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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE Monday, 27th July, 2020

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

S U P P L E M E N T A R Y P A C K

1.	MINUTES OF THE PREVIOUS MEETING	2
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 2 July, 2020 as a correct record.

(Pages 1 - 8)

1.1. **Updates**

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

(Pages 9 - 18)

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MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT BY TEAMS ON THURSDAY, 2 JULY 2020

PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, L V Corfield, L George, D R Jones, G Jones, M J Jones, F H Jump, H Lewis, I McIntosh, D R Price, P C Pritchard, G Pugh, D Selby, K S Silk, E Vaughan, G I S Williams, D H Williams, J Williams and R Williams

1. APOLOGIES

Apologies for absence were received from County Councillor E Vaughan, due to technical difficulties. However, Councillor Vaughan joined the meeting from item 4.4 onwards.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 19 March 2020.

Planning

3. DECLARATIONS OF INTEREST

(a) County Councillor G Jones declared a prejudicial interest in applications 20/0300/DIS and 20/0642/NMA because he was the applicant.

(b) County Councillor D Selby requested that a record be made of his membership of Newtown Town Council where discussion had taken place of matters for the consideration of this Committee.

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

(d) The Committee noted that no Member (who is not a member of the Committee) would be speaking as the 'local representative' in respect of any application on the agenda.

4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

The Committee considered the report of the Head of Property, Planning and Public Protection (copies filed with the signed minutes).

4.1 Updates

The meeting adjourned for five minutes for the Members to read the update. On resuming the meeting, the Members confirmed that they had received and had read the update circulated the previous day.

4.2 19/1572/FUL Pontypentre , Llansantffraid-Ym-Mechain, Powys, SY22 6XP

Grid Ref: E: 321683 N: 319817

Valid Date: 15.10.2019

Community Council: Llansantffraid Community Council

Applicant: RG & GL Thomas

Location: Pontypentre, Llansantffraid-Ym-Mechain, Powys SY22 6XP

Proposal: Change of use of agricultural building to B1/B8 use (storage and distribution) and all associated works

Application Type: Full Application

The Principal Planning Officer advised that if the Committee was minded to approve the application it was recommended that it be delegated to the Professional Lead Development Management, in consultation with the Chair and Vice Chair to add a condition in respect of the hours of operation.

In response to a question regarding highways, the Principal Planning Officer confirmed that the Highways Authority had now withdrawn objections and provided appropriate conditions. The Principal Planning Officer advised that the application is for change of use to B1/B8 and that storage and distribution is not incompatible with a farm setting. She indicated that planning could not control the internal use of the buildings, providing the use fell within the B1/B8 use classes. In response to a question regarding the proposed conditions restricting the hours of operation the Principal Planning Officer advised that B1/B8 class use could generate noise and light pollution. She advised that Environmental Health had requested conditions in respect of operating hours and also, the applicant had indicated they were happy with an operating period of 0900hrs - 1700hrs and appropriate conditions were therefore recommended. The Principal Planning Officer advised that a lighting design scheme had been submitted but a condition was recommended seeking more information in respect of this and the condition regarding hours of operation would restrict the use of external lighting.

The Solicitor advised that as this was an application from a councillor, he had reviewed the file, as required in the Planning Protocol. He confirmed that the application had been processed normally.

It was moved and duly seconded to approve the application as recommended by the officer with the delegation to the Professional Lead Development Management, in consultation with the Chair and Vice Chair to add a condition in respect of the hours of operation.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the	As officer's recommendation as set out in the report which is

<p>conditions set out in the report which is filed with the signed minutes and that it be delegated to the Professional Lead Development Management, in consultation with the Chair and Vice Chair to add a condition in respect of the hours of operation.</p>	<p>filed with the signed minutes.</p> <p>Additional condition included to ensure the protection of local amenities.</p>
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4.3 19/2042/FUL Former Red Dragon Public House & Newtown Youth Centre , Plantation Lane, Newtown, Powys, SY16 1LQ

Grid Ref: E: 309983 N: 290509

Valid Date: 20.12.2019

Community Council: Newtown And Llanllwchaiarn Town Council

Applicant: Affordable Housing Team, Powys County Council

Location: Former Red Dragon Public House & Newtown Youth Centre, Plantation Lane, Newtown, Powys SY16 1LQ

Proposal: Development of 18 affordable dwellings and associated works

Application Type: Full Application

The Principal Planning Officer advised that a minor issue had been raised regarding the width of the roadway to plots 12 – 18 and a minor change was needed to the layout of the parking on the site plan. As a result, she advised that if the Committee was minded to approve the application it was recommended that it be delegated to the Professional Lead Development Management, in consultation with the Chair and Vice Chair to agree an amended plan in respect of this.

In response to questions the Principal Planning Officer advised that the mix of the proposed houses met the needs in the area as identified by the Local Housing Authority. The Committee was advised that a scheme for one-bedroom units was to be developed in the town but was on hold as the builder had gone into administration. The Professional Lead Development Management agreed that for future applications a statement of need would be provided by the Local Housing Authority for such applications.

The Principal Planning Officer advised that the development would be maintained and operated by Powys County Council as affordable housing. The Committee noted that Natural Resources Wales [NRW] had initially raised concerns regarding the development. However, on considering the amended plans, NRW had advised that there were no unacceptable impacts of the development.

It was moved and duly seconded to approve the application as recommended by the officer and that it be delegated to the Professional Lead Development Management, in consultation with the Chair and Vice Chair to agree the amended plan.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and that it be delegated to the Professional Lead Development Management, in consultation with the Chair and Vice Chair to agree the amended plan.	As officer's recommendation as set out in the report which is filed with the signed minutes. Amended plan required to satisfy Local Highway Authority requirements.

County Councillor E Vaughan joined the meeting.

County Councillor G Jones left the meeting for the next two applications.

4.4 20/0300/DIS Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, SY21 0DU

Grid Ref: E: 309008 N: 306394

Valid Date: 25.02.2020

Community Council: Llanfair Caereinion Community Council

Applicant: G Jones

Location: Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool SY21 0DU

Proposal: Application to discharge conditions 5, 7, 8, 12 and 13 of planning approval 19/0524/FUL

Application Type: Discharge of conditions

In response to a question the Principal Planning Officer advised that the landscape implementation scheme would be completed prior to the first use of the scheme as required in condition 12.

The Solicitor advised that as this was an application from a councillor, he had reviewed the file, as required in the Planning Protocol. He confirmed that the application had been processed normally.

It was moved and duly seconded to approve the application as recommended by the officer.

RESOLVED:	Reason for decision:
that the application be approved to formally discharge the conditions as set out in the report which is filed with the signed minutes.	As officer's recommendation as set out in the report which is filed with the signed minutes.

County Councillor E Vaughan confirmed that he had read the update for the next application.

4.5 20/0642/NMA Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, SY21 0DU

Grid Ref: E: 309008 N: 306394

Valid Date: 01.05.20

Community Council: Llanfair Caereinion Community Council

Applicant: G Jones

Location: Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool SY21 0DU

Proposal: Application for a non-material amendment to planning approval 19/0524/FUL to remove condition 10.

Application Type: Non-material amendment

The Senior Planning Officer referred the Committee to the update report.

In response to questions the Senior Planning Officer advised that the application related to the larger building on the site. Concerns were raised that if the condition was removed for this building it would still however remain for other parts of the site and would therefore be difficult to monitor. The Committee queried what had now changed for officers to recommend the removal of condition 10, as it was placed on the application to protect the people living in the area. The Senior Planning Officer advised that Environmental Health had not requested the condition and it was probably unreasonable to have attached it. The Committee noted that the update report referred to an objection regarding the application to remove the condition.

The Chair agreed to adjourn the meeting for ten minutes to allow the Planning Officers to review the files. The Principal Planning Officer advised that the report in respect of the original application indicates that Environmental Health requested that collection and delivery times be restricted, due to issues at large scale agricultural sites. Historically, Environment Health asked for such a condition as standard and this has been duplicated on further applications. She advised that applications had been received to remove such conditions where there are no sensitive receptors. The Professional Lead Development Management advised that the Agent had confirmed that the restriction related to

both buildings and the Agent was content if the Committee wished to consider deferment of the application.

Comment was made that if this had not been an application from a councillor the application would have been approved by officers and the issues raised by the Committee would not have been considered. A comment was made that all Non-Material Amendment applications should be considered by the Committee.

It was moved and duly seconded to approve deferral of the consideration of the application.

RESOLVED:	Reason for decision:
That the application be deferred.	To allow the applicant to review how condition 10 relates to the whole site and to consult with Environmental Health.

County Councillor G Jones re-joined the meeting.

5.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 20 May 2020 and 23 June 2020.

In response to a question the Professional Lead Development Management advised that the application 19/1899/REM had been considered at the previous meeting and should not be on the list.

He advised that there is no consultation regarding Non-Material Applications and therefore councillors are not advised about such applications and such applications must be considered in 28 days. A comment was made that local councillors should be consulted on whether a change is considered to be non-material, as they will be aware of any local issues. The Chair asked that officers provide information regarding NMAs at the next meeting to enable the Committee discuss involvement in such applications.

6.	APPEAL DECISIONS
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The Committee received a copy of the Planning Inspectorate's letters regarding the appeals and the Inspectorate's decisions:

The Committee noted that the Inspector had dismissed the appeals:

- 18/1192/FUL - Land near to Tyn y Celyn Farm, Llangedwyn, Llanfechain, Powys SY10 9LN
- P/2018/0470 - Upper Gwestydd, Upper Gwestydd Lane, Cefn Mawr, Newtown SY16 3LA
- 19/0220/FUL - land at Abernant Lakeside Cottage, Llanwrtyd Wells, Powys LD5 4RR
- 19/1187/FUL - 24 Palleg Road, Lower Cwmtwrch, Swansea SA9 2QE
- 19/1409/HH - Bethal House, Bowling Green Lane, Welshpool SY21 7PA

The Committee noted that the Inspector had upheld the appeal and granted planning permission:

- 19/0201/FUL - Land Adjacent to Lawr y Cwm, Pantyfridd, Berriew, Welshpool, SY21 8BN

The Committee noted that the Inspector had refused the application for costs in respect of the appeal relating to:

- P/2018/0470 - Upper Gwestydd, Upper Gwestydd Lane, Cefn Mawr, Newtown, SY16 3LA

7.	REVIEW OF THE TEMPORARY SUSPENSION OF THE LOCAL MEMBER CALL-IN OF PLANNING APPLICATIONS
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The Committee discussed whether to re-instate the call-in procedure temporarily suspended in March 2020. The Chair advised he wanted to ensure that the Committee was content with undertaking meetings online, prior to re-instating applications which are called-in being considered by the Committee. Comment was made that people feel left out of the democratic process if the call-in procedure to Committee is not available.

Comments were also made about the use of the remote meeting system and the re-introduction of meetings in County Hall. The Chair advised that he had emailed the Head of Legal and Democratic Services asking if there were plans to resume meetings in County Hall, but also allowing remote links for members who needed to work in this way. He advised that any changes would be influenced by advice from the First Minister regarding travel etc. The Head of Legal and Democratic Services had responded that he would keep the Chair informed of developments regarding meetings in County Hall.

As a result of the discussions the Chair and Vice Chair agreed to re-instate the call-in procedure, whereby applications which have been called-in and not yet determined and any applications subsequently called in, are, from now on, considered by the Committee.

Rights of Way

8.	DECLARATIONS OF INTEREST
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County Councillor R Williams declared a personal interest in the next item because he knows the applicant. As a result he left the meeting for the next item.

County Councillor K Silk left the meeting for other Council business.

9.	COMMONS ACT 2006, SECTION 19(2)B - APPLICATION TO CORRECT THE REGISTER
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The Committee considered the report regarding the application to correct the register. The following amendment to the report was noted - Page 138 Section

24: It is of note as it refers to a total land area of 63.24 hectares [rather than acres as stated in the report]. This equates to 156.3 acres.

It was moved and duly seconded to grant the application as recommended in the officer's report.

RESOLVED	Reason for decision
that the application be granted as made, as detailed in the report which is filed with the signed minutes.	That on the basis of the information put forward by the applicant and to the criteria in Section 19 of the 2006 Act, as it has been shown, on the balance of probability, that a mistake was made by the original applicant on the CR Form 9 when registering the right of common for Safn y Coed.

The Chair thanked the Committee and officers for attending this first Microsoft Teams live meeting and thanked any public and press for watching.

County Councillor K Lewis (Chair)

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: 20/0738/FUL

Grid Ref: 283213 211223

Community Council: Tawe-Uchaf CC

Valid Date:
15/05/20

Officer:
Carms CC

Applicant: Mr Rob Thompson, Celtic Energy Ltd, 9 Beddau Way, Castlegate Business Park, Caerphilly, CF83 2AX

Location: Land at and Surrounding Nant Helen Open Cast Coal Site Powys and Onllwyn Distribution Centre, Neath Port Talbot

Proposal: Construction of complementary restoration earthworks to create 2 looped landform platforms (part in cutting and part on embankment) with associated drainage infrastructure and areas of landscaping and habitat creation to create a flexible and adaptable area of land that could be used for a variety of uses including agriculture, nature conservation, leisure, tourism and industrial, research and development/business uses (potentially including a proposed rail testing, research and development and storage facility). (Cross-boundary application, see Neath Port Talbot CC Application ref. P2020/0362)

Application Type: Full

REPORT UPDATE

Updated Consultee Response

PCC Land Drainage Officer

Thank you for the opportunity to comment on this application. Both Powys CC and Neath & Port Talbot CBC, as Lead Local Flood Authority (LLFA) and SuDS Approval Body (SAB) for their respective areas, have considered the information submitted and would make the following joint comments.

We are pleased to note that SuDS opportunities have been identified for use at this early stage and note the hierarchy approach the design will take. The use of infiltration, surface ditches/swales, ponds and wetlands are all suitable SuDS features for the management of surface water run-off.

We note that the Drainage Strategy (Issue P01 dated 06 December 2019), acknowledges previous flooding concerns of those watercourses associated with the Tawe catchment and that the aim of the drainage proposal is to reduce and manage flow to these known watercourses. The drainage proposals also set out how surface water run-off is to be managed in all other catchments across the site.

The drainage strategy indicates that the hydraulic controls proposed for management of surface water run-off will be designed to accommodate rainfall events up to 1: 100-year storm event, to include a 40% allowance for climate change from potential future impermeable areas across the site. This is noted.

Whilst we encourage the surface water drainage design to mimic Greenfield Runoff Rates (GRR), betterment is required within those catchment areas identified in the drainage strategy where flood concerns have been noted through the use of appropriate attenuation and effective flow management systems.

The following is an outline of the proposed surface water management for each of the drainage sub-catchments on the site.

River Tawe catchment

- o Catchment 1A – Report identifies catchment 1A is outside the planning boundary and not affected by the proposed scheme. This is noted.
- o Catchment 1B – Report identifies that there are no contributing flows within Catchment 1B. This is noted.
- o Catchment 1C – Use of engineered watercourse and connection to an existing watercourse is proposed. There will be an overall reduction in catchment area and only a relatively small amount of track side drainage (from Catchment 1D) is contributing to catchment flow due to the track running through a relatively deep cutting. An attenuation pond is to be installed to store flows from track side drainage only. Surface water runoff outside the track loop will continue to discharge from the landscape as sheet runoff, as previous.
- o Catchment 1D – Identifies the use of an engineered watercourse communicating to an existing watercourse that was previously severed during the mining operations on the site. Existing settlement ponds from current mining operations are to be used as attenuation pond facilities. This change of use will need to be carefully managed during the construction phase to mitigate potential pollution concerns. The creation of potential impermeable areas within this catchment would increase runoff rate and volume, therefore the scheme proposes to build-in additional attenuated storage capacity and use of an orifice control system to regulate the rate of discharge to GRR.
- o Catchment 1E – The report notes an engineered watercourse is to be created as part of the restoration scheme and communicate with an existing unnamed ditch. The report also recognises that this unnamed ditch has had previous flood risk issues associated with it. We would add that this existing ditch is an important feature for the management of flow from this catchment and we would strongly recommend that channel improvements to the existing ditch are included within the Complementary Earthworks Scheme to further improve the channel's effectiveness. This work can be considered at detailed design stage.

The report indicates that part of the proposed restoration watercourse will need to be diverted and culverted as part of the Complementary Earthworks Scheme. Sheet runoff is to be collected and conveyed by cut-off ditches along the base of the proposed track embankments.

The proposed catchment area (including track area) is to be slightly larger than the original catchment area. The report acknowledges that due to known flooding issues on the receiving watercourse downstream, a reduced discharge rate for the

proposed restoration scheme was being incorporated within that design. The Complementary Earthworks Scheme has recognised this and proposes to use a reduced discharge rate as that previous set (45.9l/s/ha for a 1: 100-year event) for an equivalent restoration area, with the remaining contributing area to discharge at the GRR.

The proposal is to create an attenuation pond of suitable capacity and use an orifice control system to regulate the rate of discharge from the pond system.

- o Catchment 1F – The drainage rationale for Catchment 1F is the same to that proposed for Catchment 1E.

Again, the proposed catchment is slightly larger than the original catchment. The Complementary Earthworks Scheme has recognised this and proposes to use a reduced discharge rate as that previous set under the restoration scheme (46.5l/s/ha for the 1: 100-year event) for an equivalent restoration area, with the remaining contributing area to discharge at the GRR.

The proposal is to introduce attenuation pond systems of suitable capacity and use an orifice control system to regulate the rate of discharge.

- o Catchment 1G – As previously proposed under the restoration scheme, surface water run-off from this catchment is to be collected by an engineered watercourse and communicate to an existing watercourse that was previously severed during the mining operations on the site.

The proposed catchment under this Complementary Earthworks Scheme is significantly greater to the proposed restoration catchment. Therefore, the proposal is to attenuate run-off to the peak discharge rate (as determined under the restoration scheme proposals), thus avoiding increased flows to the downstream watercourse. This will be achieved through the introduction of an attenuation pond of suitable capacity and using an appropriate control system to regulate the rate of discharge.

- o Catchment 1H – This catchment was not covered by the restoration area scheme and is significantly smaller in size than its original catchment size. However, the creation of potential impermeable areas within this catchment area would increase runoff rate and volume and therefore under this Complementary Earthworks Scheme there is a proposal to build-in additional attenuated storage capacity. An appropriate control system to regulate the rate of discharge from the pond to GRR would be installed. Additionally, the exact flow route of the existing ditch system to the Nant Llech will need to be confirmed. This matter can be considered at detailed design stage.

- o Catchment 1I (a & b) – Run-off from this catchment is to connect to the same unnamed ditch referred to under Catchment 1E. Although the track area bisects this catchment, the surface water runoff generate from the track is to drain to Catchment 1E and 1G respectively. The proposed discharge rate from this catchment will therefore mirror GRR's.

The LLFA would reiterate its early comments regarding the existing unnamed ditch to which Catchment 1I will connect. This existing ditch is an important feature for the management of flow from this development and would strongly recommend that channel improvements are incorporated within the Complementary Earthworks Scheme to further improve the effectiveness of this channel. This work can be considered at detailed design stage.

River Dulais catchment

- o Catchment 2A – The proposed catchment area under this Complementary Earthworks Scheme is greater in size to the proposed restoration catchment but is smaller than the original catchment.

The LLFA is not aware of flooding issues within the downstream tributary. No attenuation is proposed for the surface water run-off generated within this catchment, other than for the track area, for which an attenuation pond of suitable size is proposed. An appropriate control system to regulate the rate of discharge from the pond is to be installed.

- o Catchment 2B – The proposed catchment area under this Complementary Earthworks Scheme is significantly greater in size to the proposed restoration catchment. This is due to the restoration scheme proposals only covering part of this catchment.

To ensure that the overall surface water discharge rate from this catchment is not greater than what drained from the original catchment, the proposal is to create several suitably sized attenuation ponds across the catchment to collect and discharge flow at controlled rates. Appropriate control systems to regulate the rate of discharge from the various ponds would be installed.

- o Catchment 2C – The proposed catchment area under this Complementary Earthworks Scheme is smaller in size to the original catchment and therefore no attenuation is proposed at this stage for the surface water run-off generated within this catchment.

The report does however indicate that the outfall locations will more than likely differ in the final track design from those proposed under this application. Any attenuation requirements, and the likely effect of potential future use of the track area, can be considered at detailed design stage.

Afon Pyrddin catchment

- o Catchment 3A – The proposed catchment area under this Complementary Earthworks Scheme is slightly smaller in size to the original catchment. However, potential future use of the track plateau could result in development of impermeable surfaces. The proposal is to introduce attenuation pond systems of suitable capacity and use an orifice control system to regulate the rate of discharge.

The drainage design does compare the effect the earthworks proposals will have within each of the sub-catchment areas, to ensure the run-off rate from the site is not increased. For the River Tawe catchment, a reduction in contributing area coupled

with a reduction in discharge rates proposed as part of the restoration scheme will provide an overall 30% reduction in peak flow to the River Tawe (inclusive of a 40% allowance for climate change for future impermeable areas).

For the River Dulais catchment, although there would be an increase in the impermeable area within this catchment, the mitigation measures proposed would result in an overall reduction to the original peak discharge rate.

A reduced peak discharge rate is also achieved in the Afon Pyrddin catchment through the mitigation measures being proposed.

These overall design proposals are generally acceptable. However, the following additional comments/observations need to be taken into account at detailed design stage and addressed prior to any commencement on site.

The use of hedge planting/screening, grass filter strips and other natural solutions should be considered to help create Blue Green corridors and to allow the re-integration of natural species. Any greening/planting up of existing brownfield or bare earth areas are to be welcomed and with careful planning can be effective in replenishing/rewilding the site whilst also reducing runoff and the transfer of silt.

It is noted that the existing reservoirs and other existing ponds across the site (which are substantial in surface area) are being replaced with significantly smaller (in surface area terms) but deep attenuation ponds (2m plus).

Due to the steepness of the new embankments, the attenuation ponds will fill relatively quickly; the design of these attenuation features will therefore need to consider the effect any rapid inundation has on their sizing.

The use of attenuation ponds does not necessarily follow the good practice designs within the SuDS Manual, particularly for water quality purposes. However, each attenuation pond is to be lined to provide a permanent wet base. The use of detention ponds or wetlands would provide better enhancement opportunities not only for amenity and biodiversity but also water quality purposes. It is recommended that further consideration be given to the design of the attenuation ponds in terms of water treatment requirements.

Information boards displaying the function and ecological benefits of each SuDS component should be erected, particularly where these features are accessible to the public.

In terms of maintenance to these ponds, the Applicant would be responsible for the management and maintenance for these SuDS features for the lifetime of the development. An appropriate management and maintenance plan shall be provided.

Although the design indicates an access track around each pond, no provision for access to the SuDS features has been shown within the current proposals. Appropriate access arrangements will need to be provided, particularly in reaction to a spillage/pollution incident that may impact the SuDS feature.

We note at this stage, only the embankments for the outer and inner rails will be created. However, when fully developed as a testing centre, if an engine were to breakdown at the furthest point on the rail track away from the operational centre, the current drainage proposal makes no allowance in its design for the construction of any vehicular access track that may be required for future maintenance needs. Should this be the case, then the provision of the maintenance track will need to be considered in the drainage design.

Although the proposals indicate the inclusion of swales as part of the SuDS management train, it is considered that the depth and sizing of the proposed attenuation ponds would not be adequate for water quality needs alone. As previously mentioned, the use of detention ponds or wetlands would provide better enhancement opportunities not only for amenity and biodiversity but also water quality purposes.

It is considered that the size of the cut off ditches, particularly those located along the toe of the large and steep embankments, may not cope with the rapid surface water run-off generated from such slopes, thereby allowing water to sheet over. The size of the ditches throughout the scheme will need to be appropriately designed to allow sufficient capacity to mitigate any exceedance.

The design should take full account of the method of construction, including any specific programming requirements, to minimise the potential for poor construction of any drainage component. For a phased development, the design should indicate how SuDS features will be managed, protected and commissioned, especially where their use may change through the construction programme.

Several hazards and risks are currently present within the proposed design/land use. Specific consideration and assessment along with risk mitigation design approach/methodology considering PPW10 and other relevant UK standards/good practice is required for the following geotechnical/geoenvironmental aspects:

- Mining Subsidence – risks from shallow mine workings.
- Mining Subsidence – mine entries.
- Slope stability – general restoration and track earthworks.
- The impact of historical landslides and/or ground movement.
- Risks from combustible soils.
- Risks from sulphate rich and/or pyritic materials.
- Differential settlement and high wall interactions.
- Compressible ground, e.g. unconsolidated deposits.
- Collapse compression of fill materials (e.g. following inundation).
- Deterioration of placed fill, e.g. scour.
- The potential for failure of culverts and other drainage beneath embankments.

- Leakage from ponds and drains.
- Groundwater control and management (shallow and deep).
- Risks to human health including hazardous ground gasses.
- Management of risks to controlled waters, including consideration of potential acid mine drainage.

It is therefore recommended that prior to any commencement on site that full engineering details and drawings, together with any relevant assessments, for the surface water drainage design be submitted and approved by the LPA.

Condition: No development shall commence until full engineering details, relevant assessments and drawings of the implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a timetable for its implementation, and
- a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- The detailed geotechnical design must be approved prior to commencement.

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

Informative: The LLFA is, in general, opposed to culverting of Ordinary watercourses and whenever practical will seek to have culverted watercourses restored to open channels. Any proposed diversion or culverting of an Ordinary watercourse will require the prior consent from the LLFA under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Relevant application forms and guidance should be sought from the relevant LLFA.

Riparian rights and responsibilities would continue to exist in respect to these ordinary watercourse systems.

Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for sustainable drainage (SuDS). The SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk

Officer Appraisal Update

Hydrological Impact (sustainable drainage, water quality and flood risk)

The Land Drainage Officer has confirmed that

- For the River Tawe catchment, a reduction in contributing area coupled with a reduction in discharge rates proposed as part of the restoration scheme will provide an overall 30% reduction in peak flow to the River Tawe (inclusive of a 40% allowance for climate change for future impermeable areas).
- For the River Dulais catchment, although there would be an increase in the impermeable area within this catchment, the mitigation measures proposed would result in an overall reduction to the original peak discharge rate.
- A reduced peak discharge rate is also achieved in the Afon Pyrddin catchment through the mitigation measures being proposed.

The Land Drainage Officer sets out the potential risks associated with the development which will need to be addressed in detail and these risks will need to be 'designed-out'. A condition is recommended to require the detailed design to be approved by the Local Planning Authority.

Public Access and Common Land

Policy T1 of the LDP states that development proposals should incorporate

1. Safe and efficient flow of traffic for all transport users, including more vulnerable users, and especially those making 'Active Travel' journeys by walking or cycling;
2. Manage any impacts to the network and the local environment to acceptable levels and mitigate any adverse impacts; and,
3. Minimise demand for travel by private transport and encourage, promote and improve sustainable forms of travel including Active Travel opportunities in all areas.

The Sustrans National Cycle Route 43 passes through the site and to ensure that the route is retained for use by cyclists and walkers an additional condition is recommended to ensure that it is retained either along its current alignment or along an alternative alignment if the design of the embankment requires the existing route to be moved.

Recommendation Update

The recommendation remains unchanged but the following additional conditions and notes are recommended:

26. No development shall commence until full engineering details, relevant assessments and drawings of the implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a timetable for its implementation, and
- a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- The detailed geotechnical design must be approved prior to commencement.

27. No development shall take place upon the Sustrans National Cycle Route 43 Celtic Trail East unless alternative provision has been made in accordance with details submitted to and approved by the Local Planning Authority.

Reasons:

26. To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design in compliance with Policy DM6 of the LDP

27. To ensure the cycle route is retained and is available for cycling and recreation in compliance with Policies T1 and T2 of the LDP.

Notes:

6. The LLFA is, in general, opposed to culverting of Ordinary watercourses and whenever practical will seek to have culverted watercourses restored to open channels. Any proposed diversion or culverting of an Ordinary watercourse will require the prior consent from the LLFA under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Relevant application forms and guidance should be sought from the relevant LLFA.

7. Riparian rights and responsibilities would continue to exist in respect to these ordinary watercourse systems.

8. Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for sustainable drainage (SuDS). The SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

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