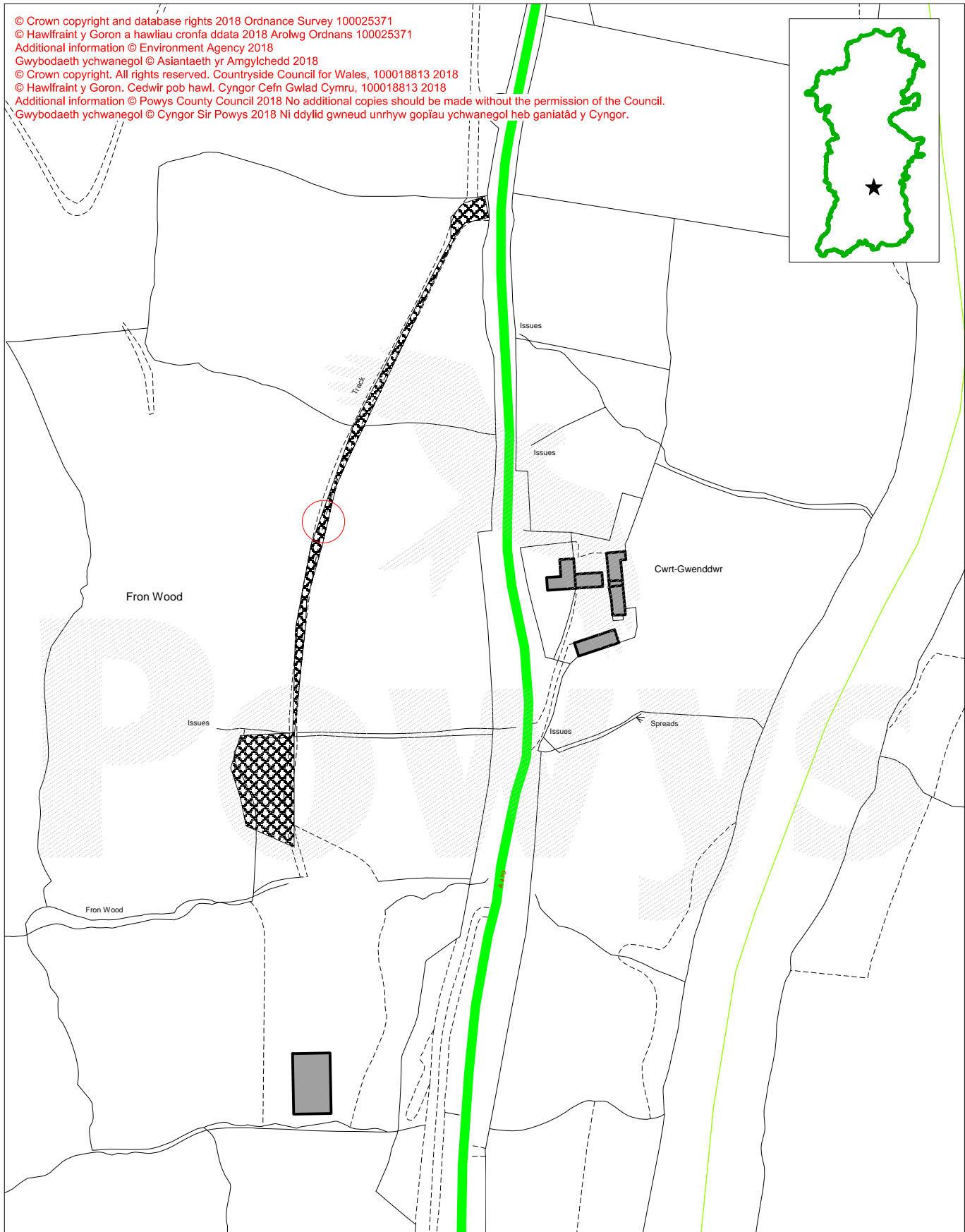
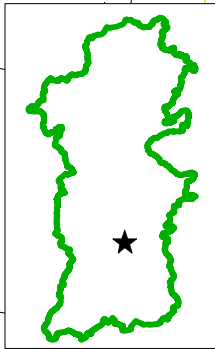
1. The proposed development constitutes unjustified development in the open countryside contrary to adopted policies on development in the open countryside.

The proposed development does not comply with policies HP6, HP7, HP8 and HP9 of the Powys Unitary Development Plan (2010).

2. Insufficient information has been provided to properly assess the acceptability of the development as to whether the development will have a detrimental impact upon highway safety. The proposed development therefore does not comply with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note: 18 Transport (2007).

Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk

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The Highway Authority has no fundamental objection to this proposal. Whilst it is noted that “all matters” including access are reserved for future consideration, the submitted “Proposed Site Layout” drawing clearly demonstrates that suitable levels of access visibility and off street parking and turning areas can be accommodated within the site limits.

Suitable access and visibility conditions can be secured during the reserved matters application.

PCC Building Control

No response received at the time of writing this report.

Wales and West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Sewerage

The proposed development would overload the Waste Water Treatment Works. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. If you wish to progress this development then it will be necessary for a feasibility study to be undertaken on the Wastewater Treatment Works at the developer's expense. The conclusion of this study will determine any improvement works required. The costs for undertaking this study must be paid for by the developer. For you to obtain a quotation for the feasibility study, we will require a fee of £250 + VAT to engage our consultants, this fee is non refundable.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

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

Please quote our reference number in all communications and correspondence.

NRW

Thank you for consulting Natural Resources Wales (letter dated 06/11/2017) regarding the above.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 – GCN: No demolition shall take place (including vegetation site clearance) until a Reasonable Avoidance Measures Scheme (RAMS) for Great Crested Newt has been submitted to and approved in writing by the local Planning authority.

Condition 2 – bats: Prior to construction a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority.

European Protected Species (EPS)

We note that the Phase 1 / Preliminary Ecological Appraisal Survey report dated October 2017 by Europaeus Land Management Services submitted in support of the above application has identified potential for mobile protected species to use the application site and conclude that suitable avoidance mitigation and sympathetic retention approach to habitat creation should be able to offset any impact on protected species.

EPS and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any EPS on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, NRW has specific concerns in relation to Great Crested Newts (GCN) as we hold a record of this species within 40m of the proposal and a pond is present within 140m to the west. The record location implies that GCN cross Llanthomas Lane and therefore there is a high possibility that this species utilises the proposed development site. It is our opinion that a Reasonable Avoidance Measurement Scheme is required to demonstrate that the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Condition 1 – GCN: No demolition shall take place (including vegetation site clearance) until a Reasonable Avoidance Measures Scheme (RAMS) for Great Crested Newt has been submitted to and approved in writing by the local Planning authority.

We also suggest that impact on bat flight lines and foraging ground is minimised by ensuring that a wildlife friendly exterior lighting plan is submitted prior to construction.

Condition 2 – bats: Prior to construction a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority.

Please also note that if any EPS are encountered during development, work must stop and NRW contacted for advice.

Flood Risk

The application site is situated near zone C2 as defined by the Development Advice Map referred to under TAN15 Development and Flood Risk (July 2004).

Given the scale of the proposed development, and in the absence of a Flood Consequence Assessment, we consider the risk could be acceptable subject to the development being implemented in accordance with layout plan (1500/PLN/01) and no ground raising within the flood plain.

The layout plan indicates surface runoff will be sent to soakaways. Should any new outfalls be required or other works affecting the Digedi Brook (an Ordinary watercourse), prior consent will be required from Powys CC as the lead local flood authority in this area (land.drainage@powys.gov.uk).

We would also recommend that the developer is made aware of the potential flood risks, and we would recommend the following flood resilience measures.

As the site is situated near the predicted extreme flood plain and to account for potential future climate change, you should consider the nature of the proposed construction materials and incorporate flood resilience measures for the extension. It would be relevant that the extension is constructed from the outset with suitable flood resilience measures in place, such as resilient walls, floors, doors, electric wiring etc. Further advice on all relevant and suitable resilience measures are available from the Construction Industry Research and Information Association (CIRIA) on 020 75493300, or via email to enquiries@ciria.org. The documents can also be found on the CIRIA web site at www.ciria.org.uk/flooding/advice_sheets.html.

The developer can access advice and information on protection from flooding on the following websites:

ODPM publication ‘Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties’ on the Planning Portal website: www.planningportal.gov.uk.

Foul Drainage

We note no information on foul water disposal has been included within this outline application. We are aware that the proposal falls within a sewerage catchment area and we would therefore expect foul drainage to be discharged to the mains sewer in accordance with Government policy. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website <https://naturalresources.wales/permits-and-permissions/water-discharges/?lang=en>

Pollution Prevention

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

PCC Ecologist

Consultation response received 01/12/2017:

Whilst the development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 it does not exceed the applicable thresholds and criteria specified in the Regulations.

A Phase 1 / Preliminary Ecological Appraisal (PEA) Survey report by Europaeus Land Management Services (October 2017) has been submitted with the application. These observations are based on an interpretation of these reports along with available plans, aerial and street imagery, and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

As identified in the PEA survey report, the site is located within the small village of Llanigon. To the northern boundary of the site is the Dulas Brook riparian corridor which flows westwards and feeds the River Wye. The site is bordered by properties to the west and east and generally surrounded by fields of pastoral farming and arable cultivation. The connectivity of habitat for wildlife is apparently reasonable with mixed species hedgerows and the riparian corridors forming boundaries and linked with patches of woodland, especially to the east. The main area of the application site comprises ancillary garden lawn / field with few small, exotic trees. There are significant and sizeable trees bordering the site to the north and also the Dulas Brook, including ash, sycamore, and alder.

There are historical records of various bat species within 1km of the proposed development, including Pipistrelle bats (300m), Brown long-eared bats (500m), Lesser horseshoe bats (500m), Noctule bats (520m) and Whiskered bats (520m). Other European species recorded within 1km of the proposed development include White-clawed Freshwater Crayfish (970m), Otter (300m), Atlantic Salmon (400m) and Great Crested Newts (60m).

The PEA survey report notes that the mature trees on the northern boundary of the site have limited features that are suitable for bats to roost, such as cracks and rot holes. Following inspection, it has been confirmed that no signs of bats were observed. From the proposed plans (1500/PLN/01), it is clear that these trees would not be affected by the proposed work. However, boundary features including the hedgerows and the riparian corridor are likely to be used by bats to forage and commute. Drawing Number: 1500/PLN/01 details the lighting proposal for the development – the lighting takes into consideration boundary features and their use by nocturnal species such as bats, and therefore it is considered that dark corridors would be maintained. This lighting proposal should be fully implemented and adhered to unless agreed otherwise with the Local Planning Authority, to ensure bats and other nocturnal animals are not affected.

Whilst the PEA survey report notes that no signs of reptiles or amphibians were observed during the site survey, there are records of Great Crested Newts within 50m of the proposed developments and there is a pond within 140m to the west of the development. Considering the proximity of GCN records and suitable habitat it is considered that there is a high possibility that this species utilises the site. I am in agreement with NRW's consultation response (dated 20/11/2017) that a statement detailing Reasonable Avoidance Measures to be implemented in order to demonstrate how the proposal will not be detrimental to the maintenance of the population of GCN is required before any clearance work commences.

There are historical records of a variety of bird species within 1km of the proposed development including House sparrow (200m), Dunnock (500m) and Green sandpiper (500m). Other UK protected species recorded within 1km of the proposed development include and Slow worms (200m).

The PEA identifies that there is evidence of nesting birds within the hedgerow bounding the site. It appears that a section of hedgerow would need to be removed in order to accommodate an entrance to the proposed development site and this element of the work should be carried out outside of the bird nesting season (March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

The hedgerow that borders the site to the north could also provide suitable shelter for common reptile species. Whilst the PEA notes that evidence of reptile species was not observed, it is considered likely that they would utilise the habitat bordering the site. It is recommended that Reasonable Avoidance Measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access.

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

It appears that the creation of the access to the site would require the removal of a section of hedgerow. Hedgerows are a Section 7 Priority Habitat. The applicant has provided a hedgerow planting proposal (detailed on plan number 1500/PLN/01) which would result in net gain of hedgerows on site. Furthermore, all the hedgerows retained as part of the development in accordance with BS:5837:2012.

Also, it is noted on the submitted plan that installed bat and bird boxes would be maintained, however, no details of the bat and bird boxes have been provided. Whilst several measures have been outlined in order to enhance biodiversity of the site, it is recommended that details are incorporated into a Biodiversity Enhancement Plan and submitted to the LPA for approval.

It is recommended that vegetation clearance work is carried out outside of the bird nesting season (March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

It is recommended that Reasonable Avoidance Measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access.

It notes on the submitted plan that installed bat and bird boxes would be maintained, however, no details of the bat and bird boxes has been provided. Whilst several measures have been outlined in order to enhance biodiversity of the site, it is recommended that details are incorporated into a Biodiversity enhancement plan and submitted to the LPA for approval.

A Newt Reasonable Avoidance Method Statement, produced by a suitably qualified and experienced ecologist to demonstrate that the proposed works, including construction activities, will be undertaken in a manner to ensure no negative impacts to Great Crested Newt and/or their habitats on site needs to be provided before the planning application can be determined.

Should you be minded to approve this application, I recommend the inclusion of the following conditions:

Prior to commencement of development a reptile and small animals Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

The Landscaping Scheme specifications and aftercare measures identified in Drawing Number 1500/PLN/01 shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Informatives

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built

- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

Consultation response received 20/12/2017:

We provided ecological observations on this application on 01/12/17. Additional information provided subsequent to these comments includes a Reasonable Avoidance Measures / Precautionary Method Statement for Great Crested Newts by Europaeus Land Management Services dated 13th December 2017.

Comments made following receipt of this information are included in bold text below. Otherwise the previous observations remain valid.

Whilst the development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 it does not exceed the applicable thresholds and criteria specified in the Regulations.

A Phase 1 / Preliminary Ecological Appraisal (PEA) Survey report by Europaeus Land Management Services (October 2017) has been submitted with the application. These observations are based on an interpretation of these reports along with available plans, aerial and street imagery, and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

Further to the PEA, a Reasonable Avoidance Measures / Precautionary Method Statement for Great Crested Newts by Europaeus Land Management Services dated 13th December 2017 has been supplied with the application.

As identified in the PEA survey report, the site is located within the small village of Llanigon. To the northern boundary of the site is the Dulas Brook riparian corridor which flows westwards and feeds the River Wye. The site is bordered by properties to the west and east and generally surrounded by fields of pastoral farming and arable cultivation. The connectivity of habitat for wildlife is apparently reasonable with mixed species hedgerows and the riparian corridors forming boundaries and linked with patches of woodland, especially to the east. The main area of the application site comprises ancillary garden lawn / field with few small, exotic trees. There are significant and sizeable trees bordering the site to the north and also the Dulas Brook, including ash, sycamore, and alder.

There are historical records of various bat species within 1km of the proposed development, including Pipistrelle bats (300m), Brown long-eared bats (500m), Lesser horseshoe bats (500m), Noctule bats (520m) and Whiskered bats (520m). Other European species recorded within 1km of the proposed development include White-clawed Freshwater Crayfish (970m), Otter (300m), Atlantic Salmon (400m) and Great Crested Newts (60m).

The PEA survey report notes that the mature trees on the northern boundary of the site have limited features that are suitable for bats to roost, such as cracks and rot holes. Following inspection, it has been confirmed that no signs of bats were observed. From the proposed plans (1500/PLN/01), it is clear that these trees would not be affected by the proposed work. However, boundary features including the hedgerows and the riparian corridor are likely to be used by bats to forage and commute. Drawing Number: 1500/PLN/01 details the lighting proposal for the development – the lighting takes into consideration boundary features and their use by nocturnal species such as bats, and therefore it is considered that dark corridors would be maintained. This lighting proposal should be fully implemented and adhered to unless agreed otherwise with the Local Planning Authority, to ensure bats and other nocturnal animals are not affected.

Whilst the PEA survey report notes that no signs of reptiles or amphibians were observed during the site survey, there are records of Great Crested Newts within 50m of the proposed developments and there is a pond within 140m to the west of the development. Considering the proximity of GCN records and suitable habitat it is considered that there is a reasonable likelihood that this species utilises the site.

A Reasonable Avoidance Measures / Precautionary Method Statement for Great Crested Newts by Europaeus Land Management Services dated 13th December 2017 has been supplied with the application. The statement concludes that there is limited potential to encounter Great Crested Newts during the proposed works and therefore, provided that the Precautionary Method of Working outlined in Section 3 of the Method Statement is adhered to, it is considered unlikely that the proposed work would have any significant impact on this protected species.

There are historical records of a variety of bird species within 1km of the proposed development including House sparrow (200m), Dunnock (500m) and Green sandpiper (500m). Other UK protected species recorded within 1km of the proposed development include and Slow worms (200m).

The PEA identifies that there is evidence of nesting birds within the hedgerow bounding the site. It appears that a section of hedgerow would need to be removed in order to accommodate an entrance to the proposed development site and this element of the work should be carried out outside of the bird nesting season (March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

The hedgerow that borders the site to the north could also provide suitable shelter for common reptile species. Whilst the PEA notes that evidence of reptile species was not observed, it is considered likely that they would utilise the habitat bordering the site. It is recommended that Reasonable Avoidance Measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access.

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

It appears that the creation of the access to the site would require the removal of a section of hedgerow. Hedgerows are a Section 7 Priority Habitat. The applicant has provided a hedgerow planting proposal (detailed on plan number 1500/PLN/01) which would result in net gain of hedgerows on site. Furthermore, all the hedgerows retained as part of the development should be protected in accordance with BS:5837:2012.

Also, it is noted on the submitted plan that installed bat and bird boxes would be maintained, however, no details of the bat and bird boxes have been provided. Whilst several measures have been outlined in order to enhance biodiversity of the site, it is recommended that details are incorporated into a Biodiversity Enhancement Plan and submitted to the LPA for approval.

It is recommended that vegetation clearance work is carried out outside of the bird nesting season (March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

It is recommended that Reasonable Avoidance Measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access – As per Reasonable Avoidance Measures / Precautionary Method Statement for Great Crested Newts by Europaeus Land Management Services dated 13th December 2017

It notes on the submitted plan that installed bat and bird boxes would be maintained, however, no details of the bat and bird boxes has been provided. Whilst several measures have been outlined in order to enhance biodiversity of the site, it is recommended that details are incorporated into a Biodiversity enhancement plan and submitted to the LPA for approval.

I consider that sufficient information has now been provided to determine the ecological impact of the application.

Should you be minded to approve this application, I recommend the inclusion of the following conditions:

The Reasonable Avoidance Measures / Precautionary Method Statement for Great Crested Newts by Europaeus Land Management Services dated 13th December 2017 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

The Landscaping Scheme specifications and aftercare measures identified in Drawing Number 1500/PLN/01 shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Informatives

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended).

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;

- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

PCC Environmental Health

Consultation response received 09/11/2017:

Having taken a look at the residential nature of the area where the proposed development will be sited and given consideration to noise creation, I would firstly recommended that the landscaping and construction period working hours and delivery times be restricted as follows:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

Secondly I would require further information regards the intended foul drainage system for the prosed development.

It is Government policy that, where practical, foul drainage should be discharged to the mains sewer. If this is not possible and the applicant proposes to install a sewage treatment plant then subject to a consent being obtained from NRW for the sewage discharge to a watercourse then there would be no objection.

However if the sewage treatment plant is to discharge to a drainage field or should a septic tank be utilised then prior to any planning permission being granted the applicant/agent

should submit percolation test results (including calculations) which demonstrate that the septic tank and soakaway are sufficiently sized and ground conditions are suitable for the foul drainage soakaway. Please see attached percolation test form. This should be carried out in accordance with document H2 of the Building Regulations. Also we would like to be advised when the percolation testing is carried out so a site visit can be made to look at the exposed ground.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>.

Representations

Following the display of a site notice and press advertisement, no public representations have been received at the time of writing this report.

Planning History

None as per GIS

Principal Planning Constraints

C2 Flood Zone
Historic Landscapes Register Outstanding

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 1 – Joint Housing Land Availability Studies (2015)
Technical Advice Note (TAN) 2 – Planning and Affordable Housing (2006)
Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note (TAN) 12 – Design (2016)
Technical Advice Note (TAN) 15 - Development and Flood Risk (2004)
Technical Advice Note (TAN) 18 – Transport (2007)
Technical Advice Note (TAN) 23 – Economic Development (2014)
Technical Advice Note (TAN) 24 – The Historic Environment (2017)

Local planning policies

Powys Unitary Development Plan (2010)

SP1 – Social, Community and Cultural Sustainability
SP3 - Natural, Historic and Built Heritage

SP5 – Housing Developments
SP14 - Development In Flood Risk Areas
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 - Highway and Parking Requirements
HP1 – Shire Housing Allocations
HP3 – Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 – Residential Developments
HP6 – Dwellings in the Open Countryside
HP8 – Affordable Housing Adjoining Settlements with Development Boundaries
ENV 2 - Safeguarding the Landscape
ENV 3 - Safeguarding Biodiversity & Natural Habitats
ENV 4 - Internationally Important Sites
ENV 5 - Nationally Important Sites
ENV 7 - Protected Species
ENV 8 - Tree Preservation Orders
ENV 14 - Listed Buildings
ENV 17 - Ancient Monuments & Archaeological Sites
ENV 18 - Development Proposals Affecting Archaeological Sites
DC11 – Non-mains Sewage Treatment
TR3 – Tourist Attractions and Development.

Powys Residential Design Guide (October 2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires 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 made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

For the purposes of the Powys Unitary Development Plan, the site lies within the open countryside. Policy HP4 states that 'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, 8 HP8 or HP9.' It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposal is therefore considered to be a departure from the adopted Powys Unitary Development Plan.

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that:

‘Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.’

The Powys Joint Housing Land Availability Study (JHLAS) 2015 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, 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”.

The JHLAS identified an undersupply of housing land within Powys and, as mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

Sustainability

In considering the proposed development, Members are asked to consider whether the provision of two dwellings in this location will contribute to the noted shortfall and whether this is regarded as a sustainable location for new residential development. This can relate to a wide range of matters including transport, education, shops and services.

Llanigon is classified as a large village within the Powys Unitary Development Plan (2010). Although Llanigon has limited facilities the village does contain a school and consequently for planning purposes Llanigon has been classed as a large village. Llanigon is also within close proximity to the settlements of Hay on Wye and Glasbury where additional services can be found.

In light of the proximity to large settlements it is considered that the proposed scheme is in a sustainable location.

Highway Safety

Policy GP4 of the Powys Unitary Development Plan requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

Access and Layout is reserved for future consideration, however, Powys County Council’s Highway Authority has been consulted on this application. The Highway Officer has stated that the Highway Authority has no fundamental objection to this proposal. It is noted that “all matters” including access are reserved for future consideration, however, the submitted “Proposed Site Layout” drawing clearly demonstrates that suitable levels of access visibility and off street parking and turning areas can be accommodated within the site limits. Given

that access, visibility splays and parking can be secured at the reserved matters stage it is considered that this can be achieved.

It is therefore considered that the proposed development complies with planning policy GP4 of the Powys Unitary Development Plan.

Appearance, Layout and Scale

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Whilst Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, given the size of the development site and proximity to existing properties, it is considered that the application site is capable of accommodating two dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties.

Affordable Housing

Given the scale of the development (two houses and 0.09 hectares) it is considered that Unitary Development Plan policies do not enable affordable housing to be secured as the site is less than 0.3 hectares and under 5 dwellings.

Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan seek to safeguard protected species and their habitats through development proposals. This is further emphasised within Technical Advice Note (TAN) 5.

Powys County Council's Ecologist has been consulted as well as NRW. Powys' Ecologist initially stated that a Newt Reasonable Avoidance Method Statement would be required prior to determination in order to demonstrate that the proposed works, including construction activities would not result in negative impacts to Great Crested Newts.

Following the submission of the additional information in relation to the Great Crested Newts the Ecologist was re-consulted. The Ecologist confirmed that the information was acceptable and confirmed that no objections would be put forward. The Ecologist has required that appropriately worded conditions are attached to any granting of consent in order to secure that the method statement for reasonable avoidance measures are adhered to. As well as securing appropriate landscaping, a tree and hedgerow protection plan and a lighting scheme to ensure that protected species are not detrimentally impacted upon.

In light of the above and the attachment of appropriately worded conditions it is considered that the proposed development will not have a significant negative impact upon protected species and their habitats and therefore comply with policy ENV3 and ENV7 of the Powys UDP.

Flooding

Policy SP14 of the Powys UDP refers to development in flood risk areas. The majority of the site lies outside the C2 flood zone, however a small part of the site to the east does lie within the C2 flood zone and would be considered as highly vulnerable development. Policy SP14 states that highly vulnerable development and emergency services will not be permitted in C2 flood zones. Natural Resources Wales (NRW) been consulted on the proposed development. Officers from NRW have noted the proximity of the development site to the C2 flood zone and have stated that given the scale of the proposed development NRW consider the risk acceptable subject to the development being implemented in accordance with the layout plan, which demonstrates that no building would be within the flood zone, (1500/PLN/01) and no ground raising to be carried out within the flood plain.

In light of the above and confirmation from NRW, that a FCA would not be required in this instance due to the location of the development site it is considered that the proposed development fundamentally complies with policy SP14 of the Powys UDP and TAN 15.

Environmental Health

Powys County Council's Environmental Health Officers have been consulted in relation to noise and the means of foul drainage. The Environmental Health Officer has stated that due to the surrounding residential dwellings a condition will be attached to any granting of permission in order to restrict operating hours to reduce noise impacts caused during construction.

The Environmental Health Officer has also considered the method of drainage and initially asked for additional information as to the means of foul drainage including percolation test results. The applicant has since confirmed via e-mail that they will be discharging to a watercourse. A separate permit is therefore required from NRW in relation to the means of foul drainage.

In light of the above it is therefore considered that the proposed development complies with policy GP1 in relation to noise and policy DC11 in relation to foul drainage of the Powys UDP (2010).

Other Legislative 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 there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions.

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 1500/PLN/01, 1500/S/01 & Site Location Plan).

5. The Reasonable Avoidance Measures / Precautionary Method Statement for Great Crested Newts by Europeans Land Management Services dated 13th December 2017 shall be adhered to and implemented in full.
6. The Landscaping Scheme specifications and aftercare measures identified in Drawing Number 1500/PLN/01 shall be adhered to and implemented in full.
7. Prior to the commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to and approved in writing by the Local Planning Authority.
8. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

9. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800 - 1800 hrs Monday to Friday

0800 - 1300 hrs Saturday

At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

10. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first beneficial use of the development and retained in perpetuity.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
6. To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
7. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
8. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.
9. To safeguard the amenities of the locality in accordance with policy GP1 of the Powys Unitary Development Plan.
10. To safeguard the public sewerage system and reduce the risk of surcharge flooding and in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan.

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird

- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

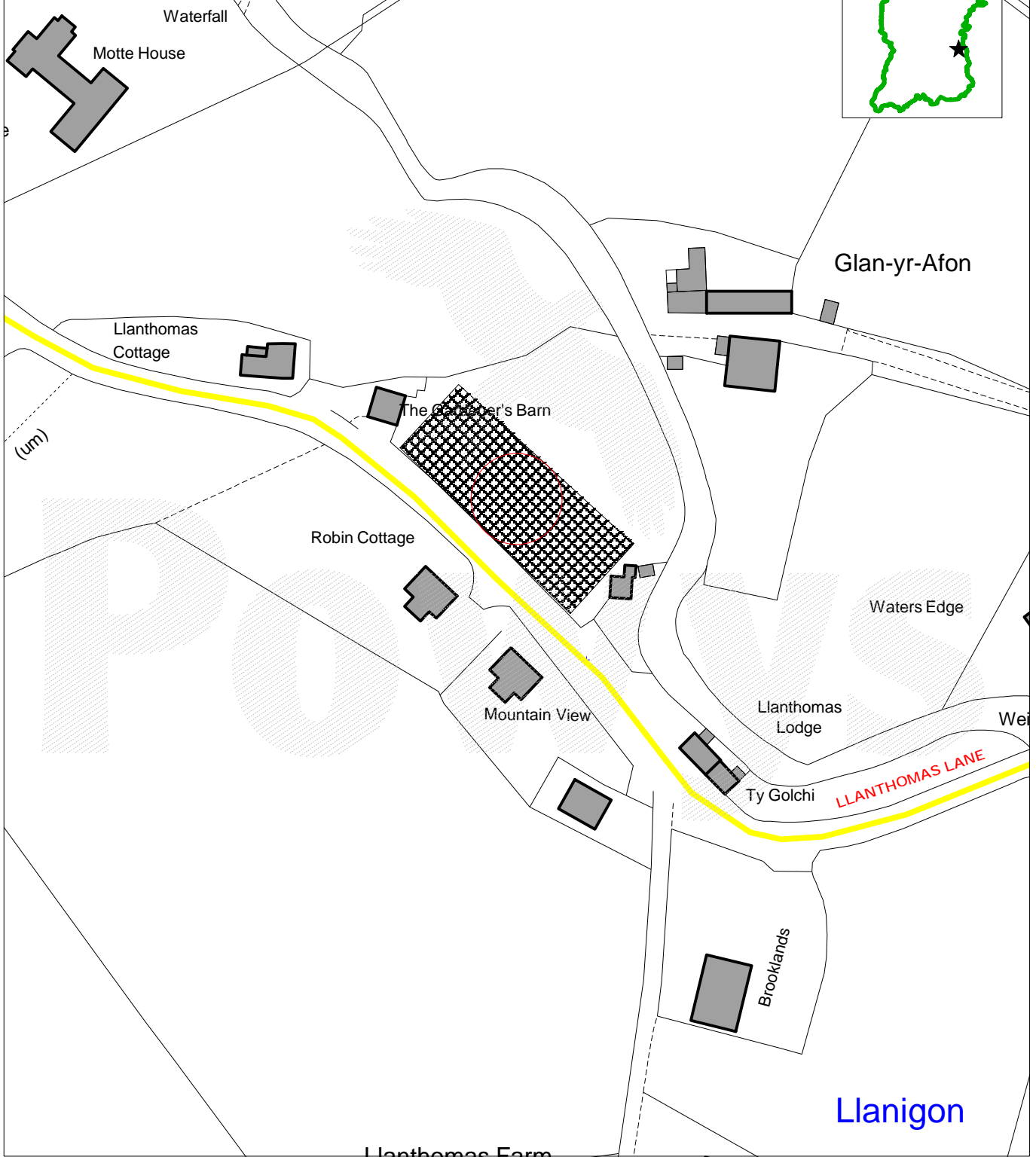
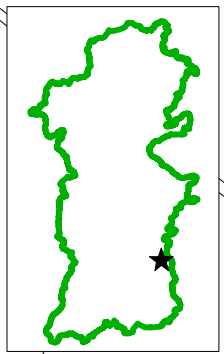
- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail: thomas.goodman@powys.gov.uk

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.lanigon

6.7

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0969	Grid Ref:	300661.43 294136.08
Community Council:	Caersws	Valid Date:	Officer: 22/08/2017 Gemma Bufton
Applicant:	Mr L George, Pontdolgoch Mill, Pontdolgoch, Caersws, Powys, SY17 5JE		
Location:	Land opposite Cefn y Wern, Pontdolgoch, Caersws, Powys, SY17 5NJ		
Proposal:	Outline: Proposed residential development of up to 3 dwellings, formation of vehicular access & access road & all associated works (some matters reserved).		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The application is a departure from the development plan and is recommended for approval.

Site Location and Description

The application site is located within the Community Council area of Caersws and within the rural settlement of Pontdolgoch. The application is however located outside of any settlement boundary and is therefore considered to be a departure from the Unitary Development Plan.

The application site is located with the A470 trunk road running to the west of the application site and the U2887 county highway to the south in which access is sought from. To the north is agricultural land whilst to the east is a small area of woodland which adjoins the River Carno.

Consent is sought in outline with all matters reserved except for access for the erection of two detached dwellings.

Consultee Response

Caersws Community Council-

No response received at the time of writing this report.

PCC Highways-

The County Council as Highway Authority for the County Unclassified Highway, U2887

Wish the following recommendations/Observations be applied
Recommendations/Observations

With reference to the planning application relating to the following proposed development:

The applicant should be aware that upon the issuing of Building Regulations, the Highway Authority will serve notice under S.219/220 of the Highways Act 1980 requiring the developer to pay a sum of monies prior to any works commencing on the site.

HC1 Prior to the occupation of any dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC3 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured

from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC13 Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

HC21 Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

HC26 When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

HC27 The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

HC29 All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge/fence/wall should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

PCC Building Control-

Building regulation approval will be required.

PCC Ecologist-

13th October 2017

Thank you for consulting me with regards to planning application P/2017/0969 in relation to the outline for proposed residential development of up to 3 dwellings, formation of vehicular access & access road & all associated works (some matters reserved) on land opposite Cefn y Wern, Pontdolgoch, Caersws.

I have reviewed the proposed plans and aerial images of the proposed site for the developments and surrounding habitats as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 40 records of protected and priority species within 500m of the proposed development – no records for the site itself.

There are no designated sites present within 500m of the proposed development.

Habitat Phase 1 and Protected Species Survey

The area that the of the proposed developments appears to be an area of semi-improved grassland with a hedgerow boundary to the south and southeast and Afon Carno which is lined with mature trees to the north of the proposed development.

The well-established hedgerow boundary along with the trees in combination with the Afon Carno watercourse and grassland present provide a diverse site that forms part of a corridor of habitats of high ecological value.

An extended Phase 1 habitat survey is recommended to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species .

Consideration should be given for the potential for the site to be used by Bats – particular attention should be given to the potential for the mature trees on the proposed development site to support roosting bats. I also note a number of reptile and records of otter within close proximity of the proposed development site.

The ecological assessment should evaluate the potential impacts of the proposed developments on protected and/or notable species, such as species of conservation concern and locally important species listed in the Powys BAP.

It is important to note that further surveys following National guidelines at the appropriate time of year maybe be required for any species that are found or have potential to be present. These surveys will need to be carried out and results and any mitigation measures proposed submitted to the LPA prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

If any mitigation and/or compensation strategies proposed for the development, full details must be provided with the planning application and where appropriate clearly illustrated on the proposed plans.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

The applicant should be mindful that in accordance with Powys County Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity

IDCG, as part of the planning process Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Details of ecological consultants working in Powys can be found at <http://www.cieem.net/members-directory> (please note this is not a Powys County Council approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

Therefore it is considered that there is insufficient information with regard to potential impacts to protected and priority species, to determine this application. Further information is required to be submitted prior to determination of the application.

Pollution Prevention Plan

Given the proximity of proposed development to Afon Carno (approximately 25m) to the North of the proposed development and the nature of the proposed works it is considered that a pollution prevention plan will need to be identified to ensure no negative impact is caused during construction activities and during operation of the site. I therefore recommend that a Pollution Prevention Plan is secured through a planning condition however, as further information has been requested prior of determination of the application - submission of these details at this stage would avoid the need for a pre-commencement condition requiring this information.

It is recommended that reference is made to Pollution Prevention Guidelines Series in particular PPG 6 - Working at construction and demolition sites and GPP 5 – Works and maintenance in or near water; these documents can be found at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Tree and Hedgerow Protection Plan

Its appears from the proposed plans that sections of hedgerow maybe removed to provide new vehicular access. It is important to note that hedgerows are listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi. Hedgerows and linear tree features are also included in the Powys LBAP under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Powys UDP Policy ENV2 states that 'Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows'

Should the proposals require the removal of any hedgerows or trees to accommodate the proposed development including creation of new access or any associated works then appropriate compensation in line with the requirements of UDP Policies ENV2 and ENV6 will need to be provided.

Where impacts to hedgerows or trees are identified an appropriate compensation strategy will be required, where possible translocation of existing hedgerows should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Given the proximity of development to surrounding trees and hedgerows, it is considered prudent to require information as to how these features of biodiversity importance will be protected during the construction period of works.

Landscaping Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. This information could be secured through a planning condition, however the submission of a Landscaping Planting Scheme with a planning application would avoid the need for a pre-commencement condition requiring this information.

Lighting

Careful consideration will need to be given to any external lighting of the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area, woodland or watercourse. This information could be secured through a planning condition, however the submission of a Wildlife Sensitive Lighting Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

Additional correspondence 16th November 2017

The site area is understood to be 0.4 hectares and includes up to 3 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.

Following previous comments on this application provided by the Powys County Council ecologist on 13th October 2017 an extended Phase 1 habitat survey has been completed by Arbor Vitae Environment (October 2017) and the accompanying report submitted with the application as additional information. These observations are based on the ecology report, an interpretation of available aerial and street imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

The ecology report confirms that the proposals are located on a semi-improved grass field (heavily grazed by sheep) within a working livestock farm. The proposals would occupy the

southern corner, which is bounded by a hedgerow to the south-west (of which 25m would be lost to create a visibility splay) and a woodland following the Afon Carno to the south-east.

European Species

Within 1km of the site historic records of European Protected Species are sparse, but include unknown bat species (within 204m), Otter (within 283m), Pipistrelle bat species (within 430m) and Brown Long-eared bat (within 479m), but none from within the site itself.

The ecology report by Arbor Vitae confirms that there are no bat roosting features within the site, but such features are present within the fringe of the adjacent woodland to the east, which also provides a foraging route for bats. The report makes recommendations to mitigate the impact on bats by installing lighting that is sensitive to bats and other nocturnal wildlife, particularly avoiding illumination of the adjacent woodland edge. The replacement of hedgerows is also recommended as well as the provision of six bat boxes within the adjacent woodland edge.

The adjacent woodland is also considered likely to provide suitable habitat for dormice, but the hedgerow within the site is heavily-maintained and therefore not considered suitable. The ecology report considers impacts on this species as being negligible.

UK species

In addition to the species listed above, within 1km of the site there are historic records of Slow Worm and Grass Snake (within 204m) and Barn Owl (within 657m).

The ecology report does not consider that adverse impacts on reptiles would occur at this site, but the hedgerow that borders the site provides potentially suitable habitat for nesting passerine birds. Recommendations are therefore made in the Arbor Vitae Ecology Report regarding sensitive timing of the site clearance works and suitable avoidance measures to avoid adverse impacts on these features. Recommendations are also made to retain trees and translocate hedgerows in order to maintain these habitats at the site.

Replacement planting of native species hedgerows is also proposed as well as the provision of six bird nest boxes within the woodland edge trees.

Section 7 Species and Habitats

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

In addition to the species listed above, within 1km of the site there are historic records of Hedgehog (within 400m), Hare (within 400m) and Polecat (within 261m).

The ecology report considers that a potential foraging and migration route for Hedgehogs and Polecats could be lost to the development due to removal of the hedgerow. Sensitive timing of the hedgerow clearance to take place between March and November outside of the Hedgehog hibernation period is therefore recommended in the ecology report by Arbor Vitae.

It would seem likely that the creation of the new access point would require the removal of 25m of hedgerow. Hedgerows are a Section 7 Priority Habitat and the Ecology Report states that 65m of replacement hedgerow consisting of locally-occurring native species will be planted around the boundaries of the site. I suggest that any removed hedgerow is translocated to areas within the development site instead of buying and planting new stock. If this is not possible, the replacement hedgerow stock should consist of locally-occurring, native species to be approved by the LPA prior to commencement of works.

Given the proximity of development works to surrounding trees and hedgerows, it is considered prudent to require information from the applicant as to how these features of biodiversity importance for wildlife will be protected during the construction period of works.

Rivers are also a Section 7 Priority Habitat and the Afon Carno is located approximately 25m to the east of the proposal. A Pollution Prevention Plan, referring to GPP5 and PPG6 is therefore required to be submitted for the LPA's approval prior to commencement of works.

LBAP Species and Habitats

In addition to the species listed above, within 1km of the site there are historic records of Palmate Newt (within 261m), Smooth Newt and Common Frog (within 204m). The Ecology Report does not refer to these species being present within the site, but please refer to the observations above regarding proposed mitigation for bats, bird species and hedgehogs.

International Sites (within 1km)

There no international sites for nature conservation within the search area.

National Sites (within 1km)

There no national sites for nature conservation within the search area.

Local Sites

There no local sites for nature conservation within the search area.

The Ecology report by Arbor Vitae does not make reference to non-native invasive species being present within the site.

Recommendations

The recommendations contained within the extended Phase 1 habitat survey report by Arbor Vitae (October 2017) should be conditioned accordingly and implemented within the proposals. I have included suggested conditions regarding this below.

I have also made recommendations for the applicant to provide a lighting plan, tree protection plan and pollution prevention plan prior to commencement of the works and suggested conditions for these are provided below.

I suggest that any removed hedgerow is translocated to areas within the development site instead of buying and planting new stock. If this is not possible, the replacement hedgerow stock should consist of locally-occurring, native species to be approved by the LPA prior to commencement of works.

I consider that sufficient information has now been provided to determine the ecological impact of this application.

Recommended Conditions

Should you be minded to approve this application, I recommend the inclusion of the following conditions:

The recommendations regarding hedgerows, bats, birds and hedgehogs identified in Section 6 of the Ecological Report by Arbor Vitae dated October 2017 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

SP3 Natural, Historic and Built Heritage
ENV 2: Safeguard the Landscape
ENV 3: Safeguard Biodiversity and Natural Habitats
ENV 6: Sites of Regional and Local Importance
ENV 7: Protected Species

PCC Environmental Health-

20th September 2017

Thank you for your consultation in respect of this application. Whilst the development is relying on septic tank drainage, the applicant has not provided a suitable porosity test results to confirm that the ground is suitable and that they have sufficient land for the size of the development. The septic tank also need to be of suitable capacity.

This is particularly pertinent in Pontdolgoch as from experience the area does contain poorly draining soils in some parts of the village and in addition there will be loading from 3 houses

At present we would be recommending refusal due to insufficient information, but would welcome any additional information from the applicant.

Additional Correspondence 3rd November 2017-

Thank you for the additional information. Subject to the applicant securing the necessary consent to discharge to the watercourse I have no objection to this application.

PCC Welsh Government Transport-

I refer to your consultation of 04/09/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road directs that any permission granted by your authority shall include the following conditions:

1. The septic tank effluent shall not interfere or connect in any way with the highway surface water drainage or give rise to nuisance upon the highway
2. The applicant shall provide wheel- washing facilities or an alternative method to be approved by the Local Planning Authority in consultation with the Welsh Government at the site exit. Such facilities shall thereafter remain available during construction phase and be used by all vehicles exiting the construction site.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

Representations

Two letters of objection have been received. The letter can be summarised as follows:

- Impact on privacy for neighbouring residential properties
- Increase on traffic and impact on highway safety
- Orientation of proposed dwellings
- Increase in flood risk (highway drainage)

Planning History

None

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 1 – Joint Housing Land Availability Studies (2015)

Technical Advice Note 2 – Planning and Affordable Housing (2006)

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

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note 11- Noise (1997)

Technical Advice Note 12 – Design (2016)

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

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 20- Planning and the Welsh Language (2017)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

Welsh Government Practice Guidance: Planning for Sustainable Buildings (2014)

Welsh Government Circular 016/2014: The Use of Conditions

Welsh Office Circular 10/99: Drainage

Local Policies

Unitary Development Plan (March 2010)

SP3 – Natural, Historic and Built Heritage

SP5 – Housing Developments

SP14- Development in Flood Risk Areas

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

HP3 – Housing Land Availability
HP4 – Settlement Development Boundaries and Capacities
HP6 – Dwellings in the Open Countryside
HP9 – Affordable Housing in Rural Settlements
HP10 – Affordability Criteria
TR2- Tourist Attractions and Development Areas
DC9- Protection of Water Resources
DC10- Mains Sewage Treatment
DC11 – Non-Mains Sewage Treatment
DC13 – Surface Water Drainage
DC14- Flood Prevention Measures

Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (2011)

Powys Residential Design Guide (2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires 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 made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

The application site is located entirely outside of a settlement development limits as defined by the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered as a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, 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”.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

The site itself is within the rural settlement of Pontdolgoch. Whilst a rural settlement and this application is for two proposed dwellings it is considered that Pontdolgoch is located within proximity to a number of settlements including the following:

Clatter 850 metres
Llanwnog 1.4km
Caersws 2.5 km
Carno 4.7km

Based on the proximity of these services which include facilities such as Church, Primary Schools, Railway Stations, Shops and Public Houses/ Hotels and the location on the A470 trunk road which boasts good transport links it is considered that on balance that two dwellings within this location would be considered as acceptable.

Scale, Design and Appearance

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout. The proposed scheme indicates 2 detached dwellings.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating the dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Amenity

Policy GP1 of the Powys Unitary Development Plan states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals and the proposal should complement and where possible enhance the character of the surrounding area.

Letters of objections have been received from neighbouring residential properties. The concerns raised relate to loss of privacy to the neighbouring residential properties. It is noted that there are no residential properties located directly adjoining the application site. The closest is located on the opposite side of the unclassified road and located approximately 70 metres to the south of the application site. Based on the distances involved as indicated on the indicative layout it is considered that the proposed development would not be seen as having an impact on the amenity of the neighbouring residential property by either loss of light or privacy.

Therefore, whilst the layout is for indicative purposes only it is considered that the layout indicated is considered to be appropriate and would provide ample space for the proposed dwellings to be developed without compromising the amenity of neighbouring residential properties and therefore comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that the proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

Whilst the site would be visible from public vantage points including the public highways, taking into account the location of the application site which is adjacent to existing residential development it is considered that the visual impact and the proposed scale of the dwellings, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as category 4 agricultural land; this is defined as poor quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification of category 4 it is considered that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

Ecology

The Council acknowledges the need to protect biodiversity from adverse development through careful monitoring, maintenance and the protection of habitats and species worthy of conservation. Therefore the nature conservation policies in the UDP seek to safeguard and enhance biodiversity, and these objectives are also echoed in national policy (TAN5 and Planning Policy Wales).

It is noted that the development site is located on semi-improved grass field within a working livestock farm. Insufficient information was received but following re-consultation an Ecology report was submitted in support of the application site which confirmed that there is no bat roosting features within the site. The Ecologist has been consulted and has confirmed that they have no objection to the proposed development subject to the implementation of appropriately worded conditions.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Caersws is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

From the 2011 census for the Caersws community area the percentage of those with some knowledge of Welsh has increased slightly by 5.7% since the 2001 census data

In light of the above and given the scale of the proposed development it is considered that the proposal will not have an unacceptable adverse impact upon Welsh language and culture.

Other Planning Legislative 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 there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in

accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Prior to the occupation of any dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
5. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
6. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
7. Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
8. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
9. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning

area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

10. The width of the access carriageway, constructed as Condition 7 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

11. Prior to the occupation of the development a radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

12. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

13. When installed there shall be a minimum clearance of 6 metres from the nearest part of the adjoining highway verge or footpath to any part of the septic tank or its soakaway installation.

14. The septic tank effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.

15. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

16. Upon formation of the visibility splays as detailed in Condition 6 above the centreline of any new or relocated hedge/fence/wall should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

17. No storm water drainage from the site shall be allowed to discharge onto the county highway.

18. The recommendations regarding hedgerows, bats, birds and hedgehogs identified in Section 6 of the Ecological Report by Arbor Vitae dated October 2017 shall be adhered to and implemented in full.

19. Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

20. Prior to the first use of any external lighting a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and development thereafter shall be completed in full accordance with the details as approved.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.

2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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16. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
18. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
19. To comply with Powys County Council's UDP Policies ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
20. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Case Officer: Gemma Bufton- Principal Planning Officer
Tel: 01597 827505 E-mail: gemma.bufton1@powys.gov.uk

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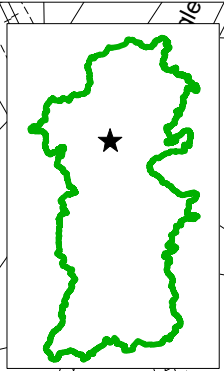
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Pont-dol-goch

Path (um)



Shingle

y-Wern

Hillcrest

A 470

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NOTE: The council is keen to support affordable housing and for local needs wherever possible.

Highways Dept north

Correspondence received 14th August 2017

The County Council as Highway Authority for the County Unclassified Highway, U4418

**Wish the following recommendations/Observations be applied
Recommendations/Observations**

HC1 Prior to the occupation of the development any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.

HC3 The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 33 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of the development, provision shall be made within the curtilage of the site for the parking of not less than 16 cars to include 5 disabled bays excluding any garage space provided with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 6 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC21 Prior to the occupation of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

HC22 Within 5 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

In the interests of highway safety.

Severn Trent water

Correspondence received 19th May 2017

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution.

Correspondence received 30th November 2017

As the applicant is proposing an indirect connection to the canal for surface water drainage, and a foul sewage connection to the public foul sewer I have no objections to the proposals and apologies for advising the need for a condition.

Environmental Health (Environmental Protection)

Correspondence received 17th May 2017

I have no objection to the application.

Environmental Health (Contaminated Land)

Correspondence received 29th May 2017

It is noted that the proposed development is situated **on** land that was formerly **a lorry park and housing development with asbestos materials present** which is a potential contaminative use. In light of this, it will be necessary to condition any future consent so as to ensure that any potential contamination issues are adequately dealt with. I would recommend that the following condition and note to applicant be applied to any future consent that may be granted.

Condition A

Condition 1. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation.

Condition 2. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. *The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.*

Condition 3. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Condition 4. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ____ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

Correspondence received 29th November 2017

I have re-considered the information presented as (you stated) the remediation strategy had not been submitted at the time of my previous comments (attached). I also note that NRW provided recommendations for conditions which cover investigation phases which mine did not?

The remediation strategy is not currently acceptable as it specifies an SOM of 2.5% for the cover layer. Whilst 2.5% is acceptable for existing soils it cannot be used for any soils imported onto site which is what will happen.

Therefore, the previous conditions are valid.

Land Drainage Officer north

Correspondence received 25th Novemebr 2017

With regard to the above mentioned application, the LLFA would make the following comments/recommendation.

Land Drainage / Flood Risk

Comment: The Authority holds no historical flooding information relating to this site. However, there is an existing flood relief culvert located within the site, which flows along the north-western and southern boundaries – see Preliminary drawing no. M16026-030 'Private Drainage Layout' dated April '17 prepared by Patrick Parsons for its location. A 4 metre wide 'sterile strip' either side the culvert structure has been provide as a means to safeguard this structure. This would be acceptable to the LLFA.

Surface Water Drainage

Comment: Provision for the drainage of surface water run-off for this site is shown on Preliminary Drwg no. M16026-030 'Private Drainage Layout' dated April '17 prepared by Patrick Parsons. These preliminary proposals show an attenuated storage facility to accommodate a 1 in 100 year rainfall event plus a 40% allowance for climate change and passive control device (Hydrobrake) to control the rate of discharge to 3 litres/second (maximum), with a connection to the flood relief culvert. This would be acceptable to the LLFA.

Recommendation: No development shall commence until full engineered drawings and drainage calculations for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied.

Reason: To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.

Environment Protection

Informative: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Severn Trent Water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows. Consent is required from the service provider to connect into the foul main sewer.

PCC - Ecology

Correspondence received 27th July 2017

Thank you for consulting me with regards to planning application P/2017/0501 which concerns an application for the Erection of 8 no. bungalows and 1 no. staff accommodation unit together with formation of vehicular access and roadway, parking and all associated works at Land at Foundry Lane, Welshpool.

I have reviewed the proposed plans submitted with the application as well as photographs of the site and surrounding habitats, local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 344 record of protected and priority species within 500m of the proposed development, no records were for the site itself. A number of records for Floating water plantain were identified in the local area.

The following statutory designated sites are present within 500m of the proposed development:

- Montgomery Canal SAC
- Montgomery Canal SSSI

No non-statutory designated sites are present within 500m of the proposed development.

Given the proximity of the proposed development to the Montgomery Canal SAC it will be necessary for the LPA as the Competent Authority to undertake a Habitats Regulations Assessment of the proposed development as required by Regulation 61 of the Conservation of Habitats and Species Regulations.

I note that NRW have requested in their response dated 01/06/2017 that the submission and implementation of a Pollution Prevention Plan is secured through a planning condition, however due to the need to undertake a HRA Screening of the proposed development it is considered that this information is required to be submitted prior to determination of the application.

Mitigation measures proposed to reduce any potential adverse effects can be considered during the screening stage of the proposed development, given the nature of the proposed development consideration will need to be given to the potential for negative impacts to water quality from construction activities it is therefore recommended that a Construction Pollution Prevention Plan is requested from the applicant to demonstrate that the construction phase of the development can be undertaken in manner that will not significantly negatively affect the Montgomery Canal or it's associated features. I recommend that the applicant refers to GGP5: Works and Maintenance in or near Water <http://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf> and PPG 6: Working at Construction and Demolition Sites <https://www.sepa.org.uk/media/60125/ppg-6-working-at-construction-and-demolition-sites.pdf>

In the absence of the identified information prior to determination of the application the potential for the proposed development to result in a Likely Significant Effect to the Montgomery Canal SAC and/or it's associated features cannot be ruled out.

Where a potential impact to the European Designated site cannot be ruled out at the screening stage, either alone or in combination with other plans or projects, then an Appropriate Assessment would be required to be undertaken by the LPA. The Appropriate Assessment establishes whether in the view of the site's conservation objectives the development would have an adverse effect on the integrity of the site or any of its features. Where such an adverse effect on the site cannot be ruled out, and no alternative solutions can be identified, then the development can only then proceed if there are no alternative solutions, there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

Further details regarding the assessment of Development Proposals Likely to Affect an Internationally Designated Nature Conservation Site can be found in Annex 3 of Welsh Government Technical Advice Note 5, Nature Conservation and Planning (2009).

Therefore it is considered that currently there is insufficient information to enable the LPA to assess the potential impacts to a European Designated Site – The Montgomery Canal SAC – and further information in the form of a Construction and Operation Pollution Prevention Plan is requested.

Correspondence received 23rd November 2017

Thank you for consulting me with regards to additional information submitted in relation to planning application P/2017/0501 which concerns an application for the Erection of 8 no. bungalows and 1 no. staff accommodation unit together with formation of vehicular access and roadway, parking and all associated works at Land at Foundry Lane, Welshpool.

The additional information submitted is a Construction Phase Pollution Prevention Plan produced by Patrick Parsons dated September 2017, this information was requested in my previous consultation response to this application due to the proximity of the proposed development to the Montgomery Canal SAC/SSSI and the need for the LPA to undertake a Habitats Regulations Assessment of the proposed development.

I have reviewed the Construction Phase Pollution Prevention Plan and consider that the identified pollution prevention and mitigation measures are appropriate and in line with current National guidelines. I recommend that adherence to the Pollution Prevention Plan is secured through an appropriately worded condition.

I have undertaken a Habitats Regulations Assessment Screening of the proposed development in relation to the Montgomery Canal SAC. The screening assessment concluded No Likely Significant Effect to the Montgomery Canal and or its associated features, I have attached a copy of the screening assessment for your records.

A Preliminary Ecological Appraisal of the proposed development site has been undertaken by Pearce Environment LTD, the survey concluded that the site was of low ecological value and poor habitat suitability for reptiles and amphibian species, no evidence of protected species was noted during the survey.

A number of recommendations to mitigate and improve the site for biodiversity have been made within Section 4 of the PEA Report, these measures are welcomed and are considered to be in line with the requirements of the Environment (Wales) Act 2016. It is recommended that adherence to and implementation of these measures is secured through an appropriately worded condition.

Having taken into account the nature of the proposed development site and the identified mitigation and enhancement measures in relation to the proposed development it is considered that the proposed development would not result in negative impacts to or loss of biodiversity at the site or in the local area – the proposed enhancements have potential to increase biodiversity opportunities at the site.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

The mitigation and enhancement measures identified in Section 4 of the Preliminary Ecological Appraisal Report produced by Pearce Environment Ltd dated March 2017 shall be adhered to

and implemented in full and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of the development a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention

Reason: To comply with Powys County Council's UDP Policies SP3, GP1 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention within the Construction Phase Pollution Prevention Plan produced by Patrick Parsons dated September 2017 and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Natural Resources Wales (NRW)

Correspondence received 1st June 2017

Thank you for your consultation received on 12th May 2017. We have reviewed the information submitted.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

- 1: Condition NLQ C 01 Universal condition for development on land affected by contamination
- 2: Condition NLQ C 02 Verification report
- 3: Condition NLQ C 03 Long-term monitoring
- 4: Condition NLQ C 04 Unsuspected contamination
- 5: Condition European Protected Species - all avoidance measures described in the ecological report must be set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.
- 6: Condition: - A pollution prevention plan should be submitted and implemented to the satisfaction of the LPA.

Land Contamination

We note that lead and asbestos contaminants have been identified in the ground. The conditions below should be applied to any planning permission granted. The not yet completed Phase 1 Geo-Environmental Appraisal, Phase 2 Geo-Environmental Appraisal and Remediation Strategy should be submitted to us in support of the discharge of those conditions.

- 1: Condition NLQ C 01 Universal condition for development on land affected by contamination

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons

Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity due to the proximity of the Shropshire Union Canal Special Area of Conservation and the Lledan Brook and contamination is known/strongly suspected at the site given the previous land uses.

2: Condition NLQ C 02 Verification report

Prior to occupation of any part of the permitted development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reasons

To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

3: Condition NLQ C 03 Long-term monitoring

Reports on monitoring, maintenance **and any contingency action** carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reasons

To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

4: Condition NLQ C 04 Unsuspected contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons

Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.’

Informative/ advice to LPA

This condition has been recommended as Natural Resources Wales is satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

In line with the advice given in Planning Policy Wales we understand that the Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition we would request that this condition is applied

Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency's '[Guiding Principles for Land Contamination](#)' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the [Environment Agency's \(2017\) 'Approach to Groundwater Protection'](#)

European Protected Species – Bats

5: Condition: European Protected Species - all avoidance measures described in the ecological report must be set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales.

We have reviewed Roberts. P (March 2017) Preliminary Ecological Appraisal by Pearce Environment. We agree with the findings and conclusions and the recommendations detailed in sections 3.30 to 3.33 regarding bats.

Therefore, we do not object to the proposal, subject to all avoidance measures described in the ecological report being set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

Pollution Prevention

6: Condition: - A pollution prevention plan should be submitted and implemented to the satisfaction of the LPA.

The proposal is near the Montgomery Canal SAC although it is separated by a road. Surface water should be directed to the Lledan Brook. A pollution prevention plan should be submitted and implemented to the satisfaction of the LPA.

All works at the site must be carried out in accordance PPG6: 'Working at construction and demolition sites'. Any works and maintenance in or near water will need to follow Guidance for Pollution Prevention 5. Guidance for pollution prevention is available online at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on immediately on Tel: 03000 65 3000.

Flood Risk

The application site lies entirely within Zone A, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

Whilst the site is near to the Lledan Brook, it is elevated and proposed finished floor levels are significantly higher than the adjacent Foundry Lane. The Planning Authority is advised to liaise directly with the Lead Local Flood Authority (LLFA) as Welshpool Flood Alleviation Scheme has included improvement works along the Lledan Brook reach.

The proposed surface water drainage details and discharge to the Lledan Brook should be commented on by the LLFA.

Foul Drainage

We would advise that foul drainage is connected to the Severn Trent Water main sewer, we note that they have been consulted and have not objected.

Scope of NRW Comments

Our comments only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not *rule out the potential for the proposed development to affect other interests, including environmental interests of local importance*. Any site owner/developer should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Canal & Rivers Trust

Correspondence received 30th May 2017

Thank you for your consultation.

Glandwr Cymru, the Canal & river Trust in Wales, cares for Wales' historic canals, made up of the Swansea, Llangollen, Montgomery and Monmouthshire & Brecon Canals. Our canals perform many different functions and are a haven for people and wildlife and a national treasure. We are a statutory consultee in the development management process.

Glandwr Cynru has reviewed the application details. This is our substantive response under the Town and Country Planning (Development Management Procedure)(Wales) Order 2012, as amended. Based on the information available we have no comment to make.

Cllr Francesca Jump

Correspondence received 14th May 2017

I support this application.

Representations

A public site notice was displayed at the site for a period of 21 days. No third party representations have been received by Development Management at the time of writing this report.

Principal Planning Constraints

Flood Zone

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th edition, 2016)

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)

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

Technical Advice Note (TAN) 10: Tree Preservation Orders (1997)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 13: Tourism (1997)

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

Technical Advice Note (TAN) 23: Economic Development (2014)

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Welsh Office Circular 10/99: Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development (1999)

Welsh Office Circular 22/87: Development of Contaminated Land (1987)

Development Management Manual (2016)

Local Planning Policies

Powys Unitary Development Plan (2010)

SP3 – Natural, Historic and Built Heritage

SP5 – Housing Developments

SP14 - Development In Flood Risk Areas
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV4 – Internationally Important Sites
ENV5 – Nationally Important Sites
ENV6 – Sites of Regional and Local Importance
ENV7 – Protected Species
ENV8 – Tree Preservation Orders
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 – Residential Development
HP7 – Affordable Housing within Settlements
HP10 – Affordability Criteria
HP18 – Supported Accommodation and Residential Care Provision
TR2 – Tourist Attractions and Development Areas
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC9 – Protection of Water Resources
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
DC15 – Development on Unstable or Contaminated Land
TR2 – Tourist Attractions and Development

Powys Residential Design Guide (2004)

Powys County Council Joint Housing Land Availability Study (2016)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires 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 made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

Policy HP18 considers applications for supported accommodation and residential care provision and seeks to support such schemes where the site benefits from good access to public transport links, local shops and support services provided that the development would be located within a settlement's development boundary, would not be of a scale which would place unacceptable stress on local public services or be significantly detrimental to the character of the settlement, that there is appropriate amenity/garden space for the enjoyment

of residents and that the development would not be significantly detrimental to the local environment, public safety or residential amenities.

Policy HP5 considers independent living dwellings which supports such accommodation on appropriate sites within the development limits of settlements subject to affordable housing provision, the scale, form and general design reflecting the overall character and appearance of the settlement and surrounding area, avoidance of the loss of land for allocated purposes and consideration of safety, access, service, environmental and amenity issues.

Given the location of the site within the settlement boundary of Welshpool which is classified as an area centre within the UDP with ample access to public transport, services and facilities, the proposal is supported in principle by the abovementioned policies. The proposed site is allocated in the UDP for 10 residential dwellings. Whilst this application is a slightly lesser density to that proposed in the UDP for the site it is considered that the benefits of the scheme outweighs the lower density of the proposed development for the site. Officers consider that the proposed density of the site is broadly in compliance with the allocation and therefore complies with the relevant planning policies.

In light of the above, it is considered that the principle of development is considered to be acceptable with the proposed development fundamentally complying with policy HP5 and HP18 of the Powys Unitary Development Plan 2010.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Housing supply is a material consideration that should be given considerable weight in the determination of this application. TAN 1 states:

'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, 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'

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

The proposed site is to accommodate two semi-detached bungalows for independent living and six other bungalows for assisted living. The site will also accommodate staff accommodation to include a bedroom, shower room, utility room, plant room and office. The assisted living bungalows are to be centred around a landscaped communal courtyard area with each of the dwellings having separate garden areas per dwelling. The dwellings are to be a mixture of one and two bed properties with some being fully wheelchair accessible.

The proposed bungalows are to be clad in facing bricks with smooth coloured render to the projecting gables. The roofs are to be clad in concrete interlocking tiles with the windows and doors being of UPVC or GRP composite construction. The rainwater goods, soffits and fascias are to be of UPVC construction.

The proposed scale and design of the dwellings is considered to be acceptable given the proposed use with the proposed materials being complementary to character of the surrounding dwellings and of the surrounding area. Whilst it is acknowledged that the site is allocated for 10 dwellings and this proposal is providing 8 dwelling, it is considered that the benefits of the proposed nature of the dwellings outweighs the loss in numbers and the lower density than suggested is supported by officers.

In light of the above, officers consider that the proposed scale, design and materials proposed will complement and enhance the character and appearance of the surrounding area with the layout and density of the scheme being acceptable. The proposed development fundamentally complies with policy GP3 of the Powys Unitary Development Plan 2010.

Residential Amenity

The proposed development is on an area of undeveloped land left vacant for some time within a residential area adjacent to the Montgomery Canal. The site is bounded by the unclassified highway to the north, west and south with residential dwellings to the east of the site. Officers consider that there is a sufficient separation distance between the proposed dwellings and the existing dwellings to the east and south east of the site with the proposed height and scale of the dwellings not being overbearing on the existing dwellings. The site is to be bounded by a timber wooden panel fence to a height of 1.8 metres which will protect the amenities of the existing dwellings and the proposed dwellings.

In light of the above, the proposed development is considered to fundamentally comply with policy GP1 and GP3 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

The proposed development includes a new access off the unclassified highway with the provision of 16 car parking spaces on site for residents and staff parking. As part of this application process the highways authority have been consulted and no objections have been raised subject to the inclusion of the recommended conditions upon any grant of consent. Officers are satisfied that subject to the conditions as suggested that the proposed development is considered to have an acceptable access.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal.

Development should not give rise to unacceptable on or off site flooding. Policy DC10 seeks to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system.

As part of this application process the council's Environmental Health Officers and Severn Trent have been consulted who have raised no objection to the scheme as it is to be served by the public sewerage system. Land drainage officers have also been consulted and have raised no objection to the proposal subject to the inclusion of a condition to secure full engineering drawings and drainage calculations for the surface water drainage of the site.

Officers consider that subject to the suggested condition that the proposed development fundamentally complies with policy DC10 and DC13 of the Powys Unitary Development Plan 2010 in respect of foul and surface water drainage.

Ecology and Biodiversity

As part of this application process our county ecologist has been consulted and has provided comments on the application. No objections have been raised by the ecologist to the proposed development subject to the inclusion of the suggested conditions.

In light of the above and comments received, subject to the suggested conditions officers consider that the proposed development fundamentally complies with Policy ENV7 of the Powys Unitary Development Plan 2010.

Landscaping

The submitted proposed site layout plan shows an internal courtyard and landscaped areas but does not include any details of the landscaping and planting to be installed. In light of this it is considered necessary to secure details of the landscaping measures proposed by a suitably worded condition. In light of this subject to the inclusion of a suitably worded landscaping condition the proposed layout of the site is considered to be acceptable.

Habitats Regulations Assessment (HRA)

The proposed site is located in close proximity to the Montgomery Canal SSSI and SAC. The county ecologist has completed a HRA for the site which has demonstrated that there is likely to be no significant effects upon the SAC as a result of the proposal.

Contaminated Land

As part of this application process Environmental Health contaminated land officers and Natural Resources Wales have been consulted. Responses have been received from both consultees recommending conditions be attached to any grant of consent. Additional information was provided by the applicant and PCC contaminated land officers comments were sought on the information submitted. The information submitted was not considered to be acceptable due to the specification of the cover layer stated. It is recommended that the original conditions from their comments still stand and should be applied to any grant of consent.

In light of the above, it is considered that subject to the recommended conditions the proposed development is considered to fundamentally comply with policy DC15 of the Powys Unitary Development Plan 2010.

Tourism

The proposed site is located within close proximity of the Montgomery Canal. At this location the canal is used by barges and the towpath forms part of the Severn Way and is used recreationally. The development would be visible from the canal and towpath, however taking into account the location within a residential area, the impact upon the tourist attraction of the canal is considered acceptable.

In light of the above, it is considered that the proposed development complies with policy TR2 of the Powys Unitary Development Plan 2010.

Tree Preservation Orders

Policy ENV8 of the Powys Unitary Development Plan 2010 seeks to ensure that the character and appearance of the conservation area and surrounding area.

There are a number of trees the subject of a Tree Preservation Order located on the north western side of the canal to the north west of the site. The trees would not be physically affected by the development and given the location within a residential area and subject to appropriate design, it is not considered that the proposal would unacceptably affect the setting of these trees.

In light of the above, it is considered that the proposed development is considered to be acceptable and complies with policy ENV8 of the Powys Unitary Development Plan 2010.

Other Legislative 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 there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal complies with planning policy. There are no concerns regarding highways access, ecology or from land drainage and therefore the recommendation is one of conditional consent.

Conditions:

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as received 28th April 2017 (drawing no's: P100, P102, P200, P201, P202, P210, P211, M16026-230 REV P2, M16026-240 REV P2, M16026-280 REV P1, M16026-281 REV P1, M16026-290 REV P1, M16026-291 REV P1)
3. Prior to the occupation of the development any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.
4. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said

carriageway and be retained at that angle for as long as the development remains in existence.

5. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 33 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
6. Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
7. Prior to the occupation of the development, provision shall be made within the curtilage of the site for the parking of not less than 16 cars to include 5 disabled bays excluding any garage space provided with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
8. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
9. The width of the access carriageway, constructed as condition 6 above, shall be not less than 6 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
10. Prior to the occupation of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,
11. Within 5 days from the commencement of the development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.
12. No storm water drainage from the site shall be allowed to discharge onto the county highway.

13. The mitigation and enhancement measures identified in Section 4 of the Preliminary Ecological Appraisal Report produced by Pearce Environment Ltd dated March 2017 shall be adhered to and implemented in full and maintained thereafter.
14. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.
15. Prior to the commencement of the development a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention.
16. The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention within the Construction Phase Pollution Prevention Plan produced by Patrick Parsons dated September 2017 and maintained thereafter.
17. No development shall commence until full engineered drawings and drainage calculations for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied.
18. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

19. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, controlled waters, buildings and other property and the natural and historical environment giving full details of the remediation measures required and how they are to be undertaken must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and

remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation.

20. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. *The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.*

21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 19, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 21.

22. A monitoring and maintenance scheme and any contingency action to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

23. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the buildings shall be

submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
13. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
14. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature

Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

15. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
16. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
17. To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.
18. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Powys Unitary Development Plan 2010.
19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Powys Unitary Development Plan 2010.
20. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Powys Unitary Development Plan 2010.
21. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Powys Unitary Development Plan 2010.
22. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Powys Unitary Development Plan 2010.

23. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the building in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.

Informative Notes

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

NRW

These conditions have been recommended as Natural Resources Wales is satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

In line with the advice given in Planning Policy Wales we understand that the Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition we would request that this condition is applied.

Natural Resources Wales recommends that developers should:

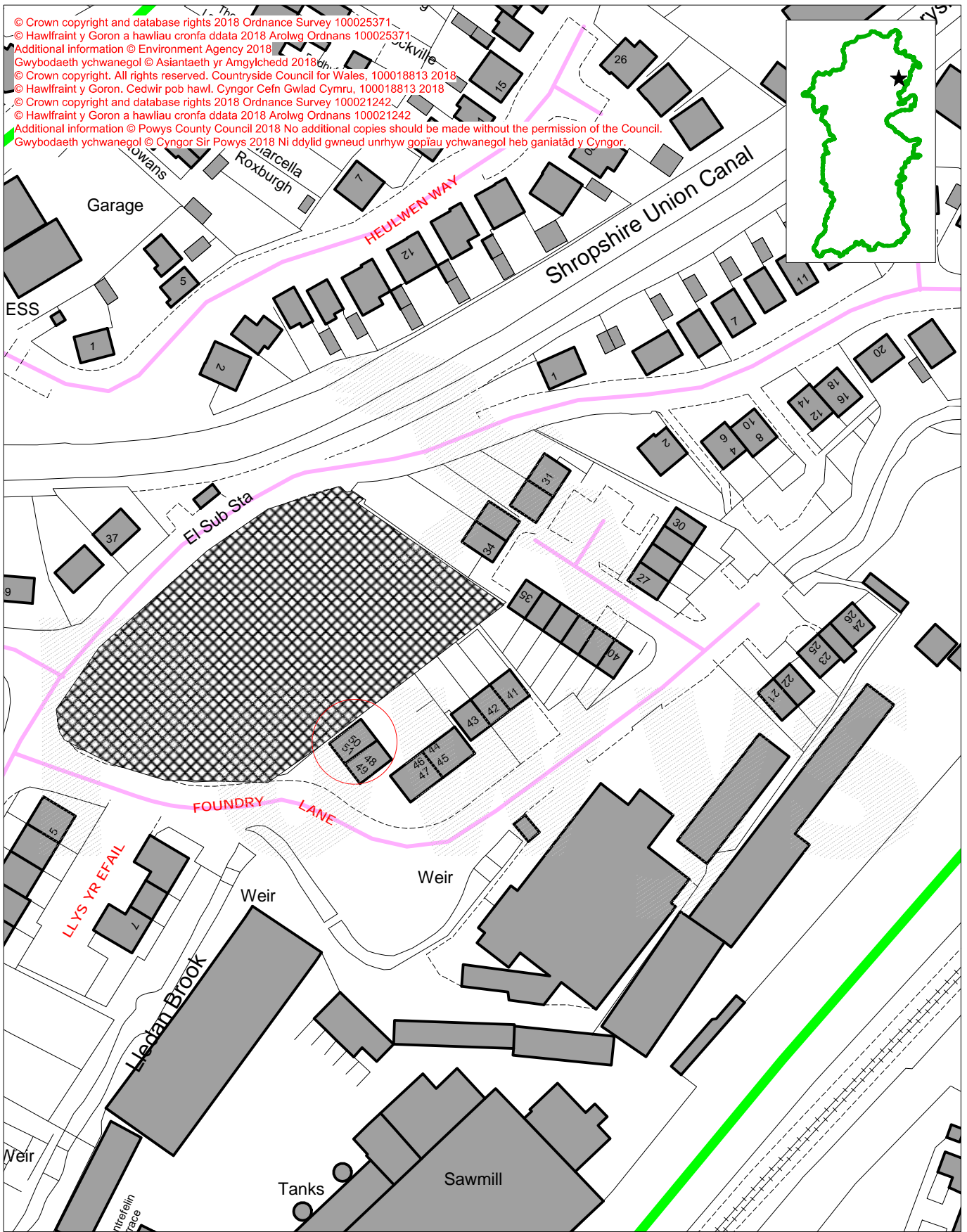
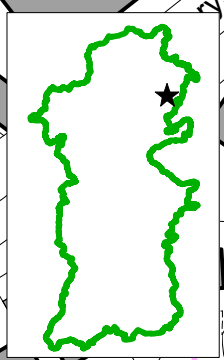
- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- Refer to the Environment Agency's '[Guiding Principles for Land Contamination](#)' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to the [Environment Agency's \(2017\) 'Approach to Groundwater Protection'](#)

Environment Protection

Informative: Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Severn Trent Water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows. Consent is required from the service provider to connect into the foul main sewer.

Case Officer: Bryn Pryce- Planning Officer
Tel: 01597 82 7126 E-mail: bryn.pryce@powys.gov.uk

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6.9

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/0703	Grid Ref:	323225.64, 301055.76
Community Council:	Forden	Valid Date:	Officer: 21/06/2017 Bryn Pryce
Applicant:	Mrs L & G Broxton And James Brynderwen, Forden, Welshpool Powys SY21 8NA		
Location:	Oaklands, Forden, Welshpool, Powys SY21 8NA		
Proposal:	Outline application for residential development of up to 9 dwellings, installation of sewage treatment plant and associated works		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The application is to be determined by planning committee as it represents a departure from the development plan.

Site Location and Description

This site is accessed off the B4388 classified highway adjacent to the village of Forden. The existing site has a number of stables and agricultural buildings which are to be removed as part of this proposal with the remainder of the site to the northwest being agricultural land used for the purposes of grazing.

This application seeks outline consent for the erection of up to 9 dwellings installation of sewage treatment plant and associated works. The application considers the principle of residential development on the site and access to it with all other matters reserved for future consideration. An indicative layout for the site and indicative scale has been provided with the application. The site is located directly adjacent to the settlement boundary of Forden. Most of this site lies within the settlement boundary of Forden with some of the proposed dwellings as shown on the indicative layout being outside of the settlement boundary but directly adjacent to it.

Consultee Response

Forden and Lighton CC

Correspondence received 2nd July 2017

Unable to comment due to it being an outline Planning Application - The Community Council are concerned however about access and it being outside of the development boundary.

PCC Highways

Correspondence received 21st September 2017

The County Council as Highway Authority for the County Class II Highway, B4388

Wish the following recommendations/Observations be applied Recommendations/Observations

A Traffic Regulation Order is required to amend the speed limit in direct relation to this site. The agent is aware and is in agreement that the cost of this will be borne by the developer. We therefore recommend that a suitably worded condition is added to any consent given, and that the applicant pays for the reasonable costs associated with the advertisement and implementation of a Traffic Regulation Order, to include the manufacture and erection of required signage.

- HC1 Any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.

- HC3 The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

- HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 120 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway.
Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

- HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

- HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

- HC10 The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
- HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres along the access road measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
- HC16 There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.
- HC19 No building shall be occupied before the estate road carriageway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.
- HC20 The estate road carriageway shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
- HC22 Prior to the occupation of the first dwelling the existing means of access to the 'Meeting Hut' shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence. Access shall be obtained from the adjoining estate road in perpetuity.
- HC27 The package treatment plant effluent in connection with the development hereby permitted shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway.
- HC29 All surface water run-off is to be collected and discharged via a piped system within the site and shall not interfere or connect in any way with the highway surface water drainage or give rise to a nuisance upon the highway. This system shall be retained and maintained for as long as the development remains in existence.
- HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC31 The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

In the interests of highway safety.

Severn Trent Water

Correspondence received 11th July 2017

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

PCC Environmental Health – Environmental Protection

Correspondence received 6th July 2017

The drainage in Forden is very poor and I am already aware of dwellings with ineffective foul drainage soakaways in close proximity to the proposed site.

If a private treatment plant and reed bed system is going to discharge to the watercourse I would want written confirmation from the NRW that they are allowing consent to discharge to the watercourse prior to the development commencing.

The reason for this requirement is that I would object to a soakaway foul drainage system as an alternative should the discharge to watercourse option be refused.

PCC Environmental Health – Contaminated Land

Correspondence received 24th November 2017

In relation to Planning Application P/2017/0703, the following advice is provided for the consideration of Development Control.

Advice

1. Section 15 'Existing' of the 'Application for Outline Planning Permission with Some Matters Reserved', dated 20 June 2017, describes the current use of the application site as 'Agricultural'.

Furthermore, under section 1 'Introduction' of the Roger Parry & Partners 'Design & Access Statement' (Version: 1.2) dated June 2017, submitted in support of Planning Application P/2017/0703, it is stated: "The site is located on an existing farm, which is within the defined boundary. The site is currently used for agricultural purposes [...]".

Ordnance survey (OS) maps identify that the application site is occupied by a number of structures associated with the site's current use.

2. Former agricultural buildings and land could contain potential sources of contamination depending on what they were used for in the past such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition.

Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' (2016) advises: "*responsibility for determining the extent and effects of instability or other risks remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners*".

However, no information in respect of the potential risks to the proposed development from land contamination has been submitted in support of Planning Application P/2017/0703.

3. Based on the available information, and in consideration of the sensitivity of the proposed development (residential), the following is recommended:

I. The planning applicant could submit a preliminary investigation and preliminary risk assessment ('Phase 1' report) in support of Planning Application P/2017/0703.

A preliminary investigation and preliminary risk assessment should be completed by a qualified and experienced environmental consultant, and in accordance with current guidance and best practice.

If a preliminary risk assessment identifies that there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, prepared by a qualified and experienced environmental consultant, should also be submitted for review and approval.

II. Alternatively, the following Condition and Note, to the applicant, could be attached to any permission granted for Planning Application P/2017/0703:

Condition A

Condition 1. Preliminary Investigation

No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- A desk study
- A site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 2. Site Characterisation

No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

Condition 3. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 2 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 4. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. *The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.*

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ____ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

PCC Affordable Housing

Correspondence received 30th June 2017

Thank you for your email, I note from the consultation letter that the proposal relates to residential development of up to 7 dwellings. Section 3 of the planning application also refers to residential development of up to 7 dwellings. However, Section 18 of the application refers to 9 dwellings, which is also the number indicated on the Block Plan Proposed.

We would seek to achieve a provision of 30-35% affordable housing on the site, with the following guidelines being adhered to:

- All Affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime Homes and Secured by Design Standards.
- All units will have to meet the floor areas specified in Powys County Council's Affordable Housing Supplementary Planning Guidance.
- The Design Quality Requirements will be those current at the time of the detailed planning application.
- All completed Affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance sections HP7, HP8 or HP9 sites.

Based on the provision of 9 dwellings, 2 units of affordable housing does not meet with current Supplementary Planning Guidance for Affordable Housing.

PCC Ecologist

Correspondence received 23rd November 2017

Thank you for consulting me with regards to application P/2017/0703 which concerns an outline application for residential development of up to 7 dwellings, installation of sewage treatment plant and associated works at , Oaklands , Forden, Welshpool, Powys.

I have reviewed the proposed plans submitted with the application as well as photographs of the site and surrounding habitats, local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 27 records of protected and priority species within 500m of the proposed development. No records were for the site itself.

No statutory or non-statutory designated sites were identified within 500m of the proposed development.

The site of the proposed development comprises an area of improved grassland a habitat of low ecological value. The boundaries of the site comprises areas of hedgerows - habitats of high ecological value. There are a number of agricultural buildings present on the site that would need to be demolished to accommodate the proposed development.

Consideration has been given to the potential for the agricultural buildings on the site that will be demolished to support roosting bats. Having reviewed the site visit photos of these

structures I consider that these buildings have negligible potential to support roosting bats, the structures are modern agricultural barns which lack suitable features to support roosting bats. It is therefore considered that the proposed development would not result in impacts to bat roosts and no surveys are considered necessary to inform the application.

The submitted plans and associated information identify that an improved access is proposed for the site off the existing county highway (B4388). In order to achieve the required visibility splays it has been identified that it is proposed to remove a short section of hedgerow at the front of the site.

Hedgerows are listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi. Hedgerows and linear tree features are also included in the Powys LBAP under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Powys UDP Policy ENV2 states that

'Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows'

Where impacts to hedgerows or trees are identified an appropriate compensation strategy will be required, whilst it is acknowledged that the submitted plans are indicative at this stage and that further detailed design will be provided as reserved matters it is noted that the proposed plans indicate the provision of landscaping including what appears to be some hedgerow and tree planting as part of the proposed development. The provision of landscaping is welcomed and it is considered that the identified hedgerow planting is appropriate to compensate for the loss of hedgerow to accommodate the improved access. It is recommended that species used in landscaping are native (in accordance with UDP policy GP1) this would also serve to provide biodiversity enhancements in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016. **It is recommended that a detailed landscaping scheme is secured through an appropriately worded condition.**

It is also recommended that in order to ensure the safeguarding of existing trees and hedgerows that are to be retained as part of the development a tree and hedgerow protection plan is secured through an appropriately worded condition.

Given the rural location of the proposed development careful consideration will need to be given to any proposed external lighting design within the detailed design of the development to minimise impacts to nocturnal wildlife commuting and foraging in the local area. **It is recommended that a planning condition securing a wildlife sensitive lighting scheme is secured through an appropriately worded condition.**

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Prior to the commencement of the development a Landscaping Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long-term retention

Reason: To comply with Powys County Council's UDP Policies SP3, GP1 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following Informative:

Birds - Wildlife and Countryside Act 1981 (as amended)

The site of the proposed tree works is considered to have potential to support nesting birds during the breeding season. All nesting birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work

involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

CADW

Correspondence received 17th July 2017

Thank you for your letter of 20 April 2017 inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this planning application, we consider that it is inadequately documented. Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site.

We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority. It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24 : The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The proposed development is located some 70m west of scheduled monument MG036 Offa's Dyke: Section from point 90m S of Chirbury Road to S Boundary of Nant-Cribau Park.

The proposed development will be clearly visible from the Offa's Dyke with only minimal screening provided by a field hedge. The new buildings will extend the residential area of Forden and add an urban development into the view. This will have an adverse impact on the setting of the scheduled monument and this will be a material consideration in the determination of this planning application (Planning Policy Wales 6.5.5): however, the application contains no information on this matter and therefore is inadequately documented. Welsh Government recently issued the document "Setting of Historic Assets" and it is recommended that the applicants should be requested to carry out an assessment of the impact of the development on the setting of scheduled monument MG036 following the guidance given in this document and re-consult us accordingly.

Correspondence received 8th November 2017

Thank you for your email of 25 October 2017 inviting our comments on the historic environment desk-based assessment submitted for the above planning application.

This report has assessed the impact of the proposed development on the setting of scheduled monument MG036 Offa's Dyke: Section from point 90m S of Chirbury Road to S Boundary of Nant-Cribau Park however, this assessment does not appear to follow the guidance outlined in the "Setting of Historic Assets in Wales".

The assessment fails to identify that the proposed development is located in a significant view from the scheduled monument and that whilst there are some structures in the development area these are clearly agricultural but the development as proposed will replace them with a clearly urban style housing development, which will impinge on the views of the hills on the western side of the Severn Valley. Consequently we disagree with the results of the Trysor assessment, which concludes that the impact of the proposed development on the scheduled monument is very low. In our opinion this impact should be assessed as moderate. Whilst this impact will not be significant, measures, such as a reduction in the density of the development should be considered in order to reduce the impact of the proposed development on the setting of scheduled monument MG036 Offa's Dyke: Section from point 90m S of Chirbury Road to S Boundary of Nant-Cribau Park.

CPAT

Correspondence received 13th July 2017

Thank you for the consultation on this planning application.

While there are no recorded archaeological sites at this location and there are no predicted direct impacts the site does lie within 70 metres of the scheduled monument known as Offa's Dyke (SAM MG036).

As the setting of a monument is a material consideration of planning now (Planning Policy Wales Edn. 9, 2016; TAN 24: The Historic Environment; Cadw Conservation Principles and relevant local planning policies) the applicant should consult Cadw to determine whether they have any comments to make regarding the impact of the development upon the setting of the monument. The contact in Cadw would be the Ancient Monuments Planning section via amadminplanning@wales.gsi.gov.uk

NRW

Correspondence received 19th September 2017

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 29/08/2017.

We recommend that you should only grant planning permission if you attach the following condition. This condition would address significant concerns that we have identified and we would not object provided you attach it to the planning permission.

Condition 1: Prior to commencement of development, full details of the foul and surface water drainage system should be submitted for approval by the local planning authority

Foul Drainage

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. The applicant has confirmed that no main foul sewer exists in this area and has proposed a package treatment plant. Where private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage.

The written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse/ditch etc., from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The permitting process is a separate process to planning, and the applicants are advised the granting of planning permission does not guarantee that a permit will be granted.

In view of the existing problems in relation to drainage in this area which have been highlighted by your local authority, we recommend that the following condition is included within any planning permission:

Condition 1: Prior to commencement of development, full details of the foul and surface water drainage system should be submitted for approval by the local planning authority

We would also advise the applicant to view more information on this aspect of the proposal, including a step by step bilingual guide to the permitting process which is available on our website at the following link <https://naturalresources.wales/apply-for-a-permit/water-discharges/register-your-septic-tank-package-sewage-treatment-plant/?lang=en>

The applicant will be required to submit further information regarding the layout and plan for the treatment plant and associated works as part of the permitting process. The information submitted should demonstrate that the proposed system is appropriate for this development at this location. NRW carried out a site visit which identified that there may be insufficient flow in the receiving watercourse to accept treated foul effluent. The applicant should therefore further research the foul drainage method of the proposal, particularly as your local authority have also indicated that soakaways may not be suitable as an alternative option

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Representations

A public site notice was erected at the site for a period of 21 days. At the time of writing this report no third party representations have been received by Development Management.

Principal Planning Constraints

Class 2 Road

Historic Landscapes Register

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th edition, 2016)

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015)

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

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 23: Economic Development (2014)

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Local Planning Policies

Powys Unitary Development Plan 2010

SP2 – Strategic Settlement Hierarchy
SP3 – Natural, Historic and Built Heritage
SP4 – Economic and Employment Developments
SP5 – Housing Developments
SP6 – Development and Transport
SP12 – Energy Conservation and Generation
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highways and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
ENV17 – Ancient Monuments and Archaeological Sites
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
HP14 – Sustainable Housing
DC1 – Access by Disabled Persons
DC3 – External Lighting
DC11 – Non-mains Sewage Treatment
DC13 – Surface Water Drainage

Powys Residential Design Guide 2004

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires 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 made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

This application site lies adjacent to the settlement of Forden which is classified in the Powys Unitary Development Plan 2010 as a small village. The site is accessed B4388 classified highway. The proposal is for up to nine dwellings two of which are to be affordable dwellings and therefore the proposed development represents a departure from the adopted Unitary Development Plan.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Housing supply is a material consideration that should be given considerable weight in the determination of this application. TAN 1 states:

'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, 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'.

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to must consider the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

PPW requires that development be sustainable and that adverse impacts do not outweigh the benefits. Furthermore, PPW states that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided. In line with PPW, residential development outside of settlement boundaries are considered in terms of the site's proximity to services and facilities likely to be required for residential use, and whether the site is suitably connected to these services and facilities.

Forden is defined in the UDP as a small village with a church, cemetery, primary school, community centre, recreation ground, football pitches bowling green and allotments. To date within the lifetime of the UDP there has been 20 dwellings completed on allocated sites within Forden and Kingswood. The pro-rata growth target set out in the LDP strategy paper states 31 dwellings as an appropriate level of growth for the settlements. In addition to the allocated sites there are consents in place for a further 28 dwellings in total between Forden and Kingswood cumulatively. Forden will also be promoted to a large village within the LDP and large villages are expected to have at least 25% of the Plan's housing growth. This application is for nine dwellings which would take the level of development over that of the pro-rata growth figure as set out in the LDP strategy paper. The LDP has no allocated sites for Forden, but two allocated sites for Kingswood (HA1 – 15 Dwellings, HA2 – 10 Dwellings),

however limited weight can be afforded to the LDP at this point in time until the final inspectors report is published.

Officers consider that in this case the proposed site is considered to be a sustainable location for nine dwellings with access to a range of services and facilities that is well associated with the existing built up settlement form. Forden has a good range of services and facilities and is considered to be able to support a development of this scale. In light of the above, officers consider that the settlement is considered to be a sustainable location for a development of the proposed scale on the basis of the existing facilities within the settlement.

Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Whilst scale, appearance, layout and landscaping are reserved matters not to be considered as part of this application process, the applicant has provided an indicative layout for the site. The submitted indicative layout submitted with the application shows that there would be up to nine dwellings with the design and access statement indicating that the dwellings will be between 8-15 metres in length, 6-12 metres in width with ridge heights of between 5.5-8.5 metres in height. The design and access statement states that the envisaged design of the proposed dwellings would be to reflect the local existing design and materials used within the settlement.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating nine dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

The proposed site is located mostly within the settlement boundary of Forden with a part of the site being outside the settlement boundary. It is considered that the siting of the proposed dwellings is acceptable in the proposed location and would represent an improvement on the appearance of the area with the proposed development replacing some agricultural building which are in a poor stated of repair and condition. Although landscaping is not considered as part of this application process it is considered that the proposed site is well integrated within the existing village and would not have an unacceptable adverse visual impact upon the character and appearance of the surrounding area.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

As part of this application process the highways authority have been consulted and no objections have been raised subject to the inclusion of the recommended conditions upon any grant of consent. The developer has agreed to Powys highways requirement for a Traffic Regulation Order to amend the speed limit near to the site and to bear the cost of this order. It is considered that this could be secure by condition. Officers are satisfied that subject to the conditions as suggested that the proposed development is considered to have an acceptable access.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Drainage

Policy DC13 of the Powys Unitary Development plan seeks to ensure that development proposals should provide adequate provisions for land drainage and surface water disposal. Development should not give rise to unacceptable on or off site flooding. Policy DC11 seeks to ensure that the adequate provision for foul sewerage can be provided on site via the public foul sewerage system or private treatment plant.

As part of this application process the council's Environmental Health Officers have been consulted who have raised no objection to the scheme subject to Natural Resources Wales approval of the proposed scheme. Severn Trent have also been consulted and have raised no objection to the proposal. Natural Resources Wales have commented on the application and have not raised an objection to the proposal subject to the inclusion of a condition.

Officers consider that subject to the suggested condition that the proposed development fundamentally complies with policy DC10 and DC13 of the Powys Unitary Development Plan 2010 in respect of foul and surface water drainage.

Ecology and Biodiversity

As part of this application process our county ecologist has been consulted and has provided comments on the application. No objections have been raised by the ecologist to the proposed development subject to the inclusion of the suggested conditions.

In light of the above and comments received, subject to the suggested conditions officers consider that the proposed development fundamentally complies with Policy ENV7 of the Powys Unitary Development Plan 2010.

Scheduled Ancient Monument

This application site is located approximately 70 metres west of the scheduled ancient monument (SAM) known as Offa's Dyke (MG036). The proposed site is located the opposite side of the B4388 classified highway and has a number of intervening hedgerow features

between the two. However the SAM is located on higher ground in relation to the proposed site and looks out over the highway and the site itself. AS part of this application process CADW were consulted due to the proximity to the SAM. Initially CADW requested that a heritage impact statement was submitted which has been supplied by the applicant. CADW were then re-consulted on the heritage statement. Their comments on the statement don't necessarily agree with the findings of the report and the way that the site has been assessed. CADW disagree with the results of the report which concludes that the impact of the proposed development on the SAM is very low. In the opinion of the officer at CADW the impact is of a moderate level and they have suggested that consideration to the density of the scheme should be given in order to reduce the impact of the proposed development on the setting of the scheduled ancient monument.

This application has been submitted in outline form and only considers access to the site and the principle of residential development at this stage with all other matters reserved for future consideration. An indicative site layout and density has been provided with the application, however the layout, scale and landscaping are matters to be considered at a future date. Officers consider that although CADW's comments regarding the potential impact upon the setting could be reduced by considering the density of the development, this is not a matter to be considered at the stage as the application is only in outline with layout, scale and landscaping to be considered at the reserved matters stage. Officers are satisfied that the proposed layout for the scheme could be resolved at the reserved matters stage and CADW's concerns can be addressed at that point. It is not considered appropriate for this to be considered at this outline stage where only access is considered.

In light of the above, officers consider that the proposed development complies with policy ENV17 of the Powys Unitary Development Plan 2010, Planning Policy Wales and Technical Advice Note (TAN) 24: The Historic Environment (2017).

Contaminated Land

As part of this application process Powys Environmental Health Contaminated Land officers have been consulted. Comments have been received in response from the contaminated land officer commenting on the nature of the existing site and the potential for there to be contamination. The comments recommend that a number of conditions be attached to any grant of consent requiring a preliminary investigation of the site in respect of contamination is undertaken, alongside a suitable remediation scheme and maintenance scheme to reflect the nature of any contamination found on the site. Given the nature of the existing site and the existing buildings, officers consider that it is reasonable to seek this information via condition upon any grant of consent prior to any development on site.

In light of the above, it is considered that the proposal subject to the suggested conditions complies with the relevant planning policies.

Other Legislative 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 there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval.

Conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as received on 10th October 2017 (drawing no's: RPP/GD-JON21-01 REV C, RPP/GD-JOB21-02 REV C, RPP/GD-JOB21-03 REV E).
5. Any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.
6. The centre line of the first 10 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
7. Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 120 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
8. Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
9. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas

shall be retained for their designated use for as long as the development hereby permitted remains in existence.

10. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
11. Before any other development commences provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
12. The width of the access carriageway, constructed as condition 8 above, shall be not less than 5.5 metres along the access road measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
13. There shall only be a single vehicular and pedestrian access to serve the development hereby permitted.
14. No building shall be occupied before the estate road carriageway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.
15. The estate road carriageway shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
16. Prior to the occupation of the first dwelling the existing means of access to the 'Meeting Hut' shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence. Access shall be obtained from the adjoining estate road in perpetuity.
17. Upon formation of the visibility splays as detailed in condition 6 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
18. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

19. No storm water drainage from the site shall be allowed to discharge onto the county highway.
20. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
21. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.
22. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 2 dwellings;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
23. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and reenacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.
24. No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- A desk study
- A site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

25. No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

26. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 2 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

27. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out

remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. *The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.*

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

28. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

29. No development shall commence until a scheme for the reduction of the speed of traffic travelling past the new access has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved scheme.
30. No development shall commence until full details of the foul drainage and surface water drainage system is submitted and agreed in writing by the Local Planning Authority. The development shall be carried out in full as per the approved details.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.

2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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17. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
18. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

19. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
20. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.
21. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
22. The dwellings are hereby permitted as an exception to normal housing policies. This condition is imposed to control the future affordability and management of the development in accordance with policies HP7 of the Powys Unitary Development Plan (2010).
23. In order to ensure the provision of affordable housing in accordance with policies HP5, HP7 and HP10 of the Powys Unitary Development Plan (2010), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (2016).
24. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Powys Unitary Development Plan 2010.
25. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Powys Unitary Development Plan 2010.
26. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Powys Unitary Development Plan 2010.
27. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Powys Unitary Development Plan 2010.
28. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out

safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Powys Unitary Development Plan 2010.

29. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
30. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water an foul disposal in accordance with policies GP1, DC11 and DC13 of the Powys Unitary Development Plan 2010.

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

The site of the proposed tree works is considered to have potential to support nesting birds during the breeding season. All nesting birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

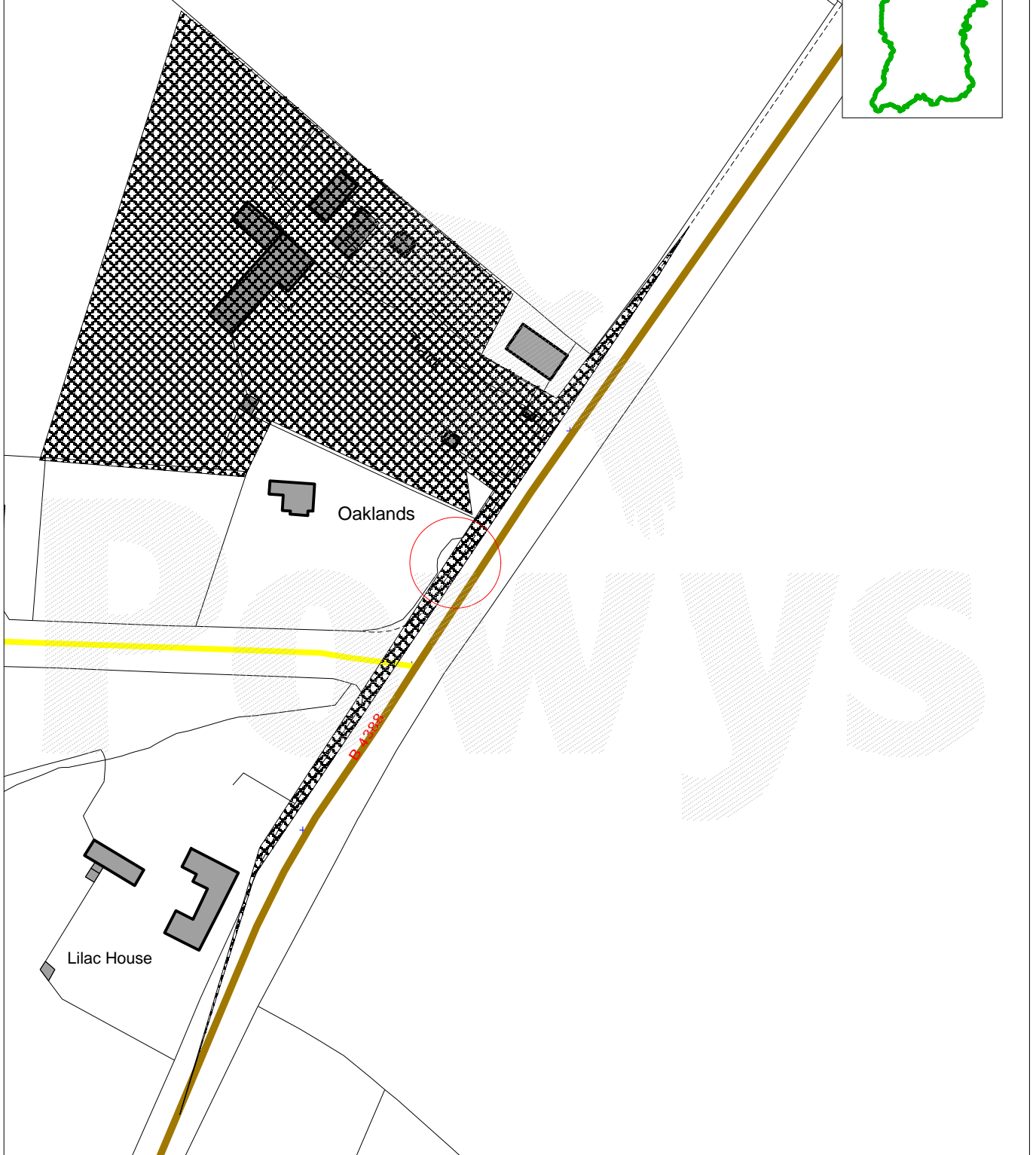
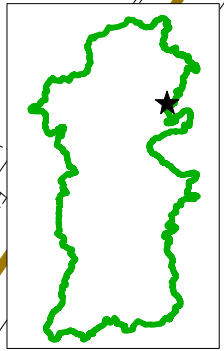
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

Case Officer: Bryn Pryce- Planning Officer
Tel: 01597 82 7126 E-mail: bryn.pryce@powys.gov.uk

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6.10

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1154	Grid Ref:	315965.31 305563.63
Community Council:	Castle Caereinion	Valid Date:	Officer: 11/10/2017 Sara Robinson
Applicant:	Mr David Thomas, D J Thomas Developments Ltd, Dolanog, Ysgubor-y-Wig, Welshpool, Powys, SY21 1AS		
Location:	Land at Swallows Meadow, Castle Caereinion, Welshpool, Powys, SY21 9DZ		
Proposal:	Full: Erection of 4 no. dwellings with detached garages, formation of vehicular access roadway and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan and is recommended for approval.

Site Location and Description

The application site lies within the Community Council of Castle Caereinion. The site is located adjacent to the cul-de-sac Swallows Meadow which joins onto the settlement boundary of Castle Caereinion and in the open countryside as defined by the Powys Unitary Development Plan (2010). The site is accessed by the unclassified road U6051 which connects to the county highway B4385. The nearest neighbouring residential properties are those of Swallows Meadow adjoining the site to the east. To the south and west of the application site are agricultural fields and to the north is the unclassified road U2439 with a woodland beyond.

The application is for the erection of 4 no. dwellings with detached garages, formation of vehicular access roadway and all associated works. Full permission has been sought for the proposed development.

Consultee Response

Castle Caereinion Community Council

Castle Caereinion Community Council met last week and discussed planning application P2017/1154 erection of 4 dwellings with detached garages, formation of vehicular access and all associated works at Swallows Meadow.

The council has concerns about additional traffic within the estate as a number of children play in the estate; and to that end request that the 20mph currently in place in parts of the

village / estate be extended to cover all of Swallows Meadow and further traffic calming to be introduced when forming the vehicular access to further safeguard residents and children.

If the above measures are included within the approval, we are in support of the development.

Highways Department north

The County Council as Highway Authority for the County Unclassified Highway, U2439

Wish the following recommendations/Observations be applied
Recommendations/Observations

Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom, to the maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

No storm water drainage from the site shall be allowed to discharge onto the county highway.

Building Control

Building Regulations application required.

Wales & West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 17.10.2017, advising us of the proposals for:

Land at Swallows Meadow, Castle Caereinion, Welshpool, Powys, SY21 9DZ

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

Environmental Health

As the proposed dwellings will be connected to the public foul mains drainage, I have no objection to the application.

PCC Ecologist

Ecological Topic		Observations
EIA Screening Opinion needed?	No	Whilst the development falls within the definition of a Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, it does not exceed the applicable thresholds and criteria specified in the Regulations.
Ecological Information included with application?	No	No Ecological information has specifically been supplied with this particular application, but an Ecological Appraisal Report (Pearce Environment Ltd, September 2016) was supplied with application no. P/2016/0959 which was an application for outline planning permission for the erection of 5 no. dwellings at the same site. This ecological report, along

		<p>with available aerial and street imagery and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service has been used to inform our observations.</p> <p>The Ecological Appraisal Report describes the site as an area of grazed semi-improved grassland, with newly planted scattered trees. The eastern boundary lies adjacent to newly built residential housing and consists of post and wire stock proof fence. The northern boundary is situated along an access road and consists of a species poor hedgerow, stabilised with stock-proof fence. The southern boundary also consists of a species poor hedgerow and adjoins a further pasture and a stand of small woodland.</p>
Protected Species & Habitats1	European Species	<p>There are records of European protected species within 1km of the proposed development, including Great Crested Newts (300m) and bats (900m), although the exact species of bats is not listed.</p> <p>Whilst there are historical records of Great Crested Newts within 300m, there is no standing water within the 250m zone of influence from the proposed development site. Given the lack of suitable habitat features, GCN and Amphibians were not considered further in the ecological appraisal.</p> <p>The ecological appraisal report concludes that there are no trees within the application area that have suitable features to support bats. However, it should be noted that the hedgerows present at site and the adjacent woodland may be used by bats for foraging and commuting, therefore these features should be retained and protected from damage during construction. Also, to ensure that these habitat features are retained as viable flight paths for bats and corridors for nocturnal animals, artificial lighting should be directed away from them.</p> <p>There are no historical records of Dormouse within the search area, and the report concludes that the habitat on site is not extensive enough to support a viable</p>

		<p>population of this species given lack of connectivity to surrounding woodland and past management. It appears from the application that the hedgerow would be retained, therefore should Dormice be present, it is unlikely that they would be affected.</p> <p>The ecological report also considers otters, and concludes that neither species would be affected by the proposed development.</p>
	<p>UK Species</p>	<p>There are records of UK protected species within 1km of the proposed development including badgers (480m), bird species including House Sparrow (500m), Curlew (900m), Starling (500m) and Dunnock (600m); and reptile and amphibian species including the Common Lizard (780m) and Palmate Newts (300m).</p> <p>The vegetation at the site provides suitable nesting habitat for birds. I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>The hedgerows bounding two sides of the site could provide suitable habitat for reptile species, such as the common lizard. It appears from the submitted plans (Site Plan, Drawing No: 001) that these hedgerows would be retained. The development area is considered unsuitable for reptile species as the sward height is kept short by grazing livestock.</p> <p>The ecological report concludes that there are no suitable habitat features for amphibians within 500m of the proposed development.</p> <p>Whilst there are historical records of badgers within 500m of the proposed development, the ecological survey did not identify any evidence of badgers within the site area or in</p>

		the woodland directly adjacent.
	Section 7 Species & Habitats	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>Further to the species already discussed, there are historical records of other Section 7 species within 1km of the proposed development site, including hedgehog (530m) and Hare (400m). It is not considered that these species would be affected by the proposed development, provided that features such as the hedgerows are retained as outlined in the application.</p> <p>There are hedgerows along two of the site boundaries. Hedgerow is a Section 7 habitat. It appears that these hedgerows would be retained. These hedgerows should be protected during construction in accordance with BS5837:2012.</p> <p>Enhancement measures should be incorporated into the development in order to ensure that there is no net loss of biodiversity. Measures could include additional native planting as recommended in the ecological report (Pearce Environmental Ltd, September 2016), and installation of bat and bird boxes at various locations around the site.</p>
	LBAP Species & Habitats	<input checked="" type="checkbox"/> See above comments.
Protected Sites	International Sites (within 1km)	None within the search area
	National Sites (within 1km)	None within the search area
	Local Sites (within 500m)	None within the search area
Recommendations		I recommend that any vegetation clearance

	<p>works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p>
<p>Further information required prior to determination of application</p>	
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>Prior to commencement of development, a Species List for the Landscape Planting, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Biodiversity Enhancement Plan to include details of the bird nest and bat boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p>Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.</p> <p><i>Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p>Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016),</p>

TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2 and ENV3 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Informatives

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built

- intentionally take or destroy the egg of any wild bird

- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales

	and the Council's Ecologist.
Relevant UDP Policies	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 7: Protected Species

Natural Resources Wales

Thank you for consulting NRW regarding the above application which was received on the 17/10/17. We do not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed.

European Protected Species (EPS)

NRW has not considered EPS because the application does not appear to include an EPS report. Please consult NRW again if an EPS report identifies the presence of EPS.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Public Response

Following the display of a site notice on the 27/10/2017 for the period of 21 days no public representations have been received at the time of writing this report.

Planning History

P/2016/0959 - Application for outline planning permission for the erection of 5 no. dwellings with some matters reserved – Conditional Consent

PPAE/2016/0083 – Erection of up to five houses of a generally similar scale and appearance to houses already built on the adjoining land – Planning Permission Needed

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 2 - Planning and Affordable Housing (2006)

TAN 5 - Nature Conservation and Planning (2009)
TAN 6 - Planning for Sustainable Rural Communities (2010)
TAN 12 - Design (2014)
TAN15 – Development and Flood Risk (2014)
TAN 18 - Transport (2007)
TAN 23 – Economic Development (2014)

Local planning policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP HP8- Affordable Housing Adjoining Settlements with Development Boundaries
UDP HP10- Affordability Criteria
UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP ENV 1 - Agricultural Land
UDP ENV 2 - Safeguarding the Landscape
UDP ENV 3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV 7 - Protected Species
UDP TR2 – Tourist Attractions and Development

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires 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 made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

The application site is located entirely outside but adjoins the settlement development limits for Castle Caereinion as defined by the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement*

boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered as a departure.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, 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".

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

PPW requires that development be sustainable and that adverse impacts do not outweigh the benefits. Furthermore PPW, it states that, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the

countryside should be avoided, unless special circumstances apply in compliance with provisions of TAN6.

By way of background to the application site it is noted that consent has already been granted in outline at committee for residential development on this application site. This consent therefore now comes in with a full application for the consent of four dwellings.

Castle Caereinion is classified as a small village within the Powys Unitary Development Plan. Castle Caereinion is served by a range of community services such as a village shop, primary school, community hall, public house and there is a bus service to Welshpool.

Therefore, on balance Officers consider that additional residential development in this location would accord with the provisions of Planning Policy Wales as it is considered to be a sustainable location.

Appearance, Layout and Style

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The site layout details a cul-de-sac formation, consistent with the surrounding built form, the scale of the proposed dwellings are considered to be in keeping with those adjoining the site.

The proposal is for the development of two, three bedroom dormer bungalows and two, four bedroom houses; this is consistent with the properties already constructed on the existing cul-de-sac.

The proposed materials are facing brickwork for the walls, natural slate for the roof, UPVC windows and composite doors. It is considered that the proposed materials are consistent with the properties already constructed on the existing cul-de-sac.

It is considered that the application site is capable of accommodating five dwellings (one affordable) without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Highway Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

The Highway Authority have been consulted on this application and have raised no objections to the development subject to the suggested conditions listed above regarding parking provision and access construction methods and materials.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Residential Amenity

Policy GP1 of the Powys UDP seeks to safeguard the amenities enjoyed by occupants of existing and proposed dwellings by reasons of noise, overlooking and privacy.

The original plans indicated that Plot 1 may impact the right to light and privacy afforded to the dwelling known as 43 Swallows Meadow. The application has since been amended and provides a distance of 10 metres distance between Plot 1 and 43 Swallows Meadow as advised in the Residential Design Guide (2004). The proposal has been amended to remove the windows on the elevation nearest to 43 Swallows Meadow and therefore it is considered that the dwelling will not impact the privacy afforded to the dwelling.

It is considered that the remainder of the plots have been sited so as to not impact the right to light or privacy afforded to the existing dwellings.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy GP1 of the Powys UDP in respect of residential amenity.

Welsh Language

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Castle Caereinion is not identified as a settlement where Welsh Language is important to the social, cultural and community fabric of the area.

In the 2011 census the Castel Caereinion Ward reported that 15.1% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 17% of the population of Castel Caereinion spoke Welsh. The development of a four dwelling in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

Loss of agricultural land

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as category 3b agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the

development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification of category 3b it is considered that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

Other Legislative 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 there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION

Whilst the proposal is a departure from the development plan, the Council's current lack of housing land supply carries significant weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XXXX (drawing no's: P-101 Rev A, P-004 Rev A, SW-DL-400, 003 Rev E, 004 Rev B)
3. Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
4. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
5. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom, to the maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.
6. The area of each private drive and any turning area is to be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.
7. No storm water drainage from the site shall be allowed to discharge onto the county highway.

8. Prior to commencement of development, a Species List for the Landscape Planting, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
9. Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval.
10. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
9. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
10. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Informative Notes

Building Control

Building Regulations application required.

Wales & West Utilities

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Biodiversity

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

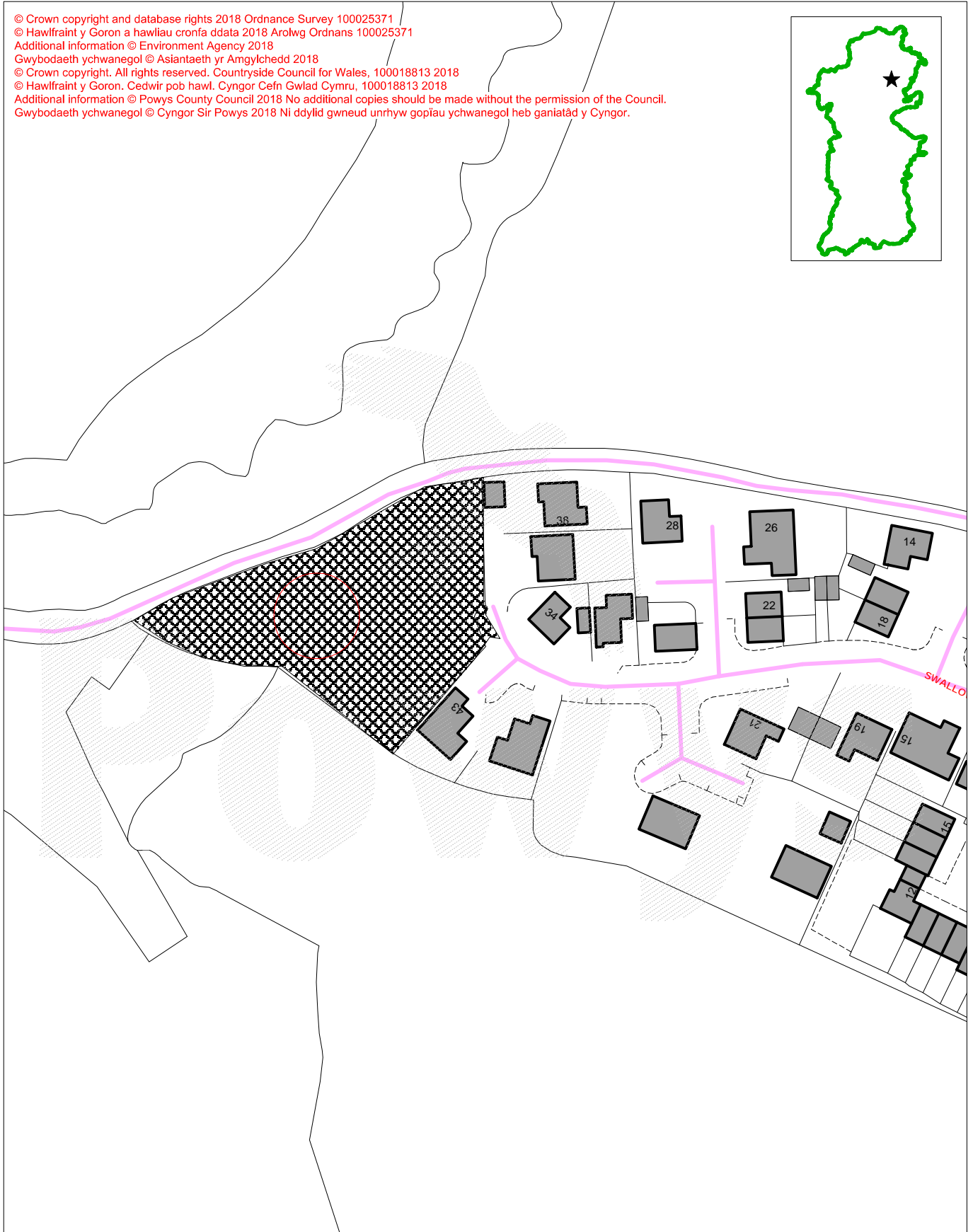
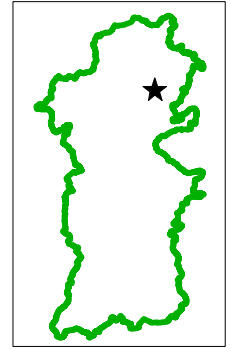
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Case Officer: Sara Robinson- Planning Officer

Tel: 01597 827229 E-mail: sara.robinson@powys.gov.uk

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Reasons for Deferral

Whilst the Highway Authority do not object to the principle of development, the access road from the County Highway to the development is substandard in terms of carriageway gradient. The application does not include any detail of proposed works to be carried out to improve the gradient to 1 in 15 for the first 10 metres.

Having reviewed speed data taken from near the access it became evident that the proposed visibility splays of 43 and 59 metres are not sufficient for the traffic speeds. The 85th percentile speed within the 30mph zone is 39.4mph therefore the visibility in the westerly direction is required to be increased to 59 metres and 129 metres in the easterly direction.

If a revised plan were to be submitted to show the improved access and visibility splays as outlined above the Highways Authority would then be in a position to provide a final response.

Consultation received 03/01/2018

The County Council as Highway Authority for the County Class II Highway, B4391

Wish the following recommendations/Observations be applied
Recommendations/Observations

In accordance with revised plan ref. RPP/GD-JO837-03 the below conditions should be included if this application is approved.

HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 6 metres distant from the edge of the adjoining carriageway (B4391) and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 Prior to the commencement of the development the gradient of the access onto the B4391 shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 Prior to the commencement of the development the centre line of the first 10 metres of the access road onto the B4391 measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access onto the B4391 shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 129 metres in an easterly direction and 59 metres in a westerly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility

and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC12 The width of the access carriageway onto the B4391, constructed as above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom to a maximum of 3 excluding any garage space provided. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

PCC Building Control

Building Regulations application required.

Wales and West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 08.11.2017, advising us of the proposals for:

Glanaber, Penybontfawr, Oswestry, Shropshire, SY10 0PD

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent Water

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

PCC Environmental Health

As the proposed dwellings will be connected to the mains foul drainage, I have no objection to the application.

PCC Ecologist

Ecological Topic		Observations
EIA Screening Opinion needed?	No	The site area is understood to be 0.20 hectares and includes only 2 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with application?	No	<p>No ecological information has been submitted with the application. These observations are based on an interpretation of available aerial and street imagery, the submitted plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.</p> <p>The proposals involve the construction of 2 new dwellings on the outskirts of a small rural village. The proposed site is located in the north-east corner of an improved agricultural field which is bordered to the north by an existing residential property, and to the east by a private track which would provide access to the proposed development. The field boundaries to the east and west consist of hedgerow with mature trees, and the wider landscape is made up of agricultural fields bordered by trees and hedgerows.</p> <p>It's currently unclear whether a small row of mature trees along the northern section of the eastern field boundary would need to be removed to allow access into the proposed site.</p> <p>The proposal includes the provision of a new hedgerow along the southern and western boundaries of the development.</p>

Protected Species & Habitats¹	European Species	☒	<p>Within 1km of the site there are historic records of otters and various bat species.</p> <p>The eastern field boundary is made up of a row of mature trees and it is currently not clear whether tree removal is required to allow access into the proposed site at the northern end of this boundary. Bat tree-roosts are extremely difficult to identify, and it should be assumed that any mature native-species tree is an actual roost. It's highly recommended that all trees are retained, however should this not be possible measures are provided below which would reduce the risk of harming bats during clearance works. Given the potential for bat roosting features within surrounding mature trees and the importance of the hedgerow for commuting and foraging bats it is also recommended that measures are presented outlining how the developer intends to protect retained vegetation during the works.</p> <p>Should new lighting be required I recommend that a sensitive lighting plan is implemented in order to minimise the impact of new lighting on bats and any other nocturnal wildlife that may use surrounding vegetation for commuting or foraging.</p> <p>The proposed site does not present suitable foraging or resting habitat for otters.</p>
	UK Species	☒	<p>In addition to the species identified above, there are historic records of a variety of nesting birds within 1km of the site.</p> <p>The creation of the access to the east of the site would require the removal of some vegetation. I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>The hedgerow that borders the site to the east could also provide suitable shelter for common reptile species. It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access and associated sightlines.</p>

¹ Species records within 1km (minimum).

	Section 7 Species & Habitats	<p>The applicant should be mindful that, in accordance with Powys County Council’s duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>It would seem likely that the creation of the access to the east of the site would require the removal of a section of hedgerow. Hedgerows are a Section 7 Priority Habitat. It is recommended that hedgerow removal is minimised and any section which need to be removed is translocated elsewhere within the development to allow earlier habitat establishment. The proposal includes the provision of a new hedgerow along the southern and western boundaries of the development which is welcomed and it is recommended that the new hedgerow is composed of locally occurring native species. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>In addition to the species identified above, within 1km of the site there are historic records of hedgehog, and there could also be suitable habitat for other small mammals which are Section 7 priority species. It is therefore recommended that reasonable avoidance measures applied during site clearance to prevent impacts upon the local reptile population (discussed above) are extended to consider Hedgehogs and other small animals.</p> <p>As enhancement measures it is recommended that a variety of bird and bat boxes are fixed to the proposed dwellings or garage buildings.</p>
	LBAP Species & Habitats	<p>Please see comments above.</p>
Protected Sites	International Sites (within 1km)	None within the search area
	National Sites (within 1km)	None within the search area
	Local Sites (within 500m)	None within the search area
Invasive Non-Native Species	Unknown	No ecological information has been submitted with the application.

<p>Recommendations</p>	<p>Bat tree-roosts are extremely difficult to identify, and it should be assumed that any mature native-species tree is an actual roost.</p> <ul style="list-style-type: none"> • All British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the <i>Conservation of Habitats and Species Regulations 2010</i>. <p>Regulation 9(5) of the 2010 Regulations requires all local planning authorities, in the exercise of all their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.</p> <p>Under Regulation 41 of the 2010 Regulations it is an offence to:</p> <p><i>(1) deliberately capture, injure or kill any wild animal of a European protected species;</i></p> <p><i>(2) deliberately disturb animals of any such species. Disturbance of animals includes in particular any disturbance which is likely—</i></p> <p><i>(a) to impair their ability—</i></p> <p><i>(i) to survive, to breed or reproduce, or to rear or nurture their young; or</i></p> <p><i>(ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or</i></p> <p><i>(b) to affect significantly the local distribution or abundance of the species to which they belong</i></p> <p><i>(3) deliberately take or destroy the eggs of such an animal; or</i></p> <p><i>(4) damage or destroy a breeding site or resting place of such an animal (including sites that are currently unoccupied).</i></p> <p>Furthermore that all British bats are protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended). This legislation makes it an offence to intentionally kill, injure, take from the wild, possess or trade in any species of British bat, as well as intentionally or recklessly damage, destroy or obstruct access to any structure or place which bats use for shelter or protection. It is also an offence to disturb a bat/ bats whilst they are using such a place.</p> <p>It is therefore recommended that the applicant and contractors be informed of the possibility of encountering bats unexpectedly during tree works. If bats are encountered on site works should stop immediately and NRW should be contacted.</p>
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As a precaution it is recommended that the following sensitive felling procedure be implemented to minimise disturbance to bat populations.

- Where tree felling or lopping is planned, such work should only be carried out between September and February to avoid the bird-breeding season.
- If the tree trunk is smaller than 200mm diameter **and** if it has no dense ivy, suitable holes, loose bark, and no holes associated with the root system, work can be carried out on the tree between September and February (*i.e.* avoiding the bird breeding season).
- To avoid disturbing nursery roosts, work will **never** be carried out between June and August inclusive.
- If the tree does have any of the features listed above or has a trunk size greater than 200mm, it should be cut **only** in September and October when bats, including young are still mobile and able to fly-out.
- Any timber cut should be left lying on the ground for at least 24 hours to allow bats the opportunity to escape.
- Where the loss of mature trees is unavoidable, compensatory planting with appropriate locally native species, preferably of local provenance, should be undertaken.

I recommend that the extent of vegetation removal is kept to a minimum and where it needs to be removed for access this should be mitigated through translocation where possible to allow more immediate habitat establishment. Native, locally-occurring plant species should be included in all landscaping associated with this application and a species list for the landscaping should be provided for approval prior to commencement of development.

A tree/hedgerow protection plan in accordance with BS5837:2012 should be submitted for LPA approval prior to commencement of works and be implemented during the construction phase to safeguard retained vegetation.

I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife, such as bats, that may use surrounding vegetation.

Any vegetation clearance works required to accommodate the proposed development should be timed to avoid the bird nesting season (generally March to August inclusive).

	<p>If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles and small animals during any vegetation clearance required to facilitate the proposed access and associated sightlines.</p> <p>Enhancement of the site, for example by installation of bat and bird boxes as part of the proposals, would be welcomed.</p>
<p>Further information required prior to determination of application</p>	<p>I am of the opinion that sufficient information has been included to determine the application from an ecological perspective, and in consideration of the information, I recommend conditions as detailed below.</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.</p> <p><i>Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.</i></p>

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.

Informatives

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where

that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

Relevant UDP Policies	SP3 Natural, Historic and Built Heritage ENV 2: Safeguard the Landscape ENV 3: Safeguard Biodiversity and Natural Habitats ENV 6: Sites of Regional and Local Importance ENV 7: Protected Species
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Representations

Following the display of a site notice on the 10/11/2017 for the period of 21 days no public representations have been received at the time of writing this report.

Principal Planning Constraints

Historic Landscapes Register Outstanding

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)
 TAN 1 - Joint Housing Land Availability Studies (2015)
 TAN 2 - Planning and Affordable Housing (2006)
 TAN 5 - Nature Conservation and Planning (2009)
 TAN 6 - Planning for Sustainable Rural Communities (2010)
 TAN 12 - Design (2014)
 TAN15 – Development and Flood Risk (2014)
 TAN 18 - Transport (2007)
 TAN 23 – Economic Development (2014)

Local planning policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
 UDP SP5 - Housing Developments
 UDP GP1 - Development Control
 UDP GP3 - Design and Energy Conservation
 UDP GP4 - Highway and Parking Requirements
 UDP HP3 - Housing Land Availability
 UDP HP4 - Settlement Development Boundaries and Capacities
 UDP HP6 - Dwellings in the Open Countryside
 UDP HP8- Affordable Housing Adjoining Settlements with Development Boundaries
 UDP HP10- Affordability Criteria
 UDP DC10 - Mains Sewage Treatment
 UDP DC11 - Non-mains Sewage Treatment
 UDP DC13 - Surface Water Drainage
 UDP DC8 - Public Water Supply
 UDP DC9 - Protection of Water Resources
 UDP ENV 1 - Agricultural Land

UDP ENV 2 - Safeguarding the Landscape
UDP ENV 3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV 7 - Protected Species
UDP TR2 – Tourist Attractions and Development

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires 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 made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

The application site is located entirely outside but adjoins the settlement development limits for Pen-y-bont as defined by the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered as a departure.

Housing Land Supply

Planning policy (TAN1 and UDP HP3) states that the Council needs to have a five year supply of land available for housing. The Powys Joint Housing Land Availability Study (2016) concludes that there is 2.2 years of housing supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5

year requirement or where the local planning authority has been unable to undertake a study, 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”.

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

Sustainability

In considering a departure from the Powys Unitary Development plan policies consideration must be given to the location of the proposed development in terms of the sustainability of the development. Account should be given to the range of services and facilities available within close proximity to the site.

Planning Policy Wales (PPW) requires that development be sustainable and that adverse impacts do not outweigh the benefits. Furthermore PPW, it states that, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided, unless special circumstances apply in compliance with provisions of TAN6.

Pen-y-Bont Fawr is classified as a large village within the Powys Unitary Development Plan. Pen-y-Bont Fawr is served by a range of community services such as a village shop/post office, garage, primary school, public house and there is a bus service to Oswestry.

Therefore, on balance Officers consider that additional residential development in this location would accord with the provisions of Planning Policy Wales as it is considered to be a sustainable location.

Appearance, Layout and Style

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Consent is currently sought in outline with all matters relating to appearance, layout and scale all being reserved and to be considered under the reserved matters application.

Having visited the application site it is considered that the site is capable of accommodating two detached dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Highway Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

The Highway Authority has been consulted on this application and had raised concerns with regards to the access and visibility splays.

Following the submission of amended plans the Highways Authority raised no objections to the development subject to the suggested conditions listed above.

In light of the highways officers comments it is considered that the proposed dwellings fundamentally comply with Policy GP4 of the Powys Unitary Development Plan 2010.

Residential Amenity

Policy GP1 of the Powys UDP seeks to safeguard the amenities enjoyed by occupants of existing and proposed dwellings by reasons of noise, overlooking and privacy.

The proposed dwellings are located to the rear of the dwelling of Glanaber. The site is located approximately 23 metres south of the rear elevation of the dwelling known as Glanaber.

Due to the distance between the proposed site and neighbouring dwellings it is considered that the proposed dwellings have been sited so as to not impact the right to light or privacy afforded to the existing dwellings.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy GP1 of the Powys UDP in respect of residential amenity.

Welsh Language

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area.

Pen-Y-Bont Fawr is identified as a settlement where the Welsh Language is important to the social, cultural and community fabric of the area.

In the 2011 census the overall number of Welsh Speakers in Pen-Y-Bont-Fawr has fallen from the 2001 census. With age 3 + the percentage has decreased from 56.3% to 50%. With ages 3-15 has decreased from 83.6% to 78.9%. However the age group from 16-64 has seen an increase from 49.4 % to 51.5%. With those aged 65+ has seen a significant decrease from 57.5% to 30.1%.

A Welsh Language Assessment has been submitted alongside the application. The assessment argues that the data illustrates that Penybontfawr has suffered from a decline of welsh speakers in the village. With every rural village, it suffers from an ageing population,

and new housing will provide an opportunity for young families to live in the village, with the potential of children attending Penybontfawr Primary School which is a Welsh medium school.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

With regard to the developments impact on the primary school, given the scale of the proposed development, the impact on schools is considered to be favourable. Rural schools such as Pennant, are under pressure to remain open, and additional housing, will only increase the numbers of pupils within the school. Pennant Primary is a Welsh medium school, and therefore will have a significant positive impact on the Welsh Language and Culture, by increasing the number of young local people speaking Welsh.

The development of two dwellings in this settlement is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

Loss of agricultural land

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as category 3b agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification of category 3b it is considered that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

Other Legislative 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 there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION

Whilst the proposal is a departure from the development plan, the Council's current lack of housing land supply carries significant weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxx in so far as the extent of the application site is drawn and the access point onto the C2015 highway (drawing no: RPP/GD-JO837-03).
5. Prior to the occupation of the dwelling any entrance gates shall be set back at least 6 metres distant from the edge of the adjoining carriageway (B4391) and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
6. Prior to the commencement of the development the gradient of the access onto the B4391 shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
7. Prior to the commencement of the development the centre line of the first 10 metres of the access road onto the B4391 measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
8. Prior to the commencement of the development the access onto the B4391 shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 129 metres in an easterly direction and 59 metres in a westerly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
9. The width of the access carriageway onto the B4391, constructed as above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.
10. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 car per bedroom to a maximum of 3 excluding any garage space provided. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
11. No storm water drainage from the site shall be allowed to discharge onto the county highway.

12. Prior to first installation a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.
13. Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
13. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Informative Notes

PCC Building Control

Building Regulations application required.

Wales and West Utilities

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Biodiversity

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
 - Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
- Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in

use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

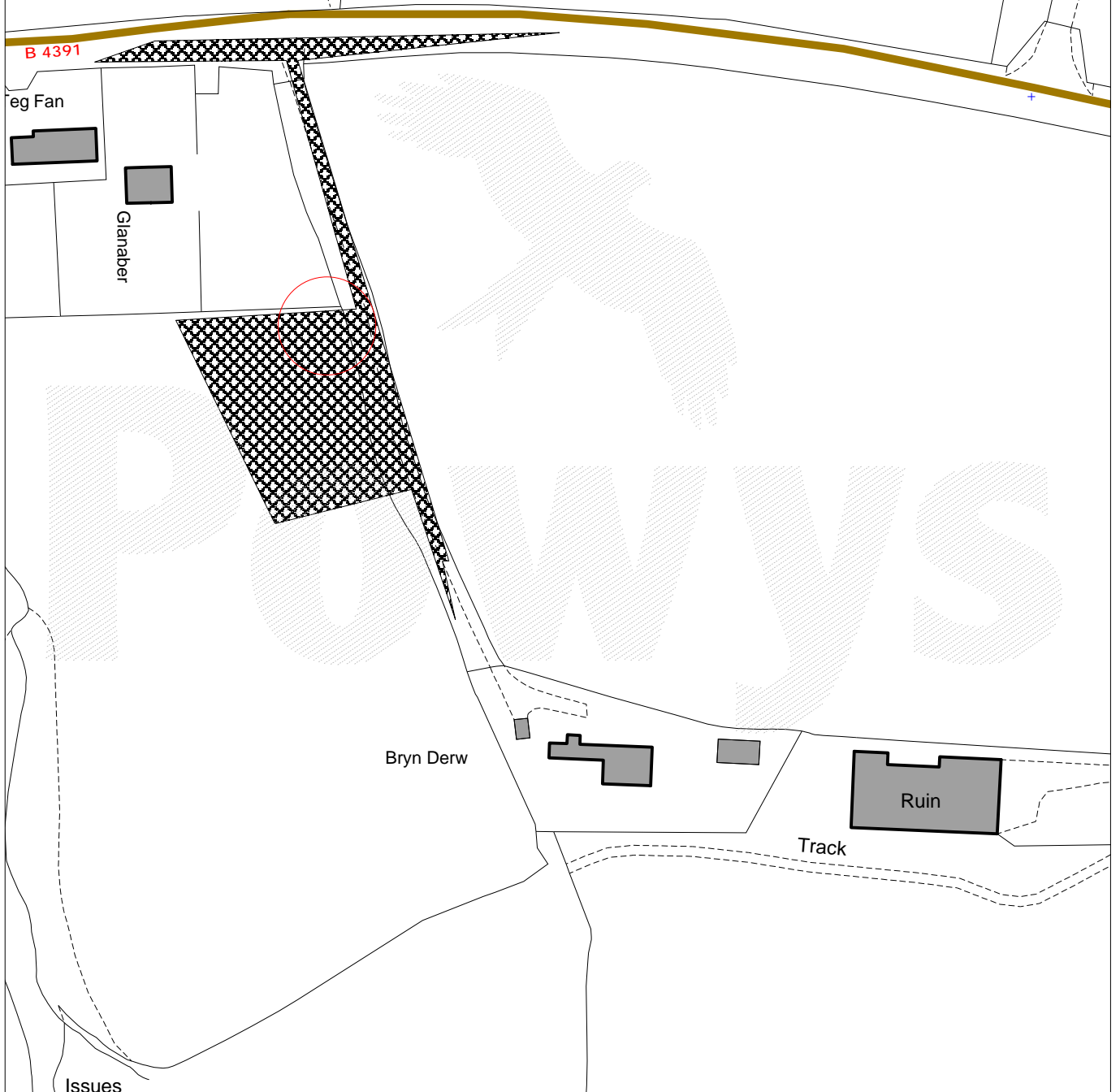
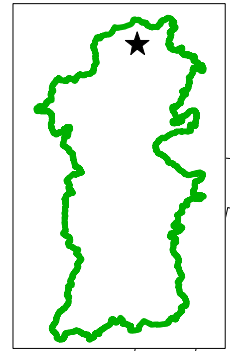
The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

Case Officer: Sara Robinson- Planning Officer
Tel: 01597 827229 E-mail:sara.robinson@powys.gov.uk

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6.12

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1318	Grid Ref:	311664.2 256448.52
Community Council:	Glascwm	Valid Date:	Officer: 10/11/2017 Kevin Straw
Applicant:	Mr M Davies, Coedbach, Franksbridge, Llandrindod Wells, Powys, LD1 5SA.		
Location:	Coedbach, Franksbridge, Llandrindod Wells, Powys, LD1 5SA.		
Proposal:	Outline: Erection of 2 no. single storey residential dwellings and associated works (all matters reserved).		
Application Type:	Application for Outline Planning Permission.		

The reason for Committee determination

The application requires a committee determination as it is recommended for approval and is a departure from the development plan.

Site Location and Description

The application site is located within the community council area of Glascwm. The application site is situated to the north-west of Franksbridge and is indicated to cover an area of 0.19 hectares. The site is located adjacent, albeit outside of the northern edge of the development boundary of Franksbridge, as indicated on Inset Map R53 of the Powys UDP.

The site is currently open agricultural grassland and is situated adjacent to the U1019 county highway which runs to the west of the application site. The applicants dwelling is located to the immediate south-east with further residential dwellings to the south and south-east beyond. To the north and east there is open agricultural grassland.

Consent is sought in outline, with all matters reserved for the erection of two dwellings and associated works.

Consultee Response

Glascwm Community Council

In respect of planning application P/2017/1318 – Residential Buildings at Coedbach, Franksbridge, please be informed that Glascwm Community Council have discussed this application and although it is outside of the development boundary support is given by members. There is a concern that the drainage on the road in this area is in a poor condition and work would be needed to improve this.

PCC - Highways

The County Council as Highway Authority for the County Unclassified Highway, U1019; wish the following recommendations/Observations be applied.

Recommendations/Observations

The Highway Authority has no fundamental objection to this proposal. Suitable highway conditions will be recommended during the "reserved matters application".

PCC - Building Control

No comments have been received at the time of writing this report.

Wales & West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Welsh Water

Sewerage

We have no public sewerage system mapped in this area, and therefore have no comments to make regarding this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

PCC - Environmental Health

I note a package treatment plant discharging into a watercourse will be used, Public Protection would not have any objections however, due to the residential nature of the area where the proposed development will be sited and given consideration to noise creation, I would suggest that the landscaping and construction period working hours and delivery times be restricted as follows:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800 - 1800 hrs Monday to Friday
0800 – 1300 hrs Saturday
At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

PCC - Ecologist

Thank you for consulting me with regards to planning application P/2017/1318 which concerns an outline application for erection of 2 no. single storey residential dwellings and associated works (all matters reserved) at Coedbach, Franksbridge, Llandrindod Wells.

I have reviewed the proposed plans submitted with the application as well as aerial photographs of the site and surrounding habitats, local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 42 record of protected and priority species within 500m of the proposed development - no records were for the site itself.

The proposed development is within 500m of two non-statutory designation sites:

- Local Wildlife Trust Reserve – Werndryd
- Roadside Verge Nature Reserve – Werndryd

The proposed development is within 500m of three statutory designation sites:

- Coedmawr Fields – SSSI
- River Wye (Tributaries) – SSSI
- River Wye – SAC

Having reviewed the location and nature of the proposed development in relation to the River Wye SAC it is considered that there is no direct connection between the proposed development site and the River Wye SAC. There is a roadways and woodlands between the proposed development site and the River Wye SAC. Given the lack of connection between the proposed development site and the nature of the development it is considered that there is no potential for a Likely Significant Effect to the SAC or its associated features and that a HRA would not be required.

The site of the proposed development appears to be an area of poor semi-improved grassland which is considered a habitat of low ecological value. However, the hedgerow on the western boundary of the development is considered to be of moderate ecological value. From the submitted plans it is unclear if sections of the hedgerow is proposed to be removed to accommodate the new access.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows’

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi. Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

As such I recommend that a Hedgerow Replacement Plan is secured through an appropriately worded condition, where it is necessary to remove any hedgerow this plan will need to identify appropriate compensation planting for the loss of these features to maintain the important foraging or commuting features – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Landscape Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.

Biodiversity Enhancements

As the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

•Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

Prior to commencement of development a Hedgerow Replacement Plan shall be submitted to the Local Planning Authority and implemented in full as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Natural Resources Wales

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist, Natural Resources Wales and Planning Consultations (March 2015): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and->

development/?lang=en. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Representations

Following display of a site notice on 27/11/2017 there has been one public representation made in objection to the proposal.

In summation the comments received related to;

- Adverse impact upon views from their dwelling.

Planning History

R735/B – 3 bed bungalow and garage – Approved.

Principal Planning Constraints

None.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)
Technical Advice Note 1 - Joint Housing Land Availability Study (2015)
Technical Advice Note 5 - Nature Conservation and Planning (2009)
Technical Advice Note 11 – Noise (1997)
Technical Advice Note 12 - Design (2016)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 20- Planning and the Welsh Language (2017)
Technical Advice Note 23 - Economic Development (2014)

Local Planning Policies

SP2 - Strategic Settlement Hierarchy
SP3 - Natural, Historic and Built Environment
SP4 - Economic and Employment Developments
SP5 - Housing Development
SP6 - Development and Transport
SP9 – Local Community Services and Facilities

GP1 - Development Control

GP2 – Planning Obligations
GP3 - Design and Energy Conservation
GP4 - Highway and Parking Requirements
ENV1 - Agricultural Land
ENV2 - Safeguarding the Landscape
ENV3 - Safeguarding Biodiversity and Natural Habitats
ENV4 – Internationally Important Sites
ENV5 – Nationally Important Sites
ENV6 – Sites of Regional and Local Importance
ENV7 – Protected Species
HP3 - Housing Land Availability
HP4 - Settlement Development Boundaries and Capacities
HP5 - Residential Development
HP6 - Dwellings in the Open Countryside
CS3 – Additional Demand for Community Facilities
T2 - Traffic Management
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC11 – Non-Mains Sewerage Treatment
DC13 - Surface Water Drainage
TR2 – Tourist Attractions and Development Areas

Powys Residential Design Guide (2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires 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 made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

The application site is located wholly outside, though considered to adjoin the settlement development limits for Franksbridge as defined by the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered as a departure.

Housing Land Supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The latest Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, 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".

Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be within a sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

Franksbridge is considered a small village in the UDP. The village contains a primary school with a garden and play area with disabled access and there is a Radnorshire Wildlife Trust nature area adjacent to the school grounds. The village is also served by the Bethel Baptist Chapel and burial ground. The village of Hundred House is located approximately 1.6 kilometres to the south-west which offers a pub, community centre and recycling facilities; the Area Centre of Llandrindod Wells is situated approximately 8 kilometres to the north-west of Franksbridge and offers a wide range of facilities and transport links. Franksbridge is served by an acceptable road network linking to wider larger settlements including Llandrindod Wells and Builth Wells.

The application site is situated adjacent to the current settlement boundary and as such is considered to be within a sustainable location.

Design and layout

Guidance contained within UDP policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area.

Whilst design and layout are reserved and will be dealt with at a later point in time, it is noted within the application submission that the proposals seek the erection of two open market dwellings, to be accessed via an existing driveway serving the applicants own dwelling. This junction with the county highway would remain unaltered.

Although Officers acknowledge that all matters relating to this application have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 2 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Landscape and Visual Impact

UDP Policy ENV2 states that proposals should 'take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape'. It goes on to state that proposals which are acceptable in principle should 'contain appropriate measures to ensure satisfactory integration into the landscape'.

The site occupies an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change.

In terms of landscaping the indicative layout plan indicates that there are to be existing hedgerows retained within the site to the west with proposed hedge planting to the north and east of the site. It is however noted that landscaping is reserved as a future matter for consideration and therefore detailed proposals would be considered at a later stage.

Whilst the proposal would result in a visual change in comparison to the current use, taking into account the location on the edge of settlement, it is considered that the proposal is acceptable and in accordance with Policy ENV2 of the UDP.

Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as category 5 agricultural land; this is defined as very poor quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

"In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance.

Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification of category 5 it is considered that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

Highway Safety

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The proposed development will be accessed from an existing private driveway which connects to the local county highway network.

Consultation with the highways Authority did not raise any fundamental objections to the proposed development. The officer indicated that appropriate highway conditions would be provided at the Reserved Matters stage, given that access is a reserved matter.

In light of the officers comments it is therefore considered that the development does not have a detrimental impact upon highway safety, access and parking and therefore fundamentally complies with policy GP4 of the Powys Unitary Development Plan (2010).

Drainage

PCC Environmental Health and NRW were consulted with regard to drainage. NRW did not wish to make any comments, however they did indicate that the applicant should be advised that, in addition to planning permission it is their responsibility to ensure that they secure all other permits/consents relevant to their development. This comment will be included as an informative with any decision notice issued.

Comments from the PCC officer noted that a package treatment plant is proposed which would discharge into a watercourse; the officer did not have any objections.

Welsh Water confirmed that they have no public sewerage system mapped in this area, and therefore have no comments to make regarding this application.

In light of the above it is considered that the proposed development fundamentally complies with relevant planning policy.

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004).

It is considered that the proposed development will have minimal adverse impacts upon amenities of nearby dwellings in terms of impacts upon loss of privacy or potential impacts upon loss of daylight. The closest neighbouring dwelling (the applicants) is located approximately 20 metres to the south-east. The residential dwellings further south and south-eastwards are considered to be afforded a degree of screening by the applicants own dwelling from the proposed site as well as by existing vegetative screening and fencing. It is however considered that any potential likely adverse impacts upon existing neighbouring dwellings can be addressed through design and should be considered at the reserved matters stage.

Comments received from PCC Environmental Health note that due to the residential nature of the area where the proposed development will be sited and given consideration to noise creation, the officer suggested that the landscaping and construction period working hours and delivery times be restricted. A suitable condition was recommended which seeks the restriction upon all works and ancillary operations which are audible at the site boundary which limits operations within a specified time period and on specified days of the week. The officer also stated that deliveries to and removal of plant, equipment, machinery and waste, including soil from the site must also only take place within the permitted hours

In light of the above and subject to the inclusion of the recommended condition it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Biodiversity

The PCC Ecologist provided comments in regard to the details as submitted.

The officer confirmed that they had reviewed the proposed plans submitted with the application as well as aerial photographs of the site and surrounding habitats, local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 42 record of protected and priority species within 500m of the proposed development; however, no records were for the site itself.

The officer noted that the proposed development is within 500m of two non-statutory designation sites, those being; Local Wildlife Trust Reserve – Werndryd and Roadside Verge Nature Reserve – Werndryd. The officer also noted that the proposed development is within 500m of three statutory designation sites, those being; Coedmawr Fields – SSSI, River Wye (Tributaries) – SSSI and the River Wye – SAC.

Having reviewed the location and nature of the proposed development in relation to the River Wye SAC the officer considered that there is no direct connection between the proposed development site and the River Wye SAC.

The officer stated that the site of the proposed development appears to be an area of poor semi-improved grassland which is considered a habitat of low ecological value. However, the hedgerow on the western boundary of the development is considered to be of moderate ecological value.

The officer did note that as the application is an outline application further details will be submitted at a later date as reserved matter consideration should be given to incorporate biodiversity enhancements.

The officer raised no objections to the proposed development subject to the inclusion of a number of conditions which would seek to ensure appropriate landscaping and retention schemes. However, given that landscaping is a reserved matter it is not considered appropriate to attach those related condition at this point.

In light of the above and subject to the inclusion of the appropriately recommended conditions it is considered that the proposed development fundamentally complies with relevant planning policy.

Public Representations

It is considered that the concern raised in objection to this application has been addressed through the body of this report; however, it should also be noted that the right to a view from a residential dwelling is not a material planning consideration. As such no further comments can be made in this regard.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application.

Policy GP5 indicates certain settlements where the Welsh Language has been identified as being important to the social, cultural and community fabric. Franksbridge is not identified as being one of those settlements under GP5. However, it is considered that Welsh Language is a material consideration across the County.

From the 2011 census for the Glascwm community area the percentage of those with some knowledge of Welsh was indicated to be 20.45%. This is in contrast to the 2001 census data which indicated that 10.5% of the population were Welsh speakers.

Given the scale of the proposed development it is considered that the proposal will not have an unacceptable adverse impact upon Welsh language and culture.

Other Legislative 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 there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval.

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800 – 1800 hours Monday to Friday
0800 – 1300 hours Saturday
At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil from the site must also only take place within the permitted hours detailed above.

5. Prior to the first use of any external lighting a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To safeguard local amenities in accordance with policies GP1 of the Powys Unitary Development Plan.
5. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

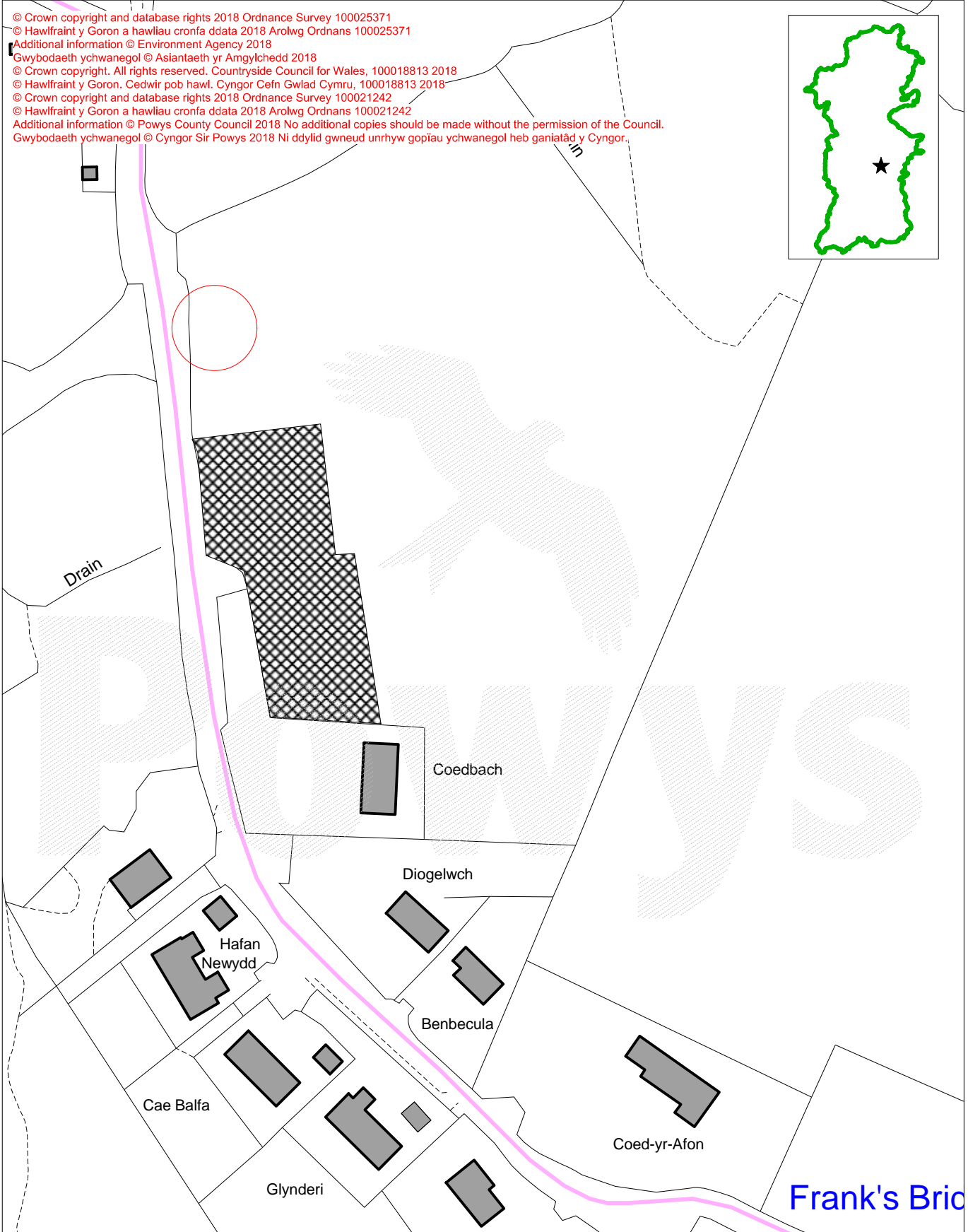
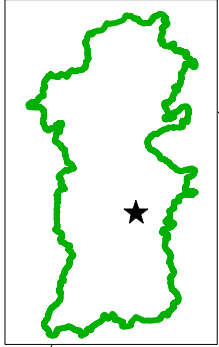
Informative Notes

National Resources Wales

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Case Officer: Kevin Straw - Planning Officer
Tel: 01597 827092 E-mail: kevin.straw@powys.gov.uk

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Recommendations/Observations

Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 5.5 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access.

Nothing shall be planted, erected or allowed to grow on the area of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed

Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 1 cars per bedroom, to a maximum of 3, excluding any garage space provided. The parking areas shall be retained for their designated use in perpetuity.

Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.45 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

The width of the access carriageway, constructed as above, shall be not less than 3.5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

No storm water drainage from the site shall be allowed to discharge onto the county highway.

Powys Building Control

Please be aware that the proposed scheme will require Building Regulations approval. Please do not hesitate to contact me for further information.

Wales and West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 09.10.2017, advising us of the proposals for:

Land Adj., Manteg, Mochdre, NEWTOWN, Powys, SY16 4JJ

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent

With reference to the above planning application the company's observations regarding sewerage area as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Cllr Karl Lewis

No response at the time of writing this report.

Powys Environmental Health

Thank you for your consultation in respect of this application. There is a main sewer in Stepside which is the preferred option for drainage, it will be necessary for the applicant to demonstrate that connection to the mains is not feasible prior to considering private drainage.

If private drainage is being relied upon then details of the system and its siting will be required including a porosity test in accordance with document H2 of the Building Regulations

showing that the ground is suitable for that type of drainage. Porosity test holes need to be left open for inspection.

Further email received 23rd October 2017

Thank you for your e-mail, given the information provided I have no objection to this application.

Powys Ecologist

EIA Screening Opinion needed?

No

The site area is understood to be 0.10 hectares and includes up to 1 dwelling. Therefore, the development is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.

Ecological Information included with application?

No

No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

The proposal involves the construction of an eco-friendly dwelling on a site appears to be within an existing agricultural field of improved grassland bounded by a mature hedgerow on top of a clawdd wall to the north and to the east. Currently, there are no boundaries to the south and west of the proposed plot. It would appear that a section of the boundary hedge would be removed to create access to the site.

Protected Species & Habitats

European Species

There are historical records of Dormice within 1km of the proposed development – the most recent record was in 1997, where a Dormouse was recorded 580m away from the development site. There are also records of bats within 1km, including Daubenton bat (670m), pipistrelle bat (685m) and Brown long-ear bat (660m).

It is proposed that a section of hedge is to be removed in order to create an entrance to the proposed site. The hedge forms part of a wider network of hedgerow which is somewhat fragmented by accesses to neighbouring properties and adjacent fields. Although there are records of dormice within 1km, considering the fragmented nature of the hedge, its location directly adjacent to a residential area, it is considered unlikely that dormice would be

encountered or affected during the development. It is recommended that the amount of hedge removed in order to create an access is kept to a minimum. Also, it is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to dormice during the vegetation clearance required to facilitate the proposed access – this approach can be used for reptiles also, see UK species below.

In terms of bats, with the application of reasonable avoidance measures, it is considered unlikely that bats would be affected. Avoidance measures should include maintaining a dark corridor along boundary features, such as the hedgerow, through directing any lighting away from them.

UK Species

In addition to the species identified above, within 1km of the site there are historic records of Slow Worm (within 888m) and nesting birds (within 142m). It would seem likely that the creation of the access would require the removal of a small section of hedgerow. I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

The hedgerow that borders the site to the north could also provide suitable shelter for common reptile species. It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation clearance required to facilitate the proposed access. Suitable mitigation should also be provided to offset any losses of suitable reptile habitat and shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.

Section 7 Species & Habitats

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

A section of hedge will need to be removed in order to create an access to the plot – the amount of hedge removed should be kept to a minimum. I recommend that the new boundaries, in particular to the south and west of the plot should be planted with a native species hedge.

Suitable mitigation should also be provided to offset any losses of suitable reptile habitat and shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.

Further to planting a hedge, it is recommended that opportunities to enhance the site for bats and birds are investigated, this could be done through the provision of bat and bird boxes.

LBAP Species & Habitats

Protected Sites

International Sites (within 1km)

None within the search area

National Sites (within 1km)

Mochdre Dingles SSSI within 540m

Local Sites (within 500m)

None within the search area.

Invasive Non- Native Species

Unknown

No ecological information has been submitted with this application.

Recommendations

Bats are likely to be using the boundary features for navigation, therefore I recommend that avoidance measures should be included in the design phase in order to prevent any impact on commuting and foraging bats. Avoidance measures could include maintaining a dark corridor along boundary features, such as the hedgerow, through directing any lighting away from them. Also, installation of bat boxes is recommended.

I recommend that any vegetation clearance works are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

An ecological supervision should be employed to prevent potential harm to dormice and reptiles during the vegetation clearance required to facilitate the proposed access.

To offset any hedge removal, I recommend that the new boundaries, in particular to the south and west of the plot are planted with a native species hedge. Planting details should be provided with any full planning application for the site.

Further information required prior to determination of application

Recommended Conditions

Should you be minded to approve this application, I recommend the inclusion of the following conditions:

Prior to commencement of development, a Species List for the Landscape Planting, shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to

The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan to include details of the bird nest and bat boxes shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2 and ENV3 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Relevant UDP Policies

SP3 Natural, Historic and Built Heritage

ENV 2: Safeguard the Landscape

ENV 3: Safeguard Biodiversity and Natural Habitats

ENV 7: Protected Species

Powys Land Drainage

No response at the time of writing this report.

Representations

A public site notice was displayed on the 13th October 2017. At the time of writing this report no public representations have been made.

Planning History

No history as per GIS

Principal Planning Constraints

None

Principal Planning Policies

National planning policy

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 1 – Joint Housing Land Availability Study (2015)

Technical Advice Note (TAN) 2 – Planning and affordable housing (2006)

Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 12 – Design (2016)

Technical Advice Note (TAN) 18 – Transport (2007)

Technical Advice Note (TAN) 20 – Planning and the Welsh Language (2013)

Local Policies

Powys Unitary Development Plan 2010

GP1 – Development Control

GP2 – Planning Obligations

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

SP5 – Housing Developments

SP6 – Development and Transport

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

ENV7 – Protected Species

HP3 – Housing Land Availability

HP4 – Settlement Development Boundaries and Capacities

HP5 – Residential Development

DC1 – Access by disabled persons

DC3 – External Lighting

DC8 – Public Water Supply

DC10 – Mains sewage Treatment

DC13 – Surface Water Drainage

Powys Residential Design Guide

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires 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 made in accordance with the plan unless material considerations indicate otherwise.

Principle of development

The application site lies outside of the settlement development boundary for Stepside identified in the Powys Unitary Development Plan (2010). Outside of settlement boundaries, UDP Policy HP4 applies and states that 'outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9'.

Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing Land Supply

This departure application has been justified within the Design and Access Statement received 4th October 2017 in response to the current lack of 5 year land supply in Powys

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this application. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, 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".

TAN 1 states that housing land supply should be given considerable weight, however, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning

considerations are required to be taken into account together with relevant national and local planning policies.

Sustainability

Whilst considering an application of this nature it is important to evaluate whether the proposal can be considered to be sustainable development. This can relate to matters such as the provision of public transport, the proximity to larger settlements, access to education and employment opportunities and services.

The development site as proposed directly adjoins the existing settlement boundary for Stepside with the site located approximately 8 metres directly south west of an existing dwelling known as Manteg. Stepside is identified in the UDP as a small village and is termed as being in “easy reach of Newtown”. Newtown is identified in the UDP as an Area Centre.

Although Stepside has limited facilities with a chapel and public house, its proximity of less than a kilometre to the area centre of Newtown which is the largest settlement in Powys provides a range of community services and facilities associated with such a settlement.

In light of the range of services located within a short distance of the development site, it is considered that there is an argument to support the principle of residential development at this location given its siting adjoining an existing settlement boundary and within close proximity of an Area Centre. Therefore, the proposed site is considered to be a sustainable location for residential development of one dwelling.

Land Classification

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales’ Best and Most Versatile (BMV) agricultural land. Further guidance is provided in Technical Advice Note (TAN) 6, including the consultation arrangements with the Welsh Government included at Annex B.

The Predictive Agricultural Land Classification (ALC) Map (Wales) has been assessed as part of this application and the site in question is shown as a category 4 – which is poor quality agricultural land.

In light of the above, it is considered that the development of this land adjoining the existing settlement boundary is in accordance with Policy ENV1 of the UDP which states that the best and most versatile agricultural land is to be safeguarded wherever possible.

Scale, Design and Appearance

UDP policy GP1 provides general development guidance and includes overarching principles which seek to safeguard the character and appearance of existing buildings and surrounding area whilst further ensuring that development proposals do not adversely affect the environment, highway safety or the amenities enjoyed by occupants of neighbouring residential properties.

The key issues would be whether the proposal would be of a scale, form, design and general character to reflect the overall character and appearance of the surrounding area.

The application has been submitted in outline with all matters reserved for future consideration. Although a design has not been submitted with the application, information has been received via the application to indicate that the dwelling would be four bedrooms and is proposed as a market dwelling and an indicative layout has been provided to show an indicative access and siting of the dwelling within the site.

The submitted Design and Access statement indicates that the dwelling would be 8 - 9 metres in height with a width of 14 – 15 metres and length of 13 – 14 metres. The intention is to erect a dwelling of traditional style to reflect existing properties in the village and is intended to be a split level property where the north elevation may be single storey with the south elevation being 2 storeys. The intention is to retain the building line with the dwelling to the north of the site.

As the application has been submitted in outline, Officers consider that the site can accommodate a single dwelling to complement the character and appearance of the neighbouring dwellings and of the surrounding area. It is considered that the proposed dwellings fundamentally comply with policies GP1 and GP3 of the Powys Unitary Development Plan 2010

Amenity

Policy GP1 of the UDP states that the amenities enjoyed by the occupants of nearby neighbouring properties should not be unacceptably affected by development proposals. Consideration is also to be given to the Powys Residential Design Guide (October 2004).

The development of the site and the indicative layout drawing provided is not considered to cause a detrimental impact upon the neighbouring dwelling due to the nature of the site and the distance from the existing dwelling to the north. The exact siting of the dwelling within the plot will be determined at the reserved matters stage and therefore it is considered that issues relating to overlooking and potential loss of daylight will be determined at this stage.

Due to the distances involved and the potential positioning of the proposed dwelling, it is considered that the proposed dwelling will not affect the amenities of the neighbouring property.

The development is therefore considered to be appropriate and complies with policies GP1 and GP3 of the Powys Unitary Development Plan 2010.

Landscape and Visual Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals are to be designed in a way to be sensitive to the character and appearance of the surrounding area and landscape.

This proposed site adjoins the existing settlement boundary of Stepside and therefore it is considered that the proposed site is a natural extension of the settlement and would not have

an unacceptable significant adverse visual impact upon the character or appearance of the surrounding area.

The application has been submitted in outline with all matters reserved, therefore consideration to the landscaping of the site will be considered at this state. However, the site has an existing hedge on the north eastern boundary which can be retained and will provide a natural buffer between the development site and the existing residential unit to the north east.

Whilst the site will be visible from a south easterly direction and also from the exiting highway to the north, the proposal will not result in a visual change that will differ significantly from the exiting urban grain of the village. When viewed from a southerly direction, the existing dwelling Oakwood House and other properties which lie north of the County Class III Highway, C2062 are clearly visible. The proposed site will sit below the existing properties and it is therefore considered that the site will not have a detrimental visual impact in this location.

In light of the above, it is considered that the proposed development complies with policy ENV2 of the Powys Unitary Development Plan 2010.

Highways Safety and Movement

Policy GP4 of the Powys Unitary Development Plan (2010) requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

The County Highway Authority has been consulted on the proposal and do not have any objections subject to conditions.

As this is an outline planning application with all matters reserved, the highway conditions as provided by the Highway Authority will not be included within any outline approval and will be dealt with at reserved matters stage.

In light of the above, it is considered that the proposal fundamentally complies with Policy GP4 of the Powys Unitary Development Plan (2010).

Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan seek to enhance and preserve protected species and their habitats.

The County Ecologist has been consulted in respect of this application and has confirmed that there are no objections subject to the inclusion of appropriately worded conditions.

In light of the above it is considered that the proposal is in accordance with policies ENV2, ENV3 and ENV7 of the UDP.

Environmental Health

Environmental Health has been consulted as part of this application and has confirmed that there is a main sewer in Stepside which is the preferred option for drainage.

The applicant has confirmed in an email dated 22nd October 2017 that the intention is to connect to the mains. Given the further information submitted, the Environmental Health Officer has confirmed that no objections are raised to the application.

Severn Trent has also been consulted and confirms that as the proposal has minimal impact on the public sewerage system, they have no objections to the proposal and do not require a drainage condition to be applied.

In light of the above, it is considered that the proposed development fundamentally complies with Policy DC10 of the Unitary Development Plan (2010).

Welsh Language

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Stepside has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census, the Mochdre Ward is indicated as having 3.37 % of the population speaking Welsh. The development of one dwelling in this location is considered not to have a detrimental impact on the cultural or linguistic vitality of the area.

Other 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 there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

In light of the above and having carefully considered the proposal, whilst the submission is a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on **XXXXX** (Jones/2017 1 of 2, Jones/2017 2 of 2).
3. Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
4. Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

5. Prior to commencement of development a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written approval by the Local Planning Authority.
6. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
4. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.
5. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
6. To comply with Powys County Council's UDP policies SP3, ENV2 and ENV3 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Informative Notes

Building Regulations

Please be aware that the proposed scheme will require Building Regulations approval.

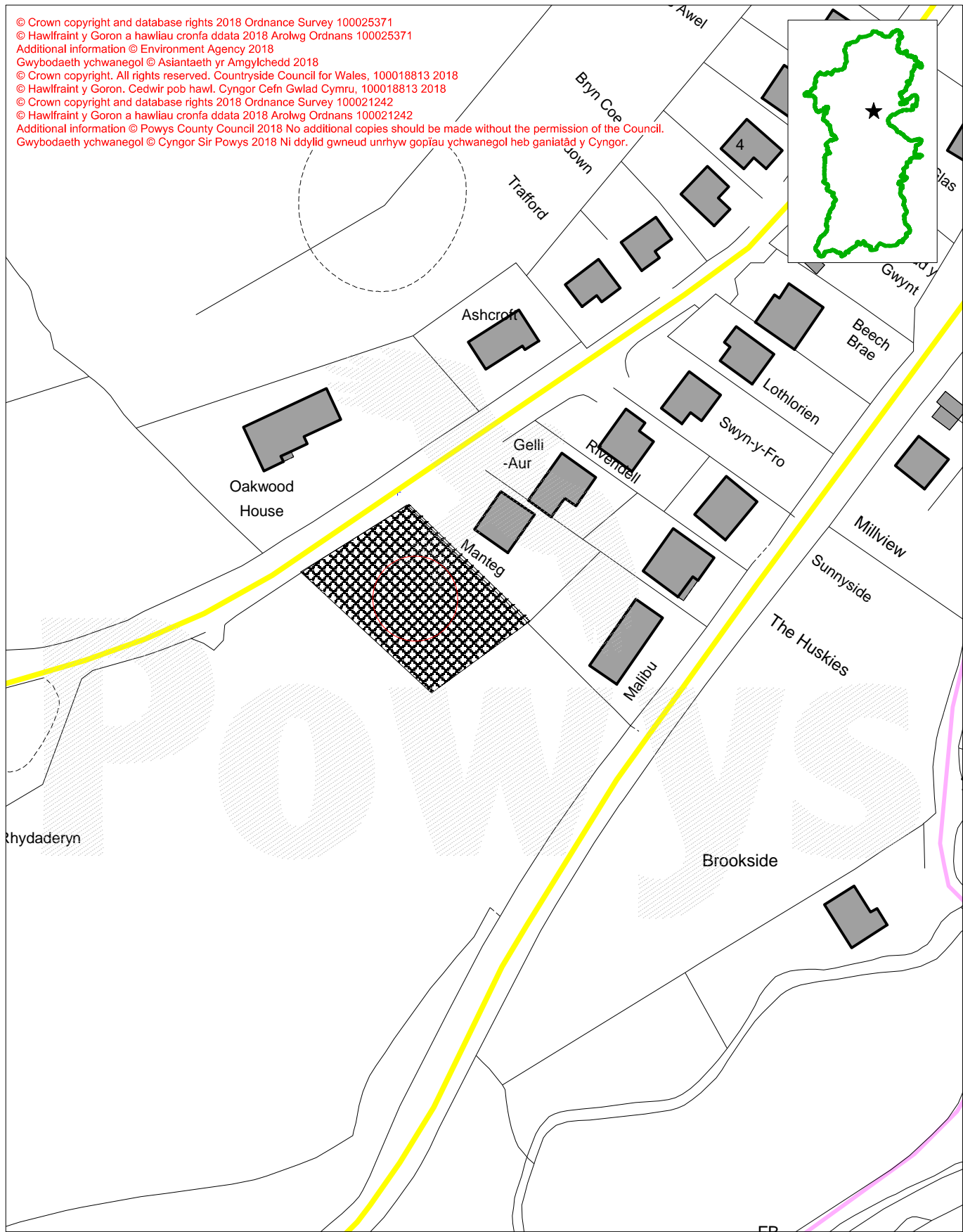
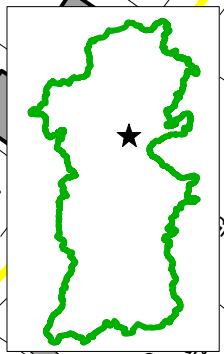
Biodiversity

The applicant's attention is drawn to the comments of the County Ecologist which are attached for information.

Case Officer: Karen Probert - Planning Officer
Tel: 01597 827115 E-mail:karen.probert1@powys.gov.uk

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Does not wish to comment on the application

PCC Building Control

No comments received at the time of writing this report

Wales & West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 25.10.2017, advising us of the proposals for:

2, Tynybryn Cottages, Tregynon, Newtown, Powys, SY16 3PJ

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

Welsh Historic Park Gardens

Does not wish to comment

Cadw

No comments received at the time of writing this report.

Public Response

Following the display of a site notice on 09/11/2017, there have been no public representations received

Planning History

P/2011/1347 - Formation of a new vehicular access (retrospective), Conditional Consent

Principal Planning Constraints

Welsh Historic Park Gardens

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9th, November 2016)

Technical Advice Note 12 – Design (2016)

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

Technical Advice Note 24 – The Historic Environment (2017)

Local Policies

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV2 – Safeguarding the Landscape

ENV4 – Safeguarding Biodiversity and Natural Habitat

ENV7 – Protected Species

ENV16 – Landscape, Parks and Gardens of Special Historic Interest

HP4 – Settlement Development Boundaries and Capacities

HP16 – House Extensions

DC1 – Access by Disabled Persons

DC10 – Mains Sewage Treatment

Residential Design Guide (October 2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Principle of Development

UDP policy HP16 sets out the general requirements applied to all household extensions such as this proposal. The main planning considerations relating to this type of proposal are design, proportion, scale, materials and fenestration whilst avoiding any unacceptable loss of parking or adverse impacts upon neighbouring properties.

It is therefore considered that the principle of development fundamentally complies with policy HP16 of the Powys Unitary Development Plan (2010) subject to the following:

Design

With respect to design specific reference is made to UDP policies GP1 and HP16. The respective policies indicate that development proposals will only be permitted where the design, proportion, scale, materials and fenestration complements or enhances the character of the existing building.

Consent is sought for the erection of a two storey side extension to the existing dwelling and all associated works.

The design of the proposed side extension is considered to be in-keeping with the surrounding area; it is also considered to be of an appropriate scale and proportion relative to the host dwelling. The side extension has been sympathetically designed and is subservient to the main dwelling. As such it is therefore considered to be of an acceptable design in this setting.

The proposal includes the erection of a two storey side extension to the existing dwelling and all associated works. The proposed extension will measure approximately 8.7 metres in length and 5 metres in width. The proposed side extension will reach a height of approximately 4.5 metres to eaves and 9 metres to ridge.

The proposed side extension will be finished with brickwork for the walls and slate tiles for the roof to match the existing dwelling. The proposed windows and doors will be finished with white upvc. It is therefore considered that the selected materials are acceptable in their use at this location.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy

Highways

A safe access, parking and visibility splays are a fundamental requirement of any development.

The application does not seek alterations to the existing means of access to the property and the proposal would not affect the existing parking area. The Local Highway Authority has been consulted on the development although they did not wish to comment on the application.

In light of the above, it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004).

It is considered that the proposed extension to the side elevation will not create any negative impacts upon the neighbouring dwellings in terms of any loss of daylight created by the

erection of the proposed extension or loss of privacy. It is considered that the proposed side extension will not afford the host dwelling any additional views to the attached neighbouring dwelling and there are no further properties within close enough proximity to be disadvantaged by the proposed extension.

It is therefore considered that the proposed development would not be seen as having a detrimental impact to the amenities enjoyed by neighbouring residential properties and therefore fundamentally complies with relevant planning policy.

Historic Park and Gardens

The proposed development is located in close proximity to Gregynog Registered Historic Park and Garden and therefore CADW and Welsh Historic Gardens have been consulted on the application.

In relation to considering applications which may affect the setting of Historic Parks and Gardens, Planning Policy Wales states that 'Local planning authorities should protect and conserve parks and gardens and their settings included in the register of historic parks and gardens in Wales'. TAN 24 and UDP Policy ENV16 reflects this requirement and UDP ENV16 states that development unacceptably adversely affecting the character or appearance of historic parks and gardens and their setting will be opposed.

The Welsh Historic Parks and Garden were consulted regarding the application but did not wish to comment on the proposed development. At present no comments have been received from CADW, however Members will be updated regarding any comments received from CADW prior to the meeting.

Other Legislative 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 there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION – Conditional Consent

It is considered that the development fundamentally complies with relevant planning policy and the recommendation is one of conditional consent.

Conditions

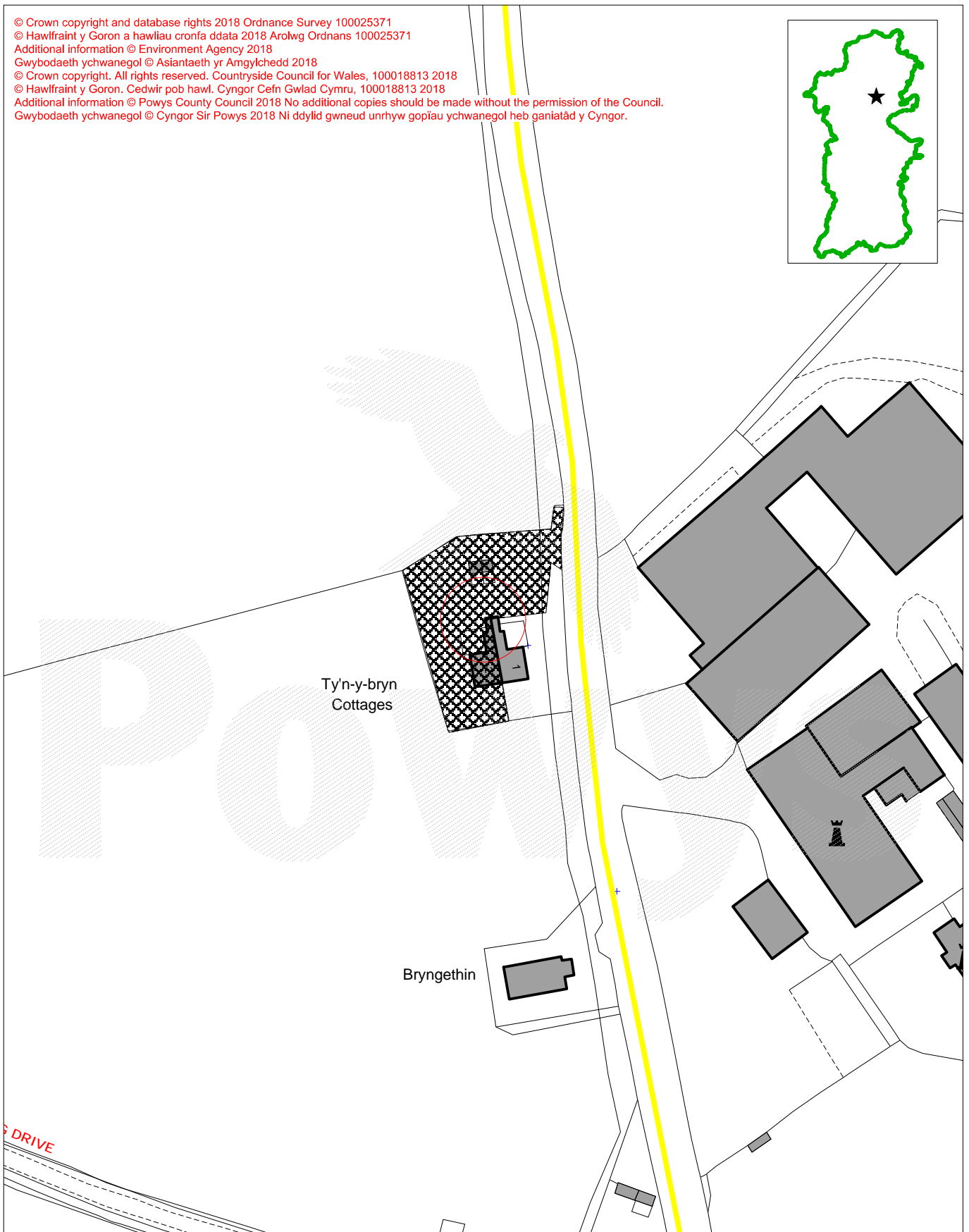
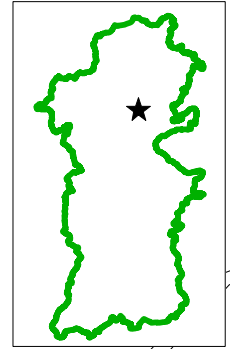
1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXXXX (drawing no's: RPP08.1.3.02, RPP08.1.3.03, RPP08.1.3.04, RPP08.1.3.05, RPP08.1.3.06, RPP08.1.3.07, RPP08.1.3.08).

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

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6.15

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: NMA/2017/0080

Grid Ref: 310684.23
291656.08

Community Council: Newtown

Valid Date: 12/10/2017
Officer: Luke Jones

Applicant: Powys County Council

Location: Land Adjacent South of Newtown Bowling Club, Back Lane, Newtown, Powys, SY16 2NH

Proposal: Non material amendment to planning permission P/2016/0466 in regards to alterations to the site layout, reducing the size of the windows, revision of the sill height and seek to use a timber & render cladding system in place of brickwork and the addition of a mobility scooter store at the rear of the property

Application Type: Non Material Amendments

The reason for Committee determination

This application has been submitted by Powys County Council.

Site Location and Description

The application site is located within the boundary of Newtown Community Council. The proposed site is located within the town centre of Newtown and is located within a flood zone. The proposed site is accessed via the county highway - B4568. The proposed site is located to the south of Newtown Bowling Club.

The application proposes amendments to the proposed site layout, reduction of window size and substitution of the previously approved brickwork for a timber & render cladding system. The amendments also include revisions to the sill heights of the windows and the addition of a mobility scooter store to the rear of the site. Other minor amendments include changes to ramp heights on the rear and south east elevations, increase in living room window size in flats 4, 12 and 20 to meet natural light requirements and glazed balustrades to the ramps amended to steel handrails.

Planning History

PPAE/2015/0020 – Pre Application Enquiry

PPAE/2015/0304 - Pre Application Enquiry

P/2016/0466 - Residential development of former bowling green to create 24 flats, Planning Permission Granted subject to S106

DIS/2017/0071 - Application to discharge planning condition no. 6 attached to planning permission P/2016/0466 (foul and surface water drainage design), Approved

Principal Planning Constraints

Floodzone C1

Principal Planning Policies

National Policies

Section 96A Town and Country Planning Act 1990 – Planning Guidance – Approving Non Material Amendments to an existing planning permission

Planning Policy Wales (Edition 9, November 2016)

TAN 6 – Planning for Sustainable Rural Communities (2010)

TAN12 – Design (2016)

TAN 15 - Development and Flood Risk (2004)

Local Policies

SP14 - Development In Flood Risk Areas

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV2 – Safeguarding the Landscape

ENV3 – Safeguarding Biodiversity and Natural Habitats

HP4 - Settlement Development Boundaries and Capacities

HP5 - Residential Developments

DC1 – Access by Disabled Persons

DC13 – Surface Water Drainage

DC14 – Flood Prevention Measures

Powys Residential Design Guide (2004)

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Planning History

Planning permission was granted subject to a S106 on the 29/03/2017 for the redevelopment of the former bowling green to provide 24 flats under planning reference P/2016/0466.

Section 96A of the TCPA 1990 allows a non-material amendment to be made to an existing planning permission. There is no statutory definition of a 'non-material amendment', the assessment of which 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 varies case by case. 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. In assessing and determining whether or not a proposed change would qualify as a non-material amendment, Welsh Government guidance indicates that Local Planning Authorities may wish to consider the following key issues.

Is the scale of the proposed change great enough to cause an impact to that caused by the original approved development scheme?

The application proposes alterations to the site layout and further includes alterations to the windows in terms of reducing their size and alterations to materials from brickwork to timber cladding and render. Other amendments include revisions to the sill heights of the windows and the addition of a mobility scooter store at the rear of the site. The application also involves other minor amendments as mentioned above.

Given the nature of the proposed amendments, it is not considered that these would not have a detrimental effect on the development in terms of both the proposed building and surrounding area.

Would the proposed change result in a detrimental impact either visually or in term of local amenity?

Given the nature of the proposed amendments, Officers acknowledge that the visual appearance of the affected properties and development will be altered. Nevertheless, given the scale of the proposed amendments and site location, it is not considered that the proposal would have a detrimental impact either visually or in terms of local amenity.

Would the interest of any third party or body be disadvantaged in planning terms?

Having carefully considered the proposed amendments, it is not considered that the alterations will disadvantage any third party or body in planning terms.

Would the proposed changes conflict with national or development plan policies?

Notwithstanding the proposed amendments, it is considered that the proposal remains in accordance with both national and local planning policy.

Other Legislative 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 there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

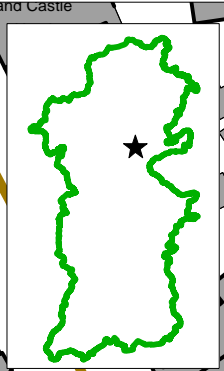
Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

DECISION

On the basis of the above observations, Officers consider that the proposed development remains in accordance with the listed planning policies. Due to the nature of the proposed alterations, it is not considered that the amendments materially alter the approved scheme and as such, the recommendation is one of approval.

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Delegated List

07/12/2017

11/01/2018

For the purpose of the Local Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

FOR INFORMATION

Decisions of the Head of Regeneration, Property & Commissioning on Delegated Applications

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0672 FULL	08/08/2017	CONSENT	08/12/2017	Change of use - Extension of domestic curtilage of the existing residential dwelling (Retrospective).	Minafon Meifod SY22 6XY

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1093 OUT	28/09/2017	REFUSE	08/12/2017	OUTLINE: Erection of five dwellings, formation of vehicular access and all associated works	Llys Gwynant Llan Llanbrynmair SY19 7DW
P/2017/1132 FULL	04/10/2017	REFUSE	08/12/2017	Full: Proposed fodder and timber storage building	Land at Maes y Cae Howey Llandrindod Wells LD2 3TL
P/2017/1133 FULL	05/10/2017	REFUSE	08/12/2017	Full: Proposed rural enterprise dwelling, installation of package treatment plant and all associated works	Land at Maes-y-Cae Howey Llandrindod Wells LD2 3TL
P/2017/1223 FULL	20/10/2017	CONSENT	08/12/2017	Full: Erection of a detached double garage and extension of residential curtilage, erection of a plant room to the side & a single storey sun room to the front of the residential barn conversion	Glanhanog Uchaf Barn Carno SY17 5JU
P/2017/1103 OUT	28/09/2017	REFUSE	11/12/2017	Outline - Erection of 9 dwellingd, formation of access points, installation of sewerage treatment plant and all associated works	Little Acre Forden Welshpool SY21 8NE

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1054 CLA1	13/09/2017	APPROVE	12/12/2017	Application for certificate of lawfulness for an existing use namely use of dwelling as a dwelling without complying with condition no. 2 attached to planning permission M97450 (occupancy restriction)	Rhos y Glascoed Ganol Meifod SY22 6DT
P/2017/1195 HOUS	17/10/2017	CONSENT	12/12/2017	Householder: Erection of a summer house	Cwmduddwr Isaf Llanddew Brecon LD3 9TB
P/2017/0567 OUT	19/05/2017	CONSENT	13/12/2017	Outline: Erection of up to 7 dwellings, formation of vehicular access and associated works	Land adjoining Maes yr Eglwys Llanwnog Caersws SY17 5LA
P/2017/0823 REM	21/07/2017	CONSENT S106	13/12/2017	Section 73 application for variation of planning condition no.2 attached to planning permission P/2008/0402 (outline for residential development) to extend the time limit for submission of reserved matters for a further 2 years	land at Cefn Llan Llangammarch Wells

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0920 REM	09/08/2017	REFUSE	13/12/2017	Section 73 application to remove condition no. 4 attached to planning permission M16623 (occupancy restriction)	Rosewood & Golygfa y Gyrn Guilsfield Geuffordd Welshpool SY21 9DP
P/2017/1028 FULL	07/09/2017	CONSENT	13/12/2017	Full: Erection of an agricultural building for livestock housing and all associated works	Court Calmore Montgomery SY15 6HQ
P/2017/1030 FULL	07/09/2017	CONSENT	13/12/2017	Full: Erection of an agricultural building for livestock housing and all associated works	Court Calmore Montgomery SY15 6HQ
P/2017/1032 FULL	07/09/2017	CONSENT	13/12/2017	Full: Erection of an agricultural building for livestock housing and all associated works	Court Calmore Montgomery SY15 6HQ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1117 HOUS	03/10/2017	CONSENT	13/12/2017	Householder: Alterations to the existing dwelling including a replacement pitched roof in lieu of the existing flat to the previous two-storey extension	3 Oddfellows Street Ystradgynlais SA9 1LH
P/2017/1136 REM	03/10/2017	CONSENT	13/12/2017	Section 73 application to vary condition 18 of planning approval P/2013/0944 to extend the holiday season	Red Kite Touring Park Van Llanidloes SY18 6NG
P/2017/0540 FULL	01/08/2017	CONSENT	14/12/2017	Full - Change of use from communal boiler house and store to 1 holiday unit plus erection of a single storey extension (part retrospective)	Slate House Lodges Little London Llandinam SY17 5AF
P/2017/0987 CLA1	29/08/2017	APPROVE	14/12/2017	Section 191 application for lawful development certificate for an existing use of buildings as domestic use	Gorwallt Fach Cefn Coch Llanrhaeadr Ym Moesny SY10 0BT
P/2017/1045 HOUS	20/09/2017	CONSENT	14/12/2017	Householder: Erection of an outbuilding to provide ancillary garage, workshop and storage to the dwelling	The Granary House Llangunllo Penyclawdd Knighton LD1 5UR

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1059 FULL	20/09/2017	CONSENT	14/12/2017	Full: Erection of 2 no. agricultural buildings (including demolition of 2 no. buildings)	Old Hall Farm Old Hall Llanidloes SY18 6PW
P/2017/1110 FULL	12/10/2017	CONSENT	14/12/2017	Full: Erection of a livestock building, and manure storage building	Neuadd Llwyd Llanfair Caereinion Welshpool SY21 0HP
P/2017/1158 FULL	06/10/2017	CONSENT	14/12/2017	Full - Demolition of building and erection of 33 lock up self storage units and 36 car parking spaces	Former Wynnstay Store Severn Road Station Yard SY21 7AZ
P/2017/1039 HOUS	08/09/2017	CONSENT	15/12/2017	Householder: Single storey timber extension structure to the west elevation, two dormer windows to the north and terraced garden landscaping to the south of the dwelling	Tyn Y Coed Llanafanfawr Builth Wells LD2 3PE
P/2017/1098 FULL	26/09/2017	CONSENT	15/12/2017	Full: Change of use for the siting of two holiday chalets, new vehicular access associated parking areas and the installation of a biodisc	Bryncoch Hundred House Llandrindod Wells LD1 5RT

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0833 FULL	11/09/2017	CONSENT	18/12/2017	Change of use - Conversion of the ground floor of a public house into residential accomodation	Cornhill Inn West Street Rhayader LD6 5AB
P/2017/1108 OUT	28/09/2017	REFUSE	19/12/2017	Outline: Erection of 3 dwellings, formation of vehicular access & installation of sewerage treatment plant (all matters reserved)	Neuadd Llwyd Llanfair Caereinion Welshpool SY21 0HP

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1230 HOUS	23/10/2017	CONSENT	19/12/2017	Householder: Construction of a single storey extension	Harrow Lodge Glasbury Hereford HR3 5LH
P/2017/1239 HOUS	24/10/2017	CONSENT	19/12/2017	Householder: Demolition of existing rear extension & erection of a new single storey extension to the same footprint	32 Ystradgynlais Heol Giedd Swansea SA9 1LQ
P/2017/1213 FULL	24/10/2017	CONSENT	20/12/2017	Full: Erection of agricultural building for storage of hay and firewood	land adj A44 New Radnor LD8 2SS
P/2017/1233 HOUS	24/10/2017	CONSENT	20/12/2017	Householder: Erection of a single storey extension to the existing two storey house	Shirley Ludlow Road Knighton LD7 1HP
P/2017/1235 REM	31/10/2017	CONSENT	20/12/2017	Section 73 application to vary conditions 1 and 2 of planning approval P/2015/0057 in relation to extending the period allowed for commencement	Land adjacent to Lower Cwmtwrch 50 Heol Twrch Swansea SA9 2TE

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1287 HOUS	06/11/2017	CONSENT	20/12/2017	Householder: Proposed rear single storey conservatory extension	25 Lower Cwmtwrch Gynosfa Swansea SA9 1DR
P/2017/0274 FULL	17/08/2017	CONSENT	21/12/2017	Full: Erection of a poultry unit and all associated works	Drewern Hundred House Llandrindod Wells LD1 5RR
P/2017/0402 HOUS	28/04/2017	CONSENT	21/12/2017	Householder: Demolition of existing extension and Erection of new two storey extension.	Llety Mawr Llangadfan SY21 0PS
P/2017/0653 FULL	30/06/2017	CONSENT	21/12/2017	Full: Erection of auxiliary educational outbuildings and all associated works	Summergil House Walton Watery Lane Presteigne LD8 2PT
P/2017/1173 FULL	12/10/2017	CONSENT	21/12/2017	Full: Erection of a steel framed agricultural building for animal housing and fodder store	Bailey Brith Howey Llandrindod Wells LD1 5RH

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1228 FULL	30/10/2017	CONSENT	21/12/2017	Full: Erection of an agricultural storage barn	Land next to Penybryn Bryn Lane Newtown SY16 3LZ
P/2017/1244 FULL	02/11/2017	CONSENT	21/12/2017	Full: Construction of annex building to be used during the renovation of 'The Rookery'.	The Rookery 7 Knighton LD7 1UP
P/2017/1262 HOUS	31/10/2017	CONSENT	21/12/2017	Householder: Erection of an entrance porch to the front of the dwelling	2 The Poppies Glasbury Brookside Hereford HR3 5NF
P/2017/0994 FULL	11/09/2017	CONSENT	22/12/2017	Full: Erection of an affordable dwelling with a detached garage, septic tank and all associated works	Land at Glandwr Battle Brecon LD3 9RR
P/2017/1177 OUT	01/11/2017	CONSENT	22/12/2017	Outline: Erection of 4 no. detached dwellings (all matters reserved)	Land opposite Nant-Y-Felin Three Cocks Glasbury LD3 0SJ

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1270 HOUS	01/11/2017	CONSENT	22/12/2017	Householder: Erection of an extension to the rear of the dwelling including internal and external alterations	8 Cilmery Cae Llewellyn Builth Wells LD2 3FA
P/2017/1282 ADV	02/11/2017	CONSENT	22/12/2017	Advertisement consent: Display of various illuminated and non-illuminated signs	Likes Land Rover Three Cocks Javel Industrial Estate LD3 0SL
P/2017/1097 HOUS	10/10/2017	REFUSE	27/12/2017	Householder: Single storey rear extension to provide a dining room	2 Berriew Church Terrace Welshpool SY21 8PF
P/2017/1162 LBC	10/10/2017	REFUSE	27/12/2017	Listed Building Consent: Single storey rear extension to provide a dining room	2 Berriew Church Terrace Welshpool SY21 8PF
P/2017/0328 ADV	24/03/2017	CONSENT	28/12/2017	Advertisement - Display of 18x fascia signs, replacement panel for existing totem and 2x new double sided totem signs	Harry Tuffin Ltd HARRY TUFFIN LTD Churchstoke Montgomery SY15 6AR

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1121 OUT	04/10/2017	REFUSE	02/01/2018	Outline: Proposed erection of 1 no. dwelling, installation of septic tank and all associated works (some matters reserved)	Land near Llawnt Uchaf Newmills Newtown SY16 3NP
P/2017/0404 HOUS	17/05/2017	CONSENT	03/01/2018	Householder: Erection of a two storey extension with three bedrooms one with disabled access. A breakfast room/yoga studio and kitchen.	Llwyn Barn Llanbister Llandrindod Wells LD1 6SS
P/2017/0525 FULL	26/06/2017	CONSENT	03/01/2018	Full - Demolition of existing barn and erection of two side extensions. Erection of stable block. Change of use of land to create a manage and extend domestic curtilage and all associated works	Trefnant Cwmbelan Llanidloes SY18 6RG
P/2017/1205 HOUS	10/11/2017	CONSENT	03/01/2018	Householder: Erection of a conservatory to the side elevation of the dwelling	Llwyn Carw Llywel Brecon LD3 8RH
P/2017/1304 HOUS	09/11/2017	CONSENT	03/01/2018	Householder: Erection of a two storey side extension to the existing dwelling	Fron Heulog Llanelwedd Builth Wells LD2 3UA

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1314 FULL	09/11/2017	CONSENT	03/01/2018	Full: Erection of an extension to existing building (agricultural repair buisness)	Carreg Ffynnon Garth Llangammarch Wells LD4 4BD
P/2017/1350 HOUS	16/11/2017	CONSENT	03/01/2018	Householder: Construction of wooden decking to the rear of the property (Retrospective)	23 Troed Y Bryn Builth Wells LD2 3FE
P/2017/0687 FULL	08/08/2017	CONSENT	04/01/2018	Full: Erection of a free range poultry unit (32,000 bird), feed silos and all associated works	Bryn Owen Trefeglwys Caersws SY17 5QX
P/2017/1081 LBC	22/09/2017	CONSENT	04/01/2018	Listed building consent for installation of replacement windows and installation of 1 no. additional window on west facing elevation	Castle Cottage Abermule Montgomery SY15 6JJ
P/2017/1115 OUT	27/09/2017	REFUSE	04/01/2018	Outline application for erection of a dwelling and garage, formation of vehicular access and installation of septic tank (all matters reserved)	Land adjoining Ail Le Abermule Llanmerewig Montgomery SY15 6NR

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/1276 HOUS	02/11/2017	CONSENT	04/01/2018	Householder: Raising the front roof pitch by 5 degrees to accommodate new decra classic lightweight roofing system	New Haven Red Bank Welshpool SY21 7PJ
P/2017/1312 HOUS	09/11/2017	CONSENT	04/01/2018	Householder: Erection of a timber framed car port / log store (Part Retrospective)	Belan Cottage Guilsfield Welshpool SY21 9NS
P/2017/1372 HOUS	23/11/2017	CONSENT	04/01/2018	Householder: Proposed extension to the side of the property to provide a utility room	Tallis Guilsfield Groesllwyd Welshpool SY21 9NY
P/2017/1200 HOUS	30/10/2017	CONSENT	05/01/2018	Householder: Erection of a first floor dormer extension to rear of the dwelling	Beechfields Llandrinio Llanymynech SY22 6SE
P/2017/1303 HOUS	08/11/2017	CONSENT	05/01/2018	Householder: Demolition of existing conservatory and bay window & erection of a new extension	Hafod Chirbury Road Montgomery SY15 6QP

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0983 HOUS	30/08/2017	CONSENT	09/01/2018	Householder: Demolition of existing flat roof extension and erection of a single storey extension to the rear of the dwelling	1 Dolforgan Lodge Kerry Newtown SY16 4NU
P/2017/0992 LBC	30/08/2017	REFCADW	09/01/2018	LBC: Demolition of an existing flat roof extension and erection of a single storey extension to the rear of the dwelling	1 Dolforgan Lodge Kerry Newtown SY16 4NU
P/2017/1111 FULL	27/09/2017	CONSENT	09/01/2018	FULL: Erection of 2 no. holiday cabins and associated works	Land north of Cwmgwilym Farm Talachddu Brecon LD3 9TH
P/2017/1243 FULL	26/10/2017	REFUSE	09/01/2018	Full: Erection of 1no open market dwelling and associated access and landscaping works	Arosfa Abermule Montgomery SY15 6NR
P/2017/1301 OUT	08/11/2017	REFUSE	09/01/2018	Outline: Erection of 1 no. open market dwelling	Arosfa Dau Llanmerewig Abermule SY15 6NR

Application No.	Valid Date	Decision	Decision notice sentdate	Proposal	Location
P/2017/0948 FULL	21/08/2017	CONSENT	10/01/2018	Full: Erection of an agricultural building and construction of a track road, part retrospective.	Cil Y Byddar Llanbister Road Llandrindod Wells LD1 5UW
P/2017/0965 FULL	15/09/2017	CONSENT	10/01/2018	Full: Installation of lighting bollards, gravel hardstanding, curbing and planting and all associated works	St Tysilio and St Marys Church Meifod SY22 6BY
P/2017/1127 FULL	02/10/2017	CONSENT	10/01/2018	Full: Conversion of 2 no. barns to residential accommodation and change of use of land for the siting of 2 no. shepherd huts for tourism accommodation	Hen Berllan Glasbury Hereford HR3 5NZ
P/2017/1163 HOUS	10/10/2017	CONSENT	10/01/2018	Householder: Erection of a two storey extension to the existing dwelling	25 Upper Cwmtwrch Heol Tredeg SA9 2XD
P/2017/1261 HOUS	07/11/2017	CONSENT	10/01/2018	Householder: Demolition of existing utility room, proposed raising of the roof providing an additional bedroom, erection of a side extension including a porch and internal & external alterations	Lower Cwmtwrch 72 Heol Gleien Swansea SA9 2TZ

MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT VIDEO CONFERENCE ROOM - NEUADD MALDWYN, WELSHPOOL, POWYS ON TUESDAY, 15 AUGUST 2017

PRESENT

County Councillors P C Pritchard [Chair]
County Councillors L George and H Lewis

Officers

Natalie Jones, Licensing Officer
Colin Edwards, Solicitor, Clerk to the Panel

1.	RESOLUTION TO EXCLUDE THE PUBLIC AND THE PRESS
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RESOLVED that in accordance with Section 100(A)(4) of the Local Government Act 1972 the public and press were excluded from the meeting on the grounds that there would be disclosure to them of exempt information under paragraphs 12 and 18 of Schedule 12A Part 7 of the above Act in respect of the following item[s].

2.	REVIEW OF A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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2.1. Sub-Committee's procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

2.2. Review of a licence**Applicant – MR**

The Licensing Officer outlined the issues for consideration and referred Members to the report.

The Sub-Committee withdrew to consider, in private, the issues with the support of the Clerk.

The Clerk advised that in reaching the decision the Members had taken into account the relevant verbal and written representations.

RESOLVED	Reason for decision
That MR's hackney carriage and private hire drivers licence be revoked.	That in the view of the recent convictions for theft and previous offending, the licensee is not a fit and proper person to retain the licenses.

The Clerk to the Sub-Committee advised that he would confirm the decision in

writing.

3.	APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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3.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

3.2. Application for a licence

Applicant – ISW [accompanied by a representative of Wrights Taxis]

The Licensing Officer outlined the issues for consideration and referred Members to the report.

The applicant explained the background to his previous offending and also his present circumstances.

All parties agreed that they had had ample opportunity to present all aspects of their case and had said all that they had wanted to say.

The Review Panel withdrew to consider the issues in private with the support of the Clerk. The Clerk advised that in reaching the decision the Members had taken into account the relevant verbal and written representations.

RESOLVED	Reason for decision
That the application by ISW be granted.	After hearing the applicant's representations and taking into account the fact that there have been no convictions for in excess of 5 years and also the references produced.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing.

The Chair thanked all for attending.

4.	REVIEW OF A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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4.1. Sub-Committee procedures

4.2. Review of a licence

Licence holder - DAB

The Sub-Committee was advised that the taxi driver had voluntarily surrendered his licence earlier in the morning. As a result the Sub-Committee was not required to consider the licence.

County Councillor P Pritchard
Chair

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**MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT
COUNCIL CHAMBER - NEUADD MALDWYN, WELSHPOOL, POWYS ON
WEDNESDAY, 4 OCTOBER 2017**

PRESENT

County Councillor L V Corfield [Chair]

County Councillors I McIntosh and D Selby

1. RESOLUTION TO EXCLUDE THE PUBLIC AND THE PRESS
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RESOLVED that in accordance with Section 100(a)(4) of the Local Government Act 1972 the public and press were excluded from the meeting on the grounds that there would be disclosure to them of exempt information under Paragraphs 12 and 18 of Schedule 12a part 7 of the above Act in respect of the following item[s].

2. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE

2.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

2.2. Application for a licence

Applicant – NJQ

The Licensing Officer presented the Licensing Authority's position as outlined in the report [copy filed with the signed minutes].

The Applicant explained the circumstances surrounding her most recent motoring offence in 2014. She was accompanied by a referee and produced a further written reference at the hearing.

All parties confirmed that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

RESOLVED	Reason for decision
To grant NJQ a joint hackney carriage and private hire driver's licence.	The applicant is a fit and proper person.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending

3.	REVIEW OF A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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3.1. Sub-Committee procedures

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

3.2. Review of a licence

Licence holder - TP was not present.

The Licensing Officer presented the Licensing Authority's position as outlined in the report [copy filed with the signed minutes]. She explained that the licence holder had failed to submit a medical certificate when required to do so and it was still outstanding.

The Sub-Committee considered the application and the evidence they had heard, with the support of the Clerk.

In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
To suspend TP's joint hackney carriage and private hire driver's licence and delegate authority to the Senior Licensing Officer to reinstate the licence upon receipt of a satisfactory medical certificate.	Without a current medical certificate TP is not a fit and proper person to hold a licence by virtue of section 61 (b) of the Local Government (Miscellaneous Provisions) Act 1976.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending.

**County Councillor L V Corfield
Chair**

MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT VIDEO CONFERENCE ROOM, BRECON - NEUADD BRYCHEINIOG ON TUESDAY, 14 NOVEMBER 2017

PRESENT

County Councillor K Silk [Chair]

County Councillors I McIntosh and J Williams

1.	RESOLUTION TO EXCLUDE THE PUBLIC AND THE PRESS
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RESOLVED that in accordance with Section 100(A)(4) of the Local Government Act 1972 the public and press were excluded from the meeting on the grounds that there would be disclosure to them of exempt information under paragraphs 12 and 18 of Schedule 12A Part 7 of the above Act in respect of the following item[s].

2.	REVIEW OF A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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2.1. Sub-Committee's procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

2.2. Review of a licence

Applicant – M.T.D.

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

MTD explained the circumstances surrounding his driving convictions and why he did not inform the Council of them. The Sub-Committee noted that all traffic offences were now at least 6 months old.

All parties confirmed that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
That MTD be given a written warning.	In accordance with the Councils policy, no action to suspend or revoke could be taken in respect of the conviction for a major traffic offence and the failure to

	inform the council of it was MTD's first breach of the policy.
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The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending.

**County Councillor K Silk
Chair**