

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0583

Community Council: Llanyre
Valid Date: 02/06/2017
Officer: Thomas Goodman

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 reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

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.

To the north of the application site are a number of residential dwellings. To the east is the A470 trunk road and a public right of way. To the south east is the C1210. To the south is a residential dwelling known as Dolithon and agricultural land further south and to the west.

Outline consent is sought for the erection of 19 dwellings and the creation of a new vehicular access. Matters relating to landscaping, appearance, layout and scale are all reserved for future consideration and therefore the principle of development and access are required to be determined in this instance.

Consultee Response

Llanyre CC

Following detailed discussion, it was resolved to refuse the application for the following reasons:-

- the proposed development area is not included in the LDP
- additional traffic to and from the site will be a hazard
- the road on the existing estate is not suitable to accommodate additional traffic
- the mains sewerage in Newbridge-on-Wye is already over capacity

I trust you will take the Council's views in to consideration when determining this application.

PCC Highways

Consultation response received 05/07/2017:

It is noted that this is an outline application with means of “access” the only matter to be determined at this stage. Matters to be considered under “access” will include the junction arrangement and suitability of the internal access route.

As access to the proposed site is initially gained from the adjoining A483 Trunk Road, the suitability or otherwise of the existing junction is a matter to be considered and determined by Welsh Government.

Internally, it is proposed to utilise and extend the existing Lon Yr Afon estate spine road to provide access to the development site. Lon Yr Afon is a relatively small residential estate served by a roadway which became highways maintained (adopted) back in 2004. The roadway has been designed and constructed to promote design speeds of just 20mph, which is recommended in a residential setting such as this.

The existing roadway incorporates a “raised table” traffic calming feature, double sided footway provision and a 5.5 metre carriageway width. Whilst some residents have raised concerns over a perceived lack of visibility around the existing raised table area, the recommended levels of forward visibility (25 metres) required to limit speeds to 20mph is readily available. The Highway Authority therefore contends that the existing roadway provides a safe means of access and has more than sufficient capacity to accommodate the additional vehicular and pedestrian traffic a development of this scale would generate.

Whilst the indicative site layout provided demonstrates, through the submission of “swept path drawings”, that an acceptable highway access layout can be achieved in terms of the horizontal alignment, the application fails to provide any detail on the proposed vertical alignment. This information is required to ensure that a suitable gradient can be achieved and that a suitable means of construction can be provided in and around the retained tree area. In the absence of such information it is questionable if an acceptable layout can be provided without the need to remove the trees.

The Highway Authority therefore recommends that the applicant submits detail showing the vertical alignment and proposed means of construction before this application is determined.

Consultation response received 07/07/2017:

I must say however that I remain unconvinced by the information submitted and would therefore appreciate it if you could clarify the following:-

1. Can you explain the transition between the existing highway and road 1? The end section of the existing highway has a footway which does not appear to be shown on the long section drawing (which is circa 125mm above carriageway level). Notwithstanding this the proposed change in levels over the first 2m would appear to be 230mm which would represent a 1:8 gradient which would not be acceptable.

2. Would you confirm the overall thickness of construction required? Having viewed the recommended construction thickness for this type of installation I would expect an overall thickness of circa 400-450mm dependant on CBR result (all above existing ground levels). Your section only shows a construction depth of circa 300mm with much of that shown below existing ground levels?

3. I note the intention for a porous surface but have concerns how this area will drain given the poor porosity results you have obtained previously?

4. I will need to see cross-sections through the raised area showing the retaining measures tree side and the proposed road and footway/service verge in relation to the existing ground levels, including tie in to bridle way and the necessary retaining batters.

Consultation response received 16/08/2017:

Please see my further comments.

1. Can you explain the transition between the existing highway and road 1? The end section of the existing highway has a footway which does not appear to be shown on the long section drawing (which is circa 125mm above carriageway level). Notwithstanding this the proposed change in levels over the first 2m would appear to be 230mm which would represent a 1:8 gradient which would not be acceptable. The transition from the existing road is by means of a speed reduction measure of a raised table with speed reduction ramps either side of this. We have come up in this manner to try and left the levels as much as possible from the existing ground levels and tree roots. By coming off the end of the existing road the existing footpath that is there needs to be removed to facilitate the proposed road. The proposed transition and levels are still not acceptable nor do they appear logical. The initial 1:8 gradient is not acceptable for either vehicles or pedestrians and that leads onto a Cellweb area much of which is below the existing ground levels which effectively defeats the object of installing the cellweb. Your long section does not provide regular proposed CL level details to show the required 450mm cover above the existing ground levels. The transition at chainage 21-23 is also unacceptable; the 120m level change straight into a questionable 1:15 does not imply a smooth transition.

2. Would you confirm the overall thickness of construction required? Having viewed the recommended construction thickness for this type of installation I would expect an overall thickness of circa 400-450mm dependant on CBR result (all above existing ground levels). Your section only shows a construction depth of circa 300mm with much of that shown below existing ground levels? The overall thickness of the road construction subject to CBR results would be a minimum of 450mm, this will include the Cellweb. This 450mm raise in levels is not reflected in the long section.

3. I note the intention for a porous surface but have concerns how this area will drain given the poor porosity results you have obtained previously? I note your concerns regarding the porous surface and how it would drain given the poor porosity results. As far as I am aware the Cellweb product is being used to protect the tree roots and the porous surface to enable the surface water to permeate through and feed the roots of the tree. The Cellweb will provide a certain amount of storage and in heavy storm events if the water does surcharge the Cellweb then it can flow into two gullies that we have provided at the base of the speed reduction ramp measures that's taken back into the new development drainage. I don't believe it would be possible to provide the drainage shown in the no dig area and nonetheless, if the water was not able to permeate into the subsoil it would simply discharge

through the easiest available route which would likely be through the supporting embankments or given the gradient straight down into the existing estate road.

4. I will need to see cross-sections through the raised area showing the retaining measures tree side and the proposed road and footway/service verge in relation to the existing ground levels, including tie in to bridle way and the necessary retaining batters. Cross sections through the existing bridle way and the proposed road next to the existing tree are now provided on drawing number S.7594-SK01 which I've attached. The cross sections do not provide any level details whatsoever. Clearly however there is going to a minimum 450-575mm raise in levels along the existing bridle way which would not be acceptable from a ROW perspective.

I really think it would be advisable to revisit this issue with your consultants and if you feel it would be beneficial I would happily attend a meeting with them and a representative of our design group to discuss matters further. As things stand I cannot support this application as I do not believe that a satisfactory means of access can be provided and I'm not convinced that it can be achieved without the removal of the tree.

Consultation response received 11/09/2017:

The Highway Authority is satisfied that an acceptable highway layout and vertical alignment can be achieved if the tree is removed; this is demonstrated by the detail shown on drawing SK02b Model (1). Whilst I do feel that the internal horizontal alignment from chainage circa 0 -30m should be realigned to remove what is now considered to be the unnecessary "kink" in the proposed estate road, I acknowledge that the layout is only indicative at this stage and would therefore be content to deal with this item and other associated matters at the reserved matters stage.

In light of the above I recommend that the following conditions be attached to any consent granted.

- No development shall commence until provision is 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 0.35 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.
- No other development shall commence until the area of the access to be used by vehicles is 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 from the edge of the adjoining estate road. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- No storm water drainage from the site shall be allowed to discharge onto the adjoining estate road.

PCC Building Control

Building Regulations approval would be required for this proposal.

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.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Sewerage

Conditions No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Sewage treatment

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Water supply

Dwr Cymru Welsh Water has no objection to the proposed development. The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site. Please ensure easement of 8m is maintained, 4m either side of the centre of the main.

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

PCC Affordable Housing

I am happy with the application as long as the following guidelines are 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.

PCC Ecologist

Consultation response received 19/09/2017:

Thank you for forwarding the revised plans, I have consulted the Extended Phase One Habitat Survey which was submitted with the application but can find no reference to any assessment of the tree that is proposed to be removed for it's potential to support protected species including bats. I would recommend that either clarification is sought from the applicant's ecologist as to whether the tree was considered as part of the Ecological Assessment. If no assessment of the ecological value was undertaken then further information will be required in order to determine whether the loss of this tree has potential to result in negative impacts to protected species and to identify any required mitigation measures to reduce impacts to an acceptable level. I note the tree survey plan identifies the tree as Category A with High Quality and Value.

I also note that the Extended Phase One Habitat Survey identifies that given the proximity of the proposed development to the River Wye SAC a Habitats Regulations Assessment will be

required to be undertaken by the LPA (as the competent authority with regards to Planning matters).

The ecology report identifies construction pollution and management of surface and foul water from the proposed development as having potential to impact the SAC. The ecology report recommends that the provision of a pollution prevention plan combined with careful design of the proposed development including surface and foul water drainage management would reduce the risk of potential impacts from the proposed development.

Whilst drainage details have been provided, having reviewed the documents submitted as part of the planning application I am unable to locate a Construction Pollution Prevention Method Statement, as pollution during the construction phase has been identified as a potential risk to the SAC this needs to be considered during the HRA Screening assessment.

When considering the potential for a Likely to Significant Effect to European Designated Sites from the proposed development, in the statutory context 'likely' means one whose occurrence cannot be excluded on the basis of objective information.

Where potential mitigation measures are inadequately specified in a proposal, or they are not incorporated in the proposal at all, it is not appropriate to screen out the project (from the need for appropriate assessment) in reliance on the intention to impose a condition requiring the defining characteristics of the mitigation measures to be submitted for approval after the proposed development has been approved.

It is therefore considered that a Pollution Prevention Plan for the construction Phase of the proposed development is required to be submitted prior to determination to inform the HRA Screening Assessment.

Details of pollution prevention measures 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/>

GPP5 and PPG6 are considered likely to be of particular use to this site.

Consultation response received 01/11/17:

Thank you for consulting me with regards to the additional information submitted relation to planning application P/2017/0583 which concerns an Outline planning application for residential development and associated works at Land Adj to Ridgemount, Newbridge on Wye, Powys.

In my previous response to this application on the 19th September 2017 I identified that further information was required to enable assessment of likely impacts to protected species – bats – and to inform the Habitats Regulations Assessment of the proposed development.

In order to address this the following additional information has been submitted:

- Situation Report Ref: Proposed Removal of the Mature Oak, T10 produced by Dusk to Dawn Ecology Ltd dated 27/09/2017
- Pollution Prevention Plan produced by Asbri dated September 2017

I have reviewed the assessment of the proposed removal of the mature Oak at the site to accommodate the revised access point as a result of comments received from PCC Highways Department. A method statement has been identified to ensure the removal of the tree would not result in negative impacts to bats including the provision of replacement roosting opportunities in the form of 3 bat boxes in a suitable location, detailed inspection of the tree for potential roost features prior to felling – identification of appropriate felling methodology as a result of inspection of tree. Having reviewed the identified measures, it is considered that subject to their implementation the proposed works would not result in negative impacts to bats, I recommend that adherence to the identified measures is secured through an appropriately worded planning condition.

I have undertaken a Habitats Regulations Assessment Screening of the proposed development in relation to the River Wye SAC. The screening assessment concluded No Likely Significant Effect to the River Wye and or its associated features, I have attached a copy of the screening assessment for your records.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention as identified in the Pollution Prevention Plan produced by Asbri 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.

The development shall be carried out strictly in accordance with the measures identified regarding bats as identified in the Situation Report Ref: Proposed Removal of the Mature Oak, T10 produced by Dusk to Dawn Ecology Ltd dated 27/09/2017 and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 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.

The mitigation and enhancement measures identified in Section 6 of the Extended Phase One Survey produced by Dusk to Dawn Ecology 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.

Prior to commencement of development a Tree and Hedgerow Protection 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 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 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 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)

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 0345 1300 228 or email enquiries@bats.org.uk

Habitats Regulations Assessment Screening Report

The proposed development is for an outline planning application for the development of residential dwellings and associated works.

The site is situated immediately to the south of the residential estate at Lon-yr-Afon. The site is an agricultural field parcel extending to approximately 0.89ha.

The planning application seeks outline permission for residential dwellings with the exact amount reserved for future determination. The design and Access statement identifies that whilst a number of dwellings has not yet been determined, the site is capable of accommodating 19 residential units along with associated car parking, access and landscaping.

Description of the Natura 2000 site:

The River Wye, on the border of England and Wales, is a large river representative of sub-type 2. It has a geologically mixed catchment, including shales and sandstones, and there is a clear transition between the upland reaches, with characteristic bryophyte-dominated vegetation, and the lower reaches, with extensive Ranunculus beds. There is a varied water-crowfoot Ranunculus flora; stream water-crowfoot *R. penicillatus* ssp. *pseudofluitans* is abundant, with other Ranunculus species – including the uncommon river water-crowfoot *R. fluitans* – found locally. Other species characteristic of sub-type 2 include flowering-rush *Butomus umbellatus*, lesser water-parsnip *Berula erecta* and curled pondweed *Potamogeton crispus*. There is an exceptional range of aquatic flora in the catchment including river jelly-lichen *Collema dichotum*. The river channel is largely unmodified and includes some excellent gorges, as well as significant areas of associated woodland.

The Annex I habitats that are a primary reason for selection of the site are:

- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:

- Transition mires and quaking bogs

The Annex II species that are a primary reason for selection of this site are:

- White-clawed (or Atlantic stream) crayfish
- Sea lamprey
- Brook lamprey
- River lamprey
- Twaité shad
- Atlantic salmon
- Bullhead
- Otter

Annex II species present as a qualifying feature, but not a primary reason for site selection:

- Allis shad

Vulnerability:

- Water quality impacts arising from changing agricultural land-use within the catchment are having direct and indirect effects on the SAC interests through effects of diffuse pollution such as nutrient run-off and increased siltation. The Countryside Council for Wales and Natural England are seeking to address such issues through improved targeting of existing and new agri-environment schemes and through improvements in compliance with agricultural Codes of Practice.
- Water quality is also affected by synthetic pyrethroid sheep-dips and by point-source discharges within the catchment. The impact of sewage treatment works on the SAC is being addressed through the Asset Management Plan process and review under the Habitats Regulations. Loss of riparian habitat is occurring as a result of changes in agricultural land-use practices and other factors, including riverside development and the loss of alder tree-cover through disease. These impacts and concerns over water quality will be identified and actions recommended within the joint The Countryside Council for Wales/Natural England Environment Agency conservation strategy for the river.
- Fishing activities are implicated in the decline of the salmon; initiatives such as the Wye Salmon Action Plan will help to address this issue.
- There is increasing demand for abstraction from the river for agriculture and potable water. The impact of this is still being investigated by the Environment Agency, but maintenance of water levels and flow will be addressed under the review of consents under the Habitats Regulations.
- Demand for increased recreational activities is a source of potential concern for the future. Regularisation of the functions of the competent authorities, currently being sought, should reduce the risk of damage to the SAC as a result of developments for such activities.
- Fish stocking can adversely affect population dynamics through competition, predation and alteration of population genetics and introduction of disease.
- Acoustic barriers (noise/vibration) – Shad and salmon can be affected by acoustic barriers and by high sediment loads, which can originate from a number of sources including construction works (piling, drilling)
- Artificial barriers restricting migration of allis and twaité shad.

Assessment Criteria

Construction activities at the site have potential to result in the release of materials which could result in pollution of the River Wye SAC.

Improper management of drainage for the site during operation have potential to impact the River Wye SAC through the release of materials which could result in pollution of the River Wye SAC.

The site is situated immediately to the south of the residential estate at Lon-yr-Afon. The site is an agricultural field parcel extending to approximately 0.89ha.

The planning application seeks outline permission for residential dwellings with the exact amount reserved for future determination. The design and Access statement identifies that whilst a number of dwellings has not yet been determined, the site is capable of accommodating 19 residential units along with associated car parking, access and landscaping.

No land take is required from the River Wye SAC.

The proposed development is located approximately 162m from the River Wye SAC.

There will be no resources taken from the River Wye SAC.

Construction activities have the potential to release materials that if not properly managed could enter the River Wye SAC including sediments and fuel from machinery used.

Improper management of drainage for the site during operation have potential to impact the River Wye SAC through the release of materials which could result in pollution of the River Wye SAC.

There will be no excavation requirements within the River Wye SAC.

Excavations will be required to develop the site, these will be located approximately 162m from the River Wye SAC.

There will be no transportation requirements from the River Wye SAC.

Construction is likely to commence once full planning permission has been granted i.e. once reserved matters have been submitted and approved and any associated pre-commencement conditions have been discharged.

It is anticipated that operation of the development will continue for the lifetime of the site.

The proposed development will not result in a reduction in the habitat area of the River Wye SAC

The proposed development is located approximately 162m from the River Wye SAC.

The Extended Phase 1 Habitat Survey undertaken by Dusk to Dawn Ecology Ltd identifies that the habitats affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.

It is therefore considered that the proposed development would not result in significant negative impacts through disturbance to key species for the River Wye SAC.

The proposed development is located approximately 162m from the River Wye SAC.

The Extended Phase 1 Habitat Survey undertaken by Dusk to Dawn Ecology Ltd identifies that the habitats affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.

It is therefore considered that the proposed development would not result in significant negative impacts through disturbance to key species for the River Wye SAC.

The proposed development is located approximately 162m from the River Wye SAC.

The Extended Phase 1 Habitat Survey undertaken by Dusk to Dawn Ecology Ltd identifies that the habitats affected by the proposed development are not considered suitable to support mobile features of the River Wye SAC e.g. Otter.

It is therefore considered that the proposed development would not result in significant negative impacts through reduction in species density of key species for the River Wye SAC.

The proposed development is located approximately 162m from the River Wye SAC.

The following information has been provided with the application:

Extended Phase One Survey produced by Dusk to Dawn Ecology Ltd dated March 2017.
Pollution Prevention Plan produced by Asbri dated September 2017

Drainage Strategy Plan produced by Smart Associates Drawing no. S.7594-Sk01

Drainage Strategy Plan produced by Smart Associates Drawing no. S.7594-Sk01 Rev B

The submitted pollution prevention plan identifies appropriate measures in accordance with National guidelines and is considered to be appropriate to manage pollution risk from the proposed development.

The drainage strategy identifies that foul water drainage from the proposed development will be connected into the existing foul water public sewer in the main road.

The surface water drainage system has been designed with two storage systems to accommodate up to 1 in 100 plus 30% climate changes. The surface water hydrobrake is to be restricted to 5 L/s. Surface water will be discharged to the existing watercourse/drainage channel to the west of the proposed development

It is therefore considered that appropriate mitigation has been identified to ensure that the development will not result in significant negative impacts to key indicators i.e. water quality of the River Wye SAC.

No changes to the River Wye SAC are considered likely from the proposed development as a result of climate change.

Having reviewed the information submitted regarding the proposed development and measures that will be implemented to prevent potential impacts to the River Wye SAC and its associated features it is considered that the proposed development would not be likely to result in a significant negative impact to the River Wye SAC either alone or in combination with other plans or projects.

Rights of Way

Thank you for the opportunity to comment on this planning application.

The proposed access to the development area is through an extension from Lon-yr-Afon; which will then cross the public bridleway LNY47, by means of a raised table crossing. It is important that there is appropriate signage and visibility for users of the bridleway to be visible to users of the proposed new access. It is also important that the actual construction of the raised table crossing is gently graded into the existing bridleway and that the surface treatments are appropriate for equestrians.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public bridleway be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the bridleway can be legally stopped-up for a defined period.

Countryside Services therefore has no objections to the proposed application at this time, subject to the guidance information detailed above.

NRW

Thank you for consulting Natural Resources Wales (letter dated 06/06/2017) 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 - EPS:

No development shall take place (including, ground works, site clearance) until a CEMP for Great Crested Newt, dormice and bats has been submitted to and approved in writing by the local Planning authority.

Protected Species

We note that the Phase 1 report submitted in support of the above application (Extended Phase One Survey, March 2017 by Richard Watkins) has identified that dormice, Great Crested newts (GCN) and bats are highly likely to be present at the application site.

Bats, dormice, GCN and their breeding 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 European Protected Species (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, the ecological report concludes that the proposed development is not likely to harm or disturb EPS or their breeding sites and resting places at this site, provided that avoidance measures described in the report are implemented. We do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range subject to the submission and implementation of a Construction Environmental Management Plan (CEMP).

Condition 1 - EPS:

1. No development shall take place (including, ground works, site clearance) until a CEMP for Great Crested Newt, dormice and bats has been submitted to and approved in writing by the local Planning authority. The content of the method statement shall include the:

(a) Purpose and objectives for the proposed works;

(b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of material to be used);

(c) Extent and location of proposed works shown on appropriate scale maps and plans;

(d) Persons responsible for implementing the works;

(e) Measures undertaken to prevent or reduce incidental capture/killing during and post construction. This to include details concerning:

- the erection of barrier fencing along the edge of the identified Root Protection Zone (RPZ) for the existing trees and hedgerows;
- retention of a short grass sward prior and during the construction phase to discourage use by GCN;
- raised storage of building materials to deter GCN from sheltering on site.
- surface water management schemes that do not include gullypots;
- exterior lighting scheme which will ensure boundary hedgerows will be retained as dark wildlife corridors.

(f) Initial aftercare and long term maintenance (where relevant) of hedgerows

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

If any EPS are found during construction, works must stop and NRW contacted for advice.

Foul Drainage

It is our understanding that this proposal will be connected to the mains sewer. 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 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.

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.

Welsh Government Transport

Consultation response received 12/06/2017:

I refer to your consultation of 07/06/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road directs that permission be withheld until further notice while additional information is sought from the applicant and/or information provided by the applicant is analysed to enable appropriate highway observations to be made;

1) The applicant must demonstrate that both vertical and horizontal aspects of the visibility splays can be achieved from the 4.5m set back to 90m as previously requested in our pre-planning response dated 11 April 2017.

Consultation response received 14/06/2017:

I can confirm that the application still incorporates outstanding information, as the visibility drawings which illustrate the vertical aspect, do not conform to the Design Manual for Roads and Bridges (DMRB) as they illustrate an object height of 600mm, and not 260mm.

If you require further information or clarification, please do not hesitate to contact me.

Consultation response received 26/06/2017:

I refer to your consultation of 07/06/2017 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 minimum visibility distances available for vehicles emerging from the proposed access / junction shall be 90m metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 4.5m metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.

2. The centre-line of any existing hedge-row or fence must be positioned not less than 1.0m to the rear of the visibility splay line in both directions.

3. The access shall be at right angles to the trunk road carriageway for a distance of at least 15m, over which it shall not exceed a gradient of +/- 4%.
4. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.
5. The access shall be constructed to appropriate standards with either concrete or bituminous surfacing for at least the first 5.0m from the running edge of the trunk road carriageway.
6. Adequate provision shall be made within the development to enable vehicles to turn around, so they may enter and leave the site in a forward gear.
7. 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 the construction stage and be used by all vehicles exiting the site.
8. The proposed access shall meet the standards required by the Design Manual for Roads and Bridges (DMRB).

The above conditions are included to maintain the safety and free flow of trunk road traffic. The following points should be brought to the attention of the applicant:

- A. The applicant should be advised that they may be required to enter into an agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Roads and Street Works Act 1991 to enable the applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted by the Planning Authority cannot be implemented.
- B. The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.
- C. Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.
- D. The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;
- E. Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in

accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

F. Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx

If you have any further queries, please forward to the following Welsh Government Mailbox
NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK

CADW

Thank you for your email of 7 June 2017 inviting our comments on the additional information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, have no objections to the impact of the proposed development on the scheduled monument Pen-y-Bont Standing Stone BR265. 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 archaeological remains is a material consideration in determining a planning application, 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 370m southeast of scheduled monument Pen-y-bont Standing Stone BR265. Views between the proposed development and the scheduled monument are blocked by extant buildings and vegetation. Consequently we consider that the proposed development will not cause any damage to the setting of scheduled monument Pen-y-bont Standing Stone BR265.

CPAT

Thank you for the consultation paperwork relating to the above proposals.

I write to confirm that there are no archaeological implications relating to the above proposals.

PCC Contaminated Land

Advice

1. Historic ordnance survey (OS) maps identify that the application site is located within 250 metres of a closed landfill site. The Department of the Environment 'Industry Profile - Waste Recycling, Treatment and Disposal Sites: Landfills and other Waste Treatment or Waste Disposal Sites' (1996) provides information in respect of the potential risks and contaminant sources associated with historic landfill sites.

No information appears to have been provided, in support of Planning Application P/2017/0583, in respect of the potential land contamination risks associated with a residential development located within 250 metres of a closed landfill site.

2. Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government '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".

3. Based on the available information the following is recommended:

1. The planning applicant could submit a preliminary investigation and preliminary risk assessment ('Phase 1' report) in support of Planning Application P/2017/0583.

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/2017/0583:

Condition A

Condition 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This 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 .

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

Condition 2. 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. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.

Condition 3. 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 4. 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 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.

Representations

Following the display of a site notice and press advertisement, 26 letters of objection have been received and in summary raise the following matters:

- Access to the site
- Speed restrictions along Lon yr Afon
- Existing road through Lon yr Afon is inadequate
- Concern that the site is not within the LDP and Newbridge on Wye already has adequate housing provision

Planning History

None as per GIS.

Principal Planning Constraints

- Open Countryside
- Public Right of Way

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 12 – Design (2016)

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

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24: The Historic Environment (2017)

Local planning policies

Powys Unitary Development Plan (2010)

SP2 – Strategic Settlement Hierarchy
SP3 – Natural, Historic and Built Heritage
SP5 – Housing Developments
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
GP5 – Welsh Language and Culture
ENV1 – Agricultural Land
ENV2 – Safeguarding the Landscape
ENV3 - Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
ENV17 – Ancient Monuments and Archaeological Sites
ENV19 – Amenity Open Spaces
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
HP10 – Affordability Criteria
DC8 – Public Water Supply
DC9 – Protection of Water Resources
DC10 – Mains Sewage Treatment
DC13 – Surface Water Drainage
TR2 – Tourist Attractions
RL6 - Rights of Way and Access to the Countryside

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

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.

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 latest figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. 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.

Sustainability:

Consideration needs to be given to whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site adjoins the settlement development boundary of Newbridge on Wye (defined as a key settlement within the Powys UDP). Newbridge on Wye benefits from a number of services such as a primary school, shop, post office, hair dressers, community centre and two public houses. It is noted that a footpath is provided from the development site to the existing estate footpath which leads to the centre of Newbridge on Wye. There are also two public rights of way to the north and east of the application site. Newbridge on Wye also benefits from public transport which provides access to larger settlements such as Llandrindod Wells and Builth Wells which are located approximately 4.8 miles and 5.9 miles away respectively.

Given that the proposed development adjoins the settlement development boundary of Newbridge on Wye and the ease of access from the site to facilities and amenities as well as connections to further services and the wider area through public transport it is considered that the proposed development is in 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 slopes gently upwards to the north of the site away from the dwelling known as Dolithon towards the settlement development boundary of Newbridge on Wye. The indicative site layout details a cul-de-sac formation which is consistent with the surrounding built form and development within the wider 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, detailing a mix of dwelling types and sizes, it is considered that the application site is capable of accommodating 19 dwellings without unacceptably adversely affecting the character and appearance of the area compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Highway Safety

Policy GP4 of the Powys Unitary Development Plan (2010) requires a safe access, parking and visibility splays which are a fundamental requirement of all development proposals.

The proposed development seeks to create a new access off the existing Lon-yr-Afon estate which leads onto the A470 trunk road. Powys County Council's Highway Authority and the Welsh Government Trunk Road Agency (TRA) have therefore been consulted on the proposed development.

The TRA initially requested that permission be withheld until additional information was sought to enable appropriate highway observations to be made. The TRA requested that demonstration must be presented to show that both vertical and horizontal aspects of the visibility splays can be achieved from a 4.5 metre set back to 90 metres. The visibility drawings initially submitted did not conform to the Design Manual for Roads and Bridges.

Following the submission of revised drawings the TRA have stated that should planning permission be granted appropriately worded conditions should be attached. The conditions will ensure that the proposed access junction shall have 90 metre visibility splays in each direction. The conditions will also ensure that the access is constructed to an appropriate standard and to allow for vehicles to turn around so that they may enter and leave the site in a forward gear.

Powys County Council's Highway Authority has also been consulted on the proposed development. The Officer acknowledged that this application is an outline application with access only to be determined at this stage, junction arrangement and suitability of the internal access route has been considered. The Officer has noted the access connection through the Lon Yr Afon estate and notes that this is an adopted highway. The roadway of Lon yr Afon has been designed and constructed to promote speeds of just 20mph. Furthermore it is noted that the existing roadway incorporates a raised table traffic calming feature, double sided footway provision and a 5.5 metre carriageway width.

It is noted that some residents have raised concerns over the lack of visibility near the raised table area. The Highway Officer has stated that the recommended levels of forward visibility (25 metres) required to limit speeds to 20mph is readily available. The Officer has therefore stated that they are content that the existing roadway provides a safe means of access and has sufficient capacity to accommodate the additional vehicular and pedestrian traffic that would be generated.

It is noted that the indicative site layout provided demonstrates that an acceptable highway access layout can be achieved in terms of the horizontal alignment, however, the application initially failed to provide any detail on the proposed vertical alignment. Information in relation to the proposed vertical alignment is required to ensure that a suitable gradient can be achieved and that a suitable means of construction can be provided.

Additional information was submitted, however, information relating to the raised area, surface material and construction thickness would still be required.

Following further consultation it was recognised that an acceptable highway layout and vertical alignment can be achieved if the tree to the north of the site is removed (which is demonstrated by the detail within drawing SK02b Model (1)). Therefore given that the access can be appropriately created following the revised drawings the Highway Officer has stated

that should planning permission be granted planning permission appropriately worded conditions should be attached. The conditions will ensure that no development shall commence until the provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area which shall be constructed appropriately. The access shall also be constructed to an appropriate standard prior to any other development commencing.

In light of the above and the conditions that have been recommended by the TRA and the Powys County Council Highway Officer being attached to any granting of consent the proposed development fundamentally complies with policy GP4 of the Powys UDP.

Biodiversity

Policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010) seek to safeguard and wherever possible enhance the habitats of protected species. This is further emphasised within Technical Advice Note (TAN) 5.

NRW have noted the Phase 1 report submitted in support of the application which has identified dormice, Great Crested Newts (GCN) and bats are highly likely to be present at the application site. It is noted that these species and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations (2010). In this case, NRW has noted that the ecological report concluded that the proposed development is not likely to harm or disturb European Protected Species (EPS) or their breeding sites provided that the avoidance measures are implemented. NRW stated that should planning permission be granted, a condition should be attached in order to address significant concerns. They have requested that a Construction Environmental Management Plan (CEMP) for GCN, dormice and bats be submitted prior to commencement of development. The condition will ensure that detailed working methods are adhered to and measures are undertaken to prevent or reduce incidental capture/killing during and post construction as well as long term maintenance of hedgerows.

Powys County Council's Ecologist has also considered the extended phase one habitat survey. The Ecologist required clarification as to whether the tree (to be removed at the north of the site where the access is to be provided) was considered as part of the Ecological Assessment. The Ecologist stated that if no assessment of the ecological value was undertaken then further information would be required in order to determine whether the loss of this tree would have potential to result in negative impacts to protected species, identification of required mitigation measures would also be required. The tree to be removed is identified within the tree survey plan as Category A with High Quality and Value.

The Ecologist also noted the proximity of the proposed development to the River Wye SAC. The ecology report identifies construction pollution and management of surface and foul water from the proposed development site as having potential to impact the SAC. It is noted that drainage details have been submitted, however no construction pollution prevention methods have been submitted and therefore needs to be considered within a Habitats Regulations Assessment (HRA) which would be required to be undertaken to assess the potential for a likely significant effect to EPS. The Ecologist has therefore requested that prior to the determination of an HRA a Pollution Prevention Plan (PPP) would be required to be submitted.

Additional information was submitted which included a PPP and information regarding the proposed removal of the mature oak tree at the north of the site. The Ecologist was re-consulted and assessed the additional information. The Ecologist has reviewed the assessment of the proposed removal of the mature oak tree to accommodate the revised access point. The assessment ensures that the removal of the tree would not result in negative impacts to bat species and includes the provision of replacement roosting opportunities and includes appropriate felling methods. The ecologist has stated that subject to the measure being implemented the proposed development would not result in negative impacts to bats. In order to ensure compliance with the above an appropriately worded condition will be attached to any granting of consent. Following the submission of a PPP, the Ecologist carried out a HRA of the proposed development in relation to the River Wye SAC. The screening assessment concluded that there would be no likely significant effect to the River Wye SAC and its associated features.

The Ecologist is therefore content with the application and requires that appropriately worded conditions are attached to any granting of consent. The conditions would ensure that the development is carried out strictly in accordance with the PPP and within the report regarding the removal of the Oak tree. The mitigation measures and enhancement measures as identified within the Extended Phase One Survey will also be conditioned as well as prior to the commencement of development a Tree and Hedgerow Protection Plan, a Landscaping and Management Plan are submitted and approved.

In light of the above comments received from both NRW and the Powys County Council Ecologist it is considered that the proposed development is in line with local and national policies subject to the attachment of appropriately worded conditions to ensure EPS are not detrimentally impacted upon.

Affordable Housing

The proposed development seeks to provide 6 affordable dwellings out of a total of 19 dwellings. This relates to 31.67% affordable housing being provided for the proposed development which meets the guidance contained within the Powys UDP.

In light of the above, it is considered that should planning permission be granted appropriately worded conditions will be attached in order to secure affordable housing in compliance with policies HP8 and HP10 of the Powys Unitary Development Plan.

Welsh Language and Culture

Policy GP5 of the Powys Unitary Development Plan states that within specific 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. Newbridge on Wye is not one of the identified settlements within policy GP5 of the Powys Unitary Development Plan (2010).

Given the scale of development proposed and the number of affordable houses provided, it is considered that the proposed development would not have a detrimental impact on Welsh language and culture.

Contaminated Land

Powys County Councils Contaminated Land Officer has been consulted on the proposed development and has noted that the application site is located within 250 metres of a closed landfill site. The Officer has recommended appropriately worded conditions are attached to any granting of consent. The conditions will ensure that an investigation and risk assessments are carried out in order to assess the nature and extent of any contamination on the site. Following this an appraisal of remedial options and proposal of the preferred options, should contamination be found 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. The scheme will ensure that the site will not qualify as contaminated land, this scheme must then be implemented prior to the commencement of development.

In light of the above comments received and the attachment of appropriately worded conditions, it is considered that the proposed development fundamentally complies with policy DC15 of the Powys Unitary Development Plan (2010).

Rights of Way

It is noted that the proposed access to the development area is through the Lon-yr-Afon estate, which crosses the public bridleway LNY47 by means of a raised table crossing.

Powys County Council's Rights of Way Officers have been consulted on the proposed development and have noted that the public bridleway crosses the proposed access. The Officer has stated that there should be appropriate signage and visibility for users of the bridleway to be visible to users of the proposed new access and that the construction of the raised table crossing is gently graded into the existing bridleway and the surface treatments are appropriate for equestrians.

The Officer has stated that no public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way. Any damage caused to the surface of any public right of way must be made good to at least its current condition or better. It should also be noted that should the public bridleway be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place.

In light of the above Countryside Services has stated that they would have no objection to the proposed application at this time subject to the guidance information they have provided.

Scheduled Ancient Monuments and Archaeological Sites

Policy ENV17 of the Powys Unitary Development Plan states that 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.

Cadw have been consulted in relation to the proximity of the development site to the scheduled monument known as the Pen-y-Bont Standing Stone. Cadw have stated that the development is located approximately 370 metres to the southeast of the Pen-y-Bont Standing Stone and views between the proposed development and scheduled monument are blocked by extant buildings and vegetation. Therefore Cadw consider that the proposed development will not cause any damage to the setting of a scheduled monument Pen-y-Bont Standing Stone.

CPAT have also been consulted on the proposed development and have confirmed that there are no archaeological implications relating to the above proposals.

Given the careful considerations made by Cadw and CPAT it is considered that the proposed development would not have an unacceptable effect on the site or setting of a scheduled ancient monument or of an archaeological site of national importance. It is therefore considered that the proposed complies with policy ENV17 of the Powys UDP.

Education and Recreation

Planning Authorities are permitted to seek planning obligations from developers of land in accordance with Circular 13/97. Development Management has consulted the Education Department and the Recreation Officer to see whether any planning obligations are necessary to serve the development. No response has been received to date. It is hoped that responses will be provided via an update report.

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

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy. 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 strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: S.7594-SK01, (03)02 Revision. F, S.7594-SK02, S.7594-SK03, NOW/AP/1B, (00)01 Revision. B & NOW/AP/1B).
5. No other development shall commence until provision is 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 0.35 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.
6. No other development shall commence until the area of the access to be used by vehicles is 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 from the edge of the adjoining estate road. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

7. No storm water drainage from the site shall be allowed to discharge onto the adjoining estate road.

8. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

9. The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention as identified in the Pollution Prevention Plan produced by Asbri dated September 2017 and maintained thereafter.

10. The development shall be carried out strictly in accordance with the measures identified regarding bats as identified in the Situation Report Ref: Proposed Removal of the Mature Oak, T10 produced by Dusk to Dawn Ecology Ltd dated 27/09/2017 and maintained thereafter.

11. The mitigation and enhancement measures identified in Section 6 of the Extended Phase One Survey produced by Dusk to Dawn Ecology Ltd dated March 2017 shall be adhered to and implemented in full and maintained thereafter.

12. Prior to commencement of development a Tree and Hedgerow Protection Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

13. 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.

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. No development shall take place (including, ground works, site clearance) until a CEMP for Great Crested Newt, dormice and bats has been submitted to and approved in writing by the local Planning authority. The content of the method statement shall include the:

(a) Purpose and objectives for the proposed works;

(b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of material to be used);

(c) Extent and location of proposed works shown on appropriate scale maps and plans;

(d) Persons responsible for implementing the works;

(e) Measures undertaken to prevent or reduce incidental capture/killing during and post construction. This to include details concerning:

- the erection of barrier fencing along the edge of the identified Root Protection Zone (RPZ) for the existing trees and hedgerows;
- retention of a short grass sward prior and during the construction phase to discourage use by GCN;
- raised storage of building materials to deter GCN from sheltering on site.
- surface water management schemes that do not include gullypots;
- exterior lighting scheme which will ensure boundary hedgerows will be retained as dark wildlife corridors.

(f) Initial aftercare and long term maintenance (where relevant) of hedgerows

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

16. The minimum visibility distances available for vehicles emerging from the proposed access / junction shall be 90m metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 4.5m metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.

17. The centre-line of any existing hedge-row or fence must be positioned not less than 1.0m to the rear of the visibility splay line in both directions.

18. The access shall be at right angles to the trunk road carriageway for a distance of at least 15m, over which it shall not exceed a gradient of +/- 4%.

19. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.

20. The access shall be constructed to appropriate standards with either concrete or bituminous surfacing for at least the first 5.0m from the running edge of the trunk road carriageway.

21. Adequate provision shall be made within the development to enable vehicles to turn around, so they may enter and leave the site in a forward gear.

22. 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 the construction stage and be used by all vehicles exiting the site.

23. The proposed access shall meet the standards required by the Design Manual for Roads and Bridges (DMRB).

24. No development shall commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This 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 .

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

25. 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. The detailed remediation scheme should not be submitted until written approval for Condition 24 has been received from the Local Planning Authority.

26. 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.

27. 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 24, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 25, 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 26.

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. 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 30% of housing units;
- 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;
- 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.

30. The affordable dwelling/s 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.

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.
7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

and 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.

9. 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.

10. To comply with Powys County Council's UDP Policies SP3 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.

11. 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.

12. 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.

13. 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 Part 1 Section 6 of the Environment (Wales) Act 2016.

14. 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.

15. 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.

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. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

21. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

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 ensure that potential contamination of the site is satisfactorily dealt with in accordance with policies GP1 and DC15 of the Powys Unitary Development Plan.

25. To ensure that potential contamination of the site is satisfactorily dealt with in accordance with policies GP1 and DC15 of the Powys Unitary Development Plan.

26. To ensure that potential contamination of the site is satisfactorily dealt with in accordance with policies GP1 and DC15 of the Powys Unitary Development Plan.
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28. To ensure that potential contamination of the site is satisfactorily dealt with in accordance with policies GP1 and DC15 of the Powys Unitary Development Plan.
29. To ensure the provision of housing to meet the demand for affordable housing in the locality in accordance with policies HP7-HP10 of the Powys Unitary Development Plan.
30. **To ensure the provision of housing to meet the demand for affordable housing in the locality in accordance with policies HP7-HP10 of the Powys Unitary Development Plan.**

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.

Affordable Housing

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.

Welsh Water

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Trunk Road Agency

The following points should be brought to the attention of the applicant:

- A. The applicant should be advised that they may be required to enter into an agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Roads and Street Works Act 1991 to enable the applicant to undertake agreed

improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted by the Planning Authority cannot be implemented.

B. The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.

C. Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.

D. The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;

E. Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

F. Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx

If you have any further queries, please forward to the following Welsh Government Mailbox NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.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.

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 0345 1300 228 or email enquiries@bats.org.uk

Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk