

Planning, Taxi Licensing & Rights of Way Committee

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

Meeting Date
Thursday, 2 August 2018

Meeting Time
9.30 am



County Hall
Llandrindod Wells
Powys
LD1 5LG

For further information please contact
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26 July, 2018

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

AGENDA

1.	APOLOGIES
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To receive apologies for absence.

2.	MINUTES OF THE PREVIOUS MEETING
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 5 July, 2018 as a correct record.

(To Follow)

Planning

3.	DECLARATIONS OF INTEREST
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- a) To receive any declarations of interest from Members relating to items to be considered on the agenda.
- b) To receive Members' requests that a record be made of their membership of town or community councils where discussion has taken place of matters for the consideration of this Committee.
- c) To receive declarations from Members of the Committee that they will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

d) To note the details of Members of the County Council (who are not Members of the Committee) who will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
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To consider the reports of the Head of Regeneration and Regulatory Services and to make any necessary decisions thereon.

(Pages 5 - 8)

4.1. Updates

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

(To Follow)

4.2. P/2018/0587 Abermule Business Park, Abermule, Powys

(Pages 9 - 62)

4.3. P/2018/0632 Brynlllywarch Residential School, Kerry, Newtown Powys SY16 4PB

(Pages 63 - 72)

4.4. P/2018/0507 Land at West Street, Knighton, Powys, LD7 1EN

(Pages 73 - 88)

4.5. P/2018/0627 Land Adjacent to Llanbister County Primary School, Llanbister, Llandrindod Wells, Powys, LD1 6TN

(Pages 89 - 100)

4.6. P/2017/1453 Dolygarn, Llanbadarn Fynydd, Llandrindod Wells Powys LD1 6YL

(Pages 101 - 112)

4.7. P/2017/1274 Sites A, B & C Nr. Riverside & Nr. Latham Park, Newtown, Powys

(Pages 113 - 136)

- 4.8. **P/2018/0592 Trefonnen Church In Wales School, Trefonnen Lane, Llandrindod Wells, Powys, LD1 5EB**

(Pages 137 - 142)

- 4.9. **P/2018/0467 Y Ffrydd, Canal Road, Newtown, Powys, SY16 2JY**

(Pages 143 - 148)

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

(To Follow)

Rights of Way

6.	DECLARATIONS OF INTEREST
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To receive any declarations of interest from Members relating to the following Agenda items.

7.	APPLICATION TO CORRECT THE REGISTER OF COMMON LAND
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To consider an application to correct the Register of Common Land, sections 22 and Schedule 2 of the Commons Act 2006 – Application 17-001CA, Register unit MCL76, area Y – Land at Rhiwgriafol, community of Glantwymyn

(Pages 149 - 276)

8.	OPPOSED DIVERSION ORDER 2017: ABANDONMENT AND MAKING OF A NEW PUBLIC PATH ORDER
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To consider a report regarding Footpaths C15 and C18, Wernllwyd (Community of Welshpool.) Proposed abandonment of diversion Order 2017 and making of a new diversion Order under section 119 of the Highways Act 1980.

(Pages 277 - 298)

Taxi and other licensing

9.	MINUTES OF TAXI REVIEW PANELS
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To authorise the Chair presiding at the following Taxi Review Panel to sign the minutes as a correct record: 1 May 2018.

(Pages 299 - 302)

Planning, Taxi Licensing and Rights of Way Committee
2nd August 2018

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

Applications for consideration by Committee:

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

<p>P/2018/0587</p> <p>Abermule with Llandyssil</p> <p>315781.85 294091.63</p> <p>06/06/2018</p>	<p>Hybrid application comprising of a full application for a proposed recycling bulking facility and associated works and an outline application for the erection of business units (B1/B2/B8) and all associated works</p> <p>Abermule Business Park, Abermule, Powys</p> <p>Powys County Council</p> <p>Recommendation: Conditional Consent</p>
<p>P/2018/0632</p> <p>Kerry</p> <p>315123.71 289297.18</p> <p>19/06/2018</p>	<p>Full: Erection of a classroom unit</p> <p>Brynlllywarch Residential School, Kerry, Newtown Powys SY16 4PB</p> <p>Powys County Council</p> <p>Recommendation: Conditional Consent</p>
<p>P/2018/0507</p> <p>Knighton Town Council</p> <p>328392.3 272534.84</p> <p>10/05/2018</p>	<p>Section 73 application for variation of condition nos 2 and 3 attached to planning permission P/2015/0419 to extend the time limit for commencement</p> <p>Land at West Street, Knighton, Powys, LD7 1EN</p> <p>D Willowridge, Willowridge International, 10 Old Cheltenham Road, Longlevens, Gloucester, GL2 0AW</p> <p>Recommendation: Conditional Consent</p>

<p>P/2018/0627</p> <p>Llanbister</p> <p>310907.19 273407.47</p> <p>19/06/2018</p>	<p>Full: Change of use of agricultural land to playing field and erection of fencing</p> <p>Land Adjacent to Llanbister County Primary School, Llanbister, Llandrindod Wells, Powys, LD1 6TN</p> <p>Powys County Council</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/1453</p> <p>Llanbadarn</p> <p>308555.64 278616.33</p> <p>15/12/2017</p>	<p>Full: Erection of an agricultural livestock building</p> <p>Dolygarn, Llanbadarn Fynydd, Llandrindod Wells Powys LD1 6YL</p> <p>Mr James Powell, E A Powell & Sons, Dolygarn, Llanbadarn Fynydd, Llandrindod Wells Powys LD1 6YL</p> <p>Recommendation: Conditional Consent</p>
<p>P/2017/1274</p> <p>Newtown</p> <p>310254.79 291198.41</p> <p>01/12/2017</p>	<p>Full: Proposed Green Infrastructure Project to include Site A - Change of use of land to form a play park / amenity area and erection of play equipment; Site B - Construction of a BMX pump track; Site C - Erection of hub building & formation of storage compound, formation of car park, new entrance and all associated works</p> <p>Sites A, B & C Nr. Riverside & Nr. Latham Park, Newtown, Powys</p> <p>Mr Lee Davies, Going Green For A Living Community Trust Ltd, The Cross, Broad Street, Newtown, Powys, SY16 2BB</p> <p>Recommendation: Conditional Consent</p>

<p>P/2018/0592</p> <p>Llandrindod Wells</p> <p>306290.08 261902.33</p> <p>31/05/2018</p>	<p>Section 192 application for a certificate of lawful development for a proposed use for a single storey rear extension to school</p> <p>Trefonnen Church In Wales School, Trefonnen Lane, Llandrindod Wells, Powys, LD1 5EB</p> <p>Powys County Council</p> <p>Recommendation: Approval</p>
<p>P/2018/0467</p> <p>Newtown</p> <p>311249.4 291900.05</p> <p>08/05/2018</p>	<p>Full : New parking arrangements and associated works</p> <p>Y Ffrydd, Canal Road, Newtown, Powys, SY16 2JY</p> <p>Powys County Council</p> <p>Recommendation: Conditional Consent</p>

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4.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0587	Grid Ref:	315781.85 294091.63
Community Council:	Abermule with Llandyssil	Valid Date:	Officer: 06/06/2018 Tamsin Law
Applicant:	Powys County Council		
Location:	Abermule Business Park, Abermule, Powys		
Proposal:	Hybrid application comprising of a full application for a proposed recycling bulking facility and associated works and an outline application for the erection of business units (B1/B2/B8) and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The application has been submitted by Powys County Council.

Site Location and Description

The application site is located partially within and outside the development boundary of Abermule as defined by the Powys Local Development Plan 2018.

The application site is accessed through an existing access from the B4386 which leads from the A483 trunk road to Abermule. The site is bound to the north by the B4386, the east and south by a railway line and the west by agricultural land and the A483.

The application has been submitted as a hybrid application with one part of the scheme being considered in full and one part being considered in outline with all matters reserved.

Full planning permission is sought for the construction of a recycling bulking facility to allow the bulking of paper, cardboard, cans, glass and plastic bottles. The proposed bulking facility is located on the south-western part of the site. The facility will also incorporate an area for the collection of green/food waste. The proposed development will provide 33 staff parking spaces along with 25 spaces for refuse vehicles. Facilities are also provided for the re-fuelling and cleaning of vehicles. The site will be operational from 07:00 to 18:00.

The proposed building will measure approximately 48.4 metres in length, 34 metres in width with a maximum height of 13.4 metres. A single storey element is located on the south eastern elevation which measure approximately 34 metres in length, 6.4 metres in depth, with a maximum height of 6.7 metres. This will provide approximately 1863 square metres of floorspace. The building will be of a steel portal construction finished in matt black plastic coated profile steel sheeting and render for the walls and matt black plastic coated profile steel sheeting for the roof. Windows and doors will be finished in black framed to match the

walls. The site will be finished with 2.4 metre high black powder coated steel palisade fencing and an 8 metre wide entrance gate at the access to the bulking site.

Outline planning permission is sought for the construction of 6 units for B1 (Business), B2 (General Industrial) and B8 (Storage or distribution) on the site. The proposed units would be located on the north-eastern section of the site. All matters are reserved for future consideration. The parameters for the buildings are as follows;

Proposed units (sq.m)	Min-Max Ridge height (m)	Min-Max Eaves height (m)	Min-Max Width (m)	Min-Max Depth (m)
Unit 1 (1,000)	6.0 – 7.0	3.0 – 4.0	22.0 – 26.0	35.0 – 42.0
Unit 2 (200)	4.5 – 5.9	3.0 – 4.0	7.5 – 12.0	15.0 – 22.0
Unit 3 (150)	4.5 – 5.5	3.0 – 3.6	7.5 – 12.0	12.0 – 20.0
Unit 4 (250)	4.5 – 5.9	3.0 – 4.0	7.5 – 12.0	20.0 – 30.0
Unit 5 (150)	4.5 – 5.5	3.0 – 3.6	7.5 – 12.0	12.0 – 20.0
Unit 6 (150)	4.5 – 5.5	3.0 – 3.6	7.5 – 12.0	12.0 – 20.0

The area of land to the south west of the development is utilised for the creation of surface water compensation. This section of land has been submitted in full and lies outside the development boundary of Abermule, although it does immediately adjoin the development boundary.

The application also seeks consent to improve an existing agricultural access on to the A483 trunk road.

Consultee Response

Abermule with Llandyssil Community Council

The Community Council has met and discussed this application and has the following comments

- Concern was shown that this site had a B1 designation, no application can be seen in relation to change of use to have additional usage of B2 and B8.
- Whilst flooding of the site has been explained it does not appear that consideration has been given to the water displacement possibly affecting the dwellings at Cwrt Close.
- Concern was shown that the reliance on the natural topography i.e. trees, railway embankment and vegetation to prevent noise carrying to Cwrt Close and the village is insufficient, bearing in mind it was found necessary to erect sound baffle at other sites for all the outside noise.
- Also concern was shown as to the visual impact, being comforted by such an overpowering large building on the entrance to the village of the A483, this will be detrimental to the local community and tourism in the area.
- If this application proceeds, would the applicant considering consulting with the Community Council before deciding on the external colour scheme for their buildings

PCC - Highways

1st Response

The County Council as Highway Authority for the County Class II Highway, B4386

Wish the following recommendations/Observations be applied
Recommendations/Observations

Full Application – Proposed recycling bulking facility and associated works

Prior to the first beneficial use of the development, a bus shelter and all associated works shall be constructed alongside the bus layby on the B4386. The specification of which is to be agreed in writing with the Local Planning Authority.

HC1 Prior to the first beneficial use of the development any entrance gates shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC8 Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 50 cars and 25 heavy goods vehicles together with all operational access routes within the site such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Outline Application – Erection of business units (B1/B2/B8) and all associated works

Whilst the Highway Authority do not object to the principle of development, any detailed application should include full access details which should include visibility splays, access surfacing, radii, width, gradient and drainage for all accesses. Furthermore, the parking arrangements should comply with the CSS Parking Standards for both operational and non-operational elements.

2nd Response

The County Council as Highway Authority for the County Class II Highway, B4386

Wish the following recommendations/Observations be applied
Recommendations/Observations

We have reviewed the revised Transport Statement in relation to the proposed number of Non Operational parking bays to be provided and the rationale for the reduction from the original submission.

The proposed number of Non Operational parking bays are in accordance with the CSS Wales Parking Standards for a comparatively sized premise of the B8 business classification (being the closest comparable use). Therefore, the Highway Authority wish to replace Condition HC8 from our previous response dated 26th June 2018, with the following condition.

HC8 Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 33 cars and 25 heavy goods vehicles together with all operational access routes within the site such that all vehicles serving the site may both enter and leave the site in a forward gear.

The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Wales & West Utilities

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Severn Trent

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

There is a pumping station close to the site and any new development must not restrict our access to the Sewage Pumping Station (SPS). We will require free access to the SPS at all times in order to complete any programmed routine maintenance tasks and also for any emergency reactive visits in case of failure. Please note that due to the close proximity of the proposed new development the occupant may experience noise and/or smell pollution. In order to minimise disruption to any future occupant(s), we would advise that all habitable buildings are constructed a minimum of 15metres from the curtilage of the SPS compound.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

PCC - Environmental Health

1st Response

Re: Hybrid application comprising of a full application for a proposed recycling bulking facility and associated works and an outline application for the erection of business units (B1/B2/B8) and all associated works.

Noise impact assessment

There are two components to consider: the noise generated by the recycling bulking facility on its own, and the cumulative impact once the recycling bulking facility and all the other business units are in operation at the same time.

The noise impact assessment has demonstrated that, by incorporating design features and mitigation measures, noise emissions from the recycling bulking facility are considered unlikely to cause adverse impacts on residential amenity or human health.

At this stage it is not known what the eventual uses of the business units will be and they will be subject to further approval at a later date. The types of business which can operate within use classes B1/B2/B8 have the potential to generate noise. The noise assessment (section 4.2), together with information contained in the Technical Note, outlines the range of potential noise emissions from the business units that would still be considered acceptable when combined with noise from the recycling bulking facility. This shows that the bulking recycling facility will not be so loud as to preclude any further development in the vicinity, and that the typical acceptable noise emission limits from the business units are considered to be achievable. However, this will need to be demonstrated by any future business prior to its use of the site.

Therefore, I would recommend the following condition:

Condition: Prior to occupation of the business/employments units on the development, an impact assessment will be submitted to and approved by the Council to demonstrate how the proposed use, design and any required mitigation measures will ensure that the amenity of nearby noise-sensitive properties shall not be unacceptably affected by levels of noise. The assessment will consider the potential combined impacts of noise from all permitted uses on the Abermule Business Park development site (i.e. including the Recycling Bulking Facility), and will be conducted in accordance with the method set out in BS 4142:2014, and must demonstrate that the combined noise impact from the development site will be no greater than indicated in the Abermule Business Park Noise Impact Assessment report ref 70032991-NV1-02-R1.

Reason: To comply with Powys County Council Local Development Plan policy DM13 'Design and Resources'.

Information: The assessment applies to the business units consented with matters reserved. The assessment should have regard to the existing noise impact assessment information and recommendations contained in the Abermule Business Park Noise Impact Assessment report ref 70032991-NV1-02-R1 dated June 2018.

2nd Response

Odour

As a recycling bulking facility, the application does not give cause for concerns in respect of odour emissions. The majority of materials will be dealt with inside the building. There will be green/food waste at the site but this will be stored in sealed skips to contain any odours.

PCC - Contaminated Land

The following report has been submitted in support of planning application P/2018/0587:

Arcadis 'Abermule Business Park – Phase 1 Geo-Environmental Desk Study for Powys County Council' (Report No: 0001-UA006590-26-UP32R-01) December 2017.

Based on the information submitted in the above referenced document, the following advice is provided for the consideration of Development Control.

Advice

1. Under section 3.2 'Radon', of the above referenced report, it is stated: "The Site is located within an intermediate probability radon area (5 to 10% of homes are estimated to be at or above the action level). The BRE211 guidance document [...] indicates that basic radon protection measures should be considered for all new developments on this Site. It is recommended that the level of protection required is confirmed with the Local Authority Building Control Department [...]."

It is recommended that Development Control consult with Building Control to confirm the requirements for Radon protection measures in the proposed development.

2. Section 8.2 'Recommendations', of the above referenced report, states: "It is [...] recommended that an intrusive investigation of the Site is carried out to better characterise the potential risk levels and establish a land quality baseline for the Site which can be used in the planning application process."

A detailed scope of works for the proposed intrusive investigation should be submitted for review and approval, prior to the works being undertaken.

Furthermore, the detailed scope of works should be prepared by a qualified and experienced environmental consultant, and in accordance with current guidance and best practice, such as BS10175:2011+A1:2013 'Investigation of Potentially Contaminated Sites – Code of Practice'.

Summary

Based on the information provided, it is recommended that the following Conditions and Note, to the applicant, are attached to any permission granted for planning application P/2018/0587:

Condition 1. Site Characterisation

No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

Condition 2. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 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. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 4. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ____ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

PCC - Ecologist

1st Response

Thank you for consulting me with regards to planning application P/2018/0587 which concerns a Hybrid application comprising of a full application for a proposed recycling bulking facility and associated works and an outline application for the erection of business units (B1/B2/B8) and all associated works at Abermule Business Park, Abermule, Montgomery, Powys .

The site of the proposed development located to the south of the village of Abermule on an area of land referred to as Abermule Business Park, the Business Park site has been partially developed with construction of access roads, services and associated drainage and lighting infrastructure. The remaining areas of the site comprises areas of improved grassland currently used for grazing sheep, amenity grassland broad-leaved plantation woodland, hedgerows, scattered trees and small stream.

The site is approximately 370m from the Montgomery Canal SAC/SSSI, the proposed development site is separated from the canal by the A483 Trunk Road, agricultural land and the River Severn having reviewed the proposed plans, distance of the proposed development from the SAC/SSSI nature of the land and potential connections/barriers between the proposed development site and the designated site it is consider that there is no likely potential for the proposed development to result in direct or indirect impacts to the Montgomery Canal SAC/SSSI.

A number of ecological reports and supporting information has been submitted with the application:

- Preliminary Ecological Appraisal produced by Gerald Longley Ecological Consultants dated April 2017
- Reptile Survey produced by Gerald Longley Ecological Consultants dated 1st July 2017
- Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018
- Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018
- Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 produced by Middlemarch Environmental dated June 2018
- Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018
- Landscaping and Ecology Plan drawing no. 2395/P03/009 Rev A produced by CWIC dated 05/06/2018
- Lighting & Signage Plan – Recycling Bulking Facility drawing no. 2395/P03/008 Rev A produced by CWIC dated 5th June 2018
- Arboricultural Report Including Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018

The preliminary ecological appraisal identified the presence of great crested newts at the proposed development site and confirmed breeding in the pond to the south off-site, subsequent surveys of 2 ponds within 500m of the proposed development were carried out during 2017. Pond 1 to the south of the site was confirmed as a breeding site with a maximum count of 12 newts found during the population estimate surveys indicating a medium population. No GCN eggs or newts of any species were found at Pond 2 (north-west of the site).

In agreement with NRW habitat enhancement works have been carried out at Pond 1 under an NRW Conservation Licence – works have been carried out to alleviate grazing pressure around the pond and installation of hibernacula as well as planting of new native hedgerow and scrub.

It has been identified that the proposed development will need to be carried out under an EPS Development licence, a scheme of mitigation has been identified including trapping and translocation of GCN from the proposed working areas and habitat enhancement to provide new and improved habitat features for GCN. The measures identified are considered to be in accordance with recognised guidelines and best practice and subject to their implementation it is considered that the proposed development would not result in negative impacts to the favourable conservation status of the species, in addition NRW have confirmed in their response dated 22nd June 2018 confirm that they also consider that they consider the proposed mitigation strategy to be satisfactory to ensure no negative impacts to the favourable conservation status of GCN at the site. I recommend that a planning condition is included to secure adherence to the mitigation strategy identified in the Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018 and Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018.

With regards to Monitoring of the GCN mitigation an Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 produced by Middlemarch Environmental dated June 2018 was submitted to support the application identifying long term management and monitoring of the site and mitigation installed in relation to the proposed development. NRW identified in their comments dated 22nd June 2018 that they considered that the frequency and duration of the of the proposed monitoring in the June 2018 document did not accord with typical surveillance requirements for this type of development proposal. In order to address this a revised plan (Rev A) has been submitted dated July 2018 that addresses the concerns raised by NRW as such subject to confirmation from NRW that the amendments to the monitoring strategy are considered to be acceptable I recommend that the condition recommended by NRW in their response dated 22nd June 2018 is replaced with a planning condition requiring adherence to the amended Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018.

The reptile survey undertaken by GLEC found no evidence of reptiles present on or adjacent to the site as such no specific mitigation measures are considered necessary for reptiles with regards to the proposed development – it should be noted that the identified exclusion and translocation mitigation strategy for great crested newts would also serve to protect reptiles should they be unexpectedly found during the development of the site.

A Landscaping and Ecology Plan drawing no. 2395/P03/009 Rev A produced by CWIC dated 05/06/2018 has been submitted with the application, the details of the landscaping identified mainly relate to the area covered by the full application, only limited information has been provided regarding the details of any landscaping proposed for the are covered by the Outline application. The landscaping identified within this plan for the Full application site are supported by details of habitat creation and management within the Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018. The landscaping identified and the proposed

creation and management measures are considered to be appropriate and acceptable and demonstrate compliance with LDP policies DM2 with regards to the Natural Environment and DM4 in relation to ecological qualities of the landscape. I therefore recommend that with regards to the Full application a planning condition is included to secure adherence to the Landscaping plan and identified creation/management measures, with regards to the Outline application it is recommended that a planning condition requiring the submission of a detailed Landscaping scheme is included.

Given the relatively rural location of the proposed development careful consideration will need to be given to the installation of lighting at the site, a Lighting & Signage Plan – Recycling Bulking Facility drawing no. 2395/P03/008 Rev A produced by CWIC dated 5th June 2018 has been submitted for the site of the Full application. Having reviewed the lighting proposed for the recycling bulking facility and taking into account the requirements for lighting at the site it is considered that the proposed lighting scheme is appropriate and impacts to nocturnal wildlife at and around the site would be acceptable in accordance with the requirements of LDP policy DM7. I therefore recommend that with regards to the Full application a planning condition to secure adherence to the identified Lighting Plan is included. With regards to the Outline application site no details have been provided regarding any proposed lighting plans, if external lighting is proposed then measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that with regards to the Outline application a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

An Arboricultural Report Including Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018 has been submitted with the application, the report includes a Tree Constraints Plan to ensure protection of the trees and hedgerows present on and around the proposed development site. The Tree Constraints Plan has been produced in accordance with British Standard 5837:2012, the protection measures identified are considered to be appropriate, it is recommended that adherence to the Tree Constraints Plan to ensure compliance with the requirements of LDP policy DM2 is secured through an appropriately worded planning condition

Having reviewed the findings of the ecological surveys and measures identified to mitigate the impacts of the proposed development to features of biodiversity importance it is considered that the proposed development will not result in negative impacts to the loss of biodiversity at the site or in the wider environment. The mitigation measures identified are considered to be appropriate and achievable and demonstrate compliance with the requirements of relevant LDP policies, National Planning Policy and relevant legislation with regards to biodiversity features. Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

With regards to the Full application for the proposed recycling bulking facility and associated works:

The mitigation measures regarding great crested newts identified in the Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018 and Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018 shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.

The measures identified in the Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018 shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.

Installation of external lighting features at the site will be carried out in accordance with the Lighting & Signage Plan – Recycling Bulking Facility drawing no. 2395/P03/008 Rev A produced by CWIC dated 5th June 2018, the identified lighting plan shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's Policies LDP DM2 and DM7 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 Tree constraints plan identified in the Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018 shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies DM2 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 Section 6 of the Environment (Wales) Act 2016.

With regards to the Outline application for the erection of business units (B1/B2/B8) and all associated works:

The mitigation measures regarding great crested newts identified in the Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018 and Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018 shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.

The measures identified in the Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018 shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and 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 Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and 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 Tree constraints plan identified in the Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018 shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies DM2 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 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informatives for both the Full and Outline applications:

Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017.

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The maximum penalty that can be imposed - in respect of each offence - is a fine of up to 5,000 pounds, six months imprisonment or both.

In addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

2nd Response:

Thank you for consulting me with regards to additional information submitted in relation to planning application P/2018/0587.

I understand that the additional information has been submitted in relation to comments made by Welsh Government in relation to improvements to an access off the A483 trunk Road which would result in the need to translocate a section of hedgerow approximately 100m in length to achieve required visibility splays. Given the presence of great crested newts at the site the proposed impacts to the hedgerow have potential to impacts great crested newt terrestrial habitat.

In order to address this a Hedgerow Translocation Works - Great Created Newt Reasonable Avoidance Method Statement produced by Middlemarch Environmental dated July 2018 has been submitted with the plans showing the required visibility splays and associate hedgerow translocation.

I have reviewed the Method Statement and consider that the measures identified are appropriate and achievable and that implementation of the RAMS would ensure that the required hedgerow works would not result in negative impacts to the favourable conservation status of the local GCN population.

Therefore should you be minded to approve this application I recommend that in addition to the conditions recommended in my consultation response dated 17/07/2018 that you include the following condition:

The reasonable avoidance measures regarding great crested newts identified in the Hedgerow Translocation Works - Great Created Newt Reasonable Avoidance Method

Statement produced by Middlemarch Environmental Reference RT-MME-127521-02 dated 20th July 2018 shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.

PCC - Land Drainage

Thanks you for consulting the Lead Local Flood Authority (LLFA). Having reviewed relevant submitted details, the LLFA has no objection in principle to the above proposals but wish to make the following respective observations / recommendations.

Proposed Recycling Bulking facility and associated works.

Surface Water Drainage

Observations: Within the Preliminary Drainage Strategy (Strategy) dated April 2018, reference is made in paragraph 4.1.4, to the use of a soakaway system to drain the impermeable areas of the development site.

Paragraph 2.1.2 indicates trial holes were dug to depths of 3.5 m below ground level. No groundwater was encountered. Soil infiltration tests to relevant standard (BRE 365) have been undertaken, the results of which indicate good porosity for surface water disposal. The Strategy recommends that further infiltration tests should be undertaken in the location of the proposed soakaway(s) and the results of which should be used to determine the detailed drainage design. The LLFA concurs with this recommendation.

Paragraph 2.1.3. highlights the potential risk of periodic high groundwater levels in the area of the proposed development site (Bulking facility and Business park) and strongly recommends that monitoring of groundwater is undertaken before the detailed drainage design stage. The results of which would then be considered as part of the detailed drainage design. The LLFA concurs with this recommendation.

Paragraph 4.1.1. recommends the proposed design for the soakaway system is checked against higher climate change allowance of 40%. The LLFA concurs with this recommendation.

Paragraph 3.1.1. refers to surface water run-off from the existing access roads draining to soakaways. As far as the LLFA is aware, there is no evidence to indicate that any of the existing soakaways serving the access roads have failed since their installation in c2009, and all seem to operate effectively.

Paragraph 4.1.9. refers to the roof surface water run-off being collected and used for washing vehicles and storage pods. The LLFA would commend such practices, the design of which should be submitted as part of the detailed drainage design.

Paragraph 4.1.10. refers to the use of the new fence panels to contain any exceedance flow during severe rainfall event. The LLFA note the proposal, the details of which shall be submitted as part of the detailed drainage design.

Local Flood Risk / Land Drainage.

Observations: Within the Flood Consequence Assessment (FCA) dated June 2018, reference is made in paragraph 6.1.2. to the provision of a proposed flood alleviation storage pond south of the site. The Addendum to the Preliminary Drainage Strategy and Flood Consequence Assessment dated 06/06/18, advises this storage pond has been provided to manage surface runoff from outside the site, i.e. turnoff from the hillside and land to the south and east of the site. The LLFA note the proposal, the details of which shall be submitted as part of the detailed drainage design.

The formation of the Field Access shown on Drawing Ref: 2395/P03/012 will affect existing land drainage features. The current design proposals are not acceptable to the LLFA and will need further modification. These modifications can be agreed as part of the detailed drainage design.

Recommendation: No development shall commence until full engineering details and drawings for the surface water and land drainage arrangements, together with details on the surface water flood compensation pond has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be completed prior to the first beneficial use of the development.

Reason: To ensure that the proposed surface water and land drainage features for the development follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.

Proposed Business Units (B1/B2/B8) and all associated works

Surface Water Drainage

Observations: Within the Strategy reference is made in paragraph 4.1.11 to the use of soakaway systems to drain the impermeable surfaces of both the 'western' and 'eastern' areas of the business park.

Paragraph 2.1.2 indicates trial holes were dug to depths of 3.5 m below ground level. No groundwater was encountered. Soil infiltration tests to relevant standard (BRE 365) have been undertaken, the results of which indicate good porosity for surface water disposal. The Strategy recommends that further infiltration tests should be undertaken in the location of the proposed soakaway(s) and the results of which should be used to determine the detailed drainage design. The LLFA concurs with this recommendation.

Paragraph 2.1.3. highlights the potential risk of periodic high groundwater levels in the area of the proposed development site (Bulking facility and Business park) and strongly recommends that monitoring of groundwater is undertaken before the detailed drainage design stage. The results of which would then be considered as part of the detailed drainage design. The LLFA concurs with this recommendation.

Paragraph 4.1.1. recommends the proposed design for the soakaway system is checked against higher climate change allowance of 40%. The LLFA concurs with this recommendation.

Paragraph 3.1.1. refers to surface water run-off from the existing access roads draining to soakaways. As far as the LLFA is aware, there is no evidence to indicate that any of the existing soakaways serving the access roads have failed since their installation in c2009, and all seem to operate effectively.

Paragraph 4.1.13. refers to the roof surface water run-off being collected and used for watering of landscaped areas. The LLFA would commend such practices, the design of which should be submitted as part of the detailed drainage design.

Paragraph 4.1.14. refers to the containment of exceedance flow during severe rainfall events within the 'western' business park, even if such flows were to occur at the same time as high groundwater levels.

Paragraph 4.1.15. refers to 80% of the exceedance flow being retained on site within the 'eastern' business park, with the remaining 20% being conveyed towards the watercourse to the north of the site.

Local Flood Risk / Land Drainage

Observations: Within the Flood Consequence Assessment (FCA) dated June 2018, reference is made in paragraph 6.3.3. to the properties upstream of the site on the southern side of the railway embankment experiencing no increase in surface water levels as a result of the proposed development and mitigation. However, the assessment has shown small areas of the farm building complex immediately downstream of the site on the northern side of the B4386 would experience a slight increase (approx. 9mm) in surface water level during an severe pluvial rainfall event (1 in 30 annual probability event with 25% climate change allowance). In this same assessment the existing culvert system located adjacent the northern boundary was also modelled to reflect a 50% blockage due the presence of a trash screen at its inlet. It should be noted that during such an event the farm building complex would currently flood to depths ranging from approx. 170mm to 400mm.

Although not a risk to the proposed development site itself, the FCA also indicates that during the 1 in 100 annual probability event with climate change allowance the farm building complex would experience flood depths ranging from 300mm to 1.5m.

The conclusions within the FCA has considered that the pluvial increase in flood risk to the farm building complex is not considered to be significant but suggests that this risk can be further reduced through the increase in the size of the proposed northern storage area and proper maintenance of the existing culvert inlet. The LLFA would concur with these findings but would recommend that additional improvements are carried out on the culvert inlet structure whereby any modifications would not only reduce future frequency of blockage but also provide benefit in respect to local flood risk.

Details in respect to the increased storage area and recommended improvement works to the culvert inlet shall be submitted as part of the detailed drainage design. The details shall also include a management and maintenance plan for the lifetime of the development for

arrangements to secure the maintenance of the improved culvert inlet trash screen throughout its lifetime.

Recommendation: No development shall commence until full engineering details and drawings for the surface water and land drainage improvements, together with a management and maintenance plan for the culvert inlet, are submitted to and approved in writing by the local planning authority. The approved scheme shall be completed prior to the first beneficial use of the business park development.

Reason: To ensure that the proposed surface water and land drainage arrangements for the development follow best practice sustainable drainage designs and 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 culverting (or modification to an existing structure) 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).

Natural Resources Wales

1st Response

Thank you for consulting Natural Resources Wales (letter dated 07/06/2018) regarding the above.

NRW was consulted on this proposal at pre-application stage, please refer to appendix H of the 'Pre-application consultation report' dated June 2018, submitted in support of this application.

Our advice on the proposed scheme has changed because new information has been provided in support of the application.

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed, subject to the use of appropriate conditions.

Summary of conditions:

Condition 1– GCN: The submission and implementation of a revised long term compensatory proposal to include appropriate provisions for monitoring and resources.

Protected Species

We note that the Preliminary Ecological Appraisal report by Gerald Longley Ecological Consultants dated April 2017 and the Statement of GCN Conservation and Mitigation Works letter by Middlemarch Environmental dated 18th April 2018, available on your website, have identified the presence of GCN at the application site and considered conservation and mitigation strategies.

Following our comments to the pre-application consultation additional information has been submitted in support of this application, namely:

- Ecological Compliance Schedule and Habitat Management Plan dated June 2018 by Middlemarch Environmental.
- Great Crested Newt Method Statement dated June 2018 by Middlemarch Environmental.

The application site is located adjacent and in the environs to ponds that are known to support populations of the great crested newt (*Triturus cristatus*).

Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

Any development that would contravene the protection afforded to GCN 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 TAN5 states that the Local Planning Authority (in this case Powys County Council) should not grant planning permission without having satisfied itself that the proposed scheme either would not impact adversely on any GCN's on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We consider that the species utilizes the site for foraging, dispersal or sheltering purposes. In our view, we consider that both construction and operational phases of the proposal have the potential to adversely affect GCN and therefore, we advise that the works are to be carried out in accordance with the provisions of a derogation licence issued by NRW under Regulation 55 of the Conservation of Habitats and Species Regulations 2017.

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

We consider that the development and its subsequent operation is not likely to be detrimental to the maintenance of the favourable conservation status of the local GCN population provided that all reasonable avoidance and mitigation measures and the long term compensatory proposals outlined in the ecological submissions are secured via appropriate planning conditions/obligations.

We note the long-term monitoring proposal for this scheme, as outlined in section 4.4 of the 'Ecological compliance schedule and habitat management plan' dated June 2018. In our view

the frequency and duration do not accord with typical surveillance requirements for this type of proposal.

We advise minimum monitoring requirements are:

1. Every year for the first 10 years
2. Then every other year for the next 14 years.

Monitoring activity to be increased in the event of

- (a) Detection of fish; and/or
- (b) Detection of invasive non-native plants

We therefore advise on the imposition of a condition requiring the submission of long term monitoring proposals to the satisfaction of NRW.

Condition 1– GCN: The submission and implementation of a revised long term compensatory proposal to include appropriate provisions for monitoring and resources.

Foul and Surface Drainage

Please refer to our comments below, after reviewing the following documents:

1. Design and Access Statement
2. Abermule Business Park Development – Preliminary Drainage Strategy. WSP, Project No. 70019430, APRIL 2018
3. Abermule Business Park Phase 1 Geo-Environmental Desk Study for Powys County Council. Arcadis Consulting (UK) Limited, December 2017.
4. Preliminary Foul and Surface water drainage layout, Drawing 70019430-DP-01_P01 Rev P01 dated February 2018.

The Preliminary Drainage Strategy has explained the various areas of the site for surface water drainage. The use of soakaways is considered a discharge to ground and will require a Water Activity Environmental Permit from NRW given the likely volumes to be discharge to ground. Please contact NRW Water Quality Permitting Team for application details. We understand that foul water disposal from the site will be to the existing mains drainage. The existing pumping station has been on site for nearly 10 years without use we recommend that prior to commissioning of the infrastructure that it is tested and fit for purpose.

The planned activity for the full planning application of a Recycling Bulking Facility will require a Waste Environmental Permitting from NRW Waste Permitting Team. We recommend early (pre-application) discussion on the permit application requirements. We may have additional comments on the site via the permitting regime.

The preliminary drainage strategy refers in section 4.1.10 to the use of the bulking facility boundary and newt boards to keep excessive surface water within the site boundary. Further information would be required concerning how any exceedance water within the bulking facility site would affect the waste storage areas. This information would be required when applying for a Waste Environmental Permitting and to allow the LPA to fully assess any environmental implications the proposal will have in the event of localised flooding.

Following our comments at pre application stage, details of storage of green and food waste have now been included within the DAS at planning stage.

It should be noted that vehicle washing effluent must either be collected in a sealed sump or discharged to foul sewer (with the agreement of the water company). Discharging all the foul effluent to foul sewer is the preferred method of disposal.

Flood Risk

The Design & Access Statement states: 'A flood risk appraisal and Flood Consequence Assessment has been prepared by WSP which accompanies the application. Review of the Development Advice Map indicates that the proposed development is located in Zone A. Zone A is defined as 'areas at little or no risk of fluvial or tidal/coastal flooding'. TAN15 states that in Zone A the justification test is not applicable and no need to consider flood risk further. As the site lies within DAM Zone A TAN15 does not strictly require an FCA to be prepared for the development. However, the potential impact of surface water flooding at the site, and the potential changes in runoff resulting from the development should be assessed. The FCA therefore focusses on these aspects. The requirements for the FCA, rather than justifying the location of the development, are an appraisal of the risk to the development itself and the consequences of the development to third parties'.

It is NRW opinion that the findings and recommendations within the FCA are acknowledged as reasoned.

However, as the surface water, pluvial flood risk and associated mitigation come under the remit of the Lead Local Flood Authority, we would refer the Planning Authority to the Powys County Council Drainage team for detailed comment.

Advice for the developer

Protected Species License

NRW will expect monitoring proposals to be sufficient to inform the conservation status of the population of GCN present on site in the long-term. A revised proposal will need to be submitted as part of the derogation license application and should be discussed further with NRW's species advisors.

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.

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non native species (INNS) and diseases. We therefore advise that any consent secures the implementation of the Biosecurity Risk Assessment recommended in Section E5 of the Great Crested Newt Method Statement Report dated June 2018.

We consider that this assessment must include

- i (i) appropriate measures to control any INNS on site, if present; and
- ii (ii) measures or actions that aim to prevent INNS

being introduced to the site for the duration of construction and operational phases of the scheme.

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.

2nd Response

Thank you for consulting Natural Resources Wales (letter dated 07/06/2018) regarding additional information on the above.

In our previous response letter dated 22/06/2018 (CAS-62136-D6T4) NRW did not object to the proposal and we recommended the use of appropriate conditions to address any outstanding issues related to the long term compensatory measure and monitoring proposal for Great Crested Newts.

We have assessed the additional information submitted in support of the application, namely:

- Ecological Compliance Schedule and Habitat Management Plan dated July 2018 by Middlemarch Environmental;

and would like to make the following comments.

Protected Species

The revised ecological compliance schedule and habitat management plan (reference Read, K. (2018). Abermule Business park, Abermule, Powys: Ecological Compliance Schedule and Habitat Management Plan (Rev A). Middlemarch Environmental . Unpublished, addresses our previous concerns with issues associated with evidencing ecological compliance and long term management NRW does not object to the proposal subject to the implementation of the habitat management plan as submitted. We have no further comments to make on this application. Please refer to our previous letter for comments on foul and surface water drainage, flood risk and advisory to the developer.

Advice for the developer:

Protected Species

We advise that amphibian surveillance data is uploaded into the online Wales GCN Monitoring Scheme (ref <https://www.cofnod.org.uk/LinkInfo?ID=7>).

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.

3rd Response

We wish to confirm that we have no objection to the proposed realignment of the hedgerow provided

- (i) The proposed amphibian reasonable avoidance measures scheme is implemented in accordance with the provisions of the submitted entitled Docker, T. (2018). Hedgerow Translocation Works, Abermule Business Park: Great Crested Newt Reasonable Avoidance Method Statement. Middlemarch Environmental Ltd. Unpublished; and
- (ii) Works are carried out in accordance with the provisions of an appropriate Biosecurity Risk Assessment.

We trust this email will be of assistance to you

Welsh Government Transport

1st Response

I refer to your consultation of 7th June 2018 regarding the above application, and advise that the Welsh Government as highway authority for the A483 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1. The applicant must forward a suitably scaled drawing detailing the proposed access off the A483 trunk road, which must incorporate the following aspects:-
 - a) Visibility Splays in either direction from a suitable set-back.
 - b) Gradient of the access road and the A483 trunk road carriageway
 - c) Access width and radii dimensions
 - d) Access surfacing type along with depth and width dimensions
 - e) Parking areas
 - f) If a gate is to be installed on the access

The above aspects must conform to the Design Manual for Roads and Bridges (DMRB).

2. The applicant must provide the previous and proposed Annual Average Daily Traffic Values for the site.

If you have any further queries, please forward to the following Welsh Government Mailbox
NorthandMidWalesDevelopmentControlMailbox@gov.wales

2nd Response

I refer to your consultation of 07/06/2018 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following conditions:

1) The proposed amended field access & culvert must be constructed in accordance with approved drawings 2395/P03/12 Rev C & P03/016 Rev A, including the translocation of 100m of existing hedgerow prior to the development being brought into use.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

If you have any further queries, please forward to the following Welsh Government Mailbox
NorthandMidWalesDevelopmentControlMailbox@gov.wales

Network Rail

Thank you for your email dated 7 June, together with the opportunity to comment on this proposal.

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

DRAINAGE

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

NOISE

Network Rail would remind the council and the applicant of the potential for any noise/vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary.

The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

HEAPING, DUST AND LITTER

It should be noted that because of the nature of the proposals we would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary. We also have concerns over the potential for dust clouds and rubbish created from the processing at the site affecting the railway signal sighting. Therefore, adequate measures for preventing dust and rubbish blowing onto Network Rail property are to be in operation.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway

SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

Cadw

Thank you for your letter of 07 June 2018 inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with the planning application, our records show that there are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development. We therefore have no comments to make on the proposed development.

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 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 when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the 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.

Representations

The application was advertised through the erection of a site notice and press advertisement. 10 objections have been received to the proposed development and are summarised below;

- Concerns raised regarding the potential impact of noise disturbance on nearby residential properties
- The development will have an adverse effect on nearby residents
- Discrepancy within the submitted information regarding operating hours
- Detrimental impact on health and wellbeing
- Odour concerns as the village is down-wind from the development
- Site was meant to be a high quality prestigious development
- Recycling centre will have a negative impact upon uptake of the business units
- Whilst no longer a C2 flood zone, the site does suffer from surface water flooding
- Potential for pollution
- Tourism will be impacted negatively, including Abermule Hotel and nearby tourism sites
- No justification within the planning application only an assumption of its suitability
- Inappropriate to site such a development on a greenfield/B1 site in a rural village
- Other locations would be more suitable for development such as locations closer to Newtown
- Concerns raised over the sustainability of the site being located in Abermule
- Proposal does not demonstrate adequate control over noise, dust and air quality
- Proposed building out of scale with the area
- Surface water drainage is an issue at the site
- Roof of the building not being used for solar power

Planning History

P/2009/1353 – Outline planning application for a prestige business park. Conditional Consent

P/2009/1162 – Formation of vehicular access, estate road, footway and associated works in connections with proposed business site. Conditional consent.

Principal Planning Constraints

Flood Zone

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

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

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12: Design (2016)

Technical Advice Note 13: Tourism (1997)

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

Technical Advice Note 18: Transport (2007)

Technical Advice Note 20: Planning and the Welsh Language (2017)
Technical Advice Note 21: Waste (2014)
Technical Advice Note 23: Economic Development (2014)
Technical Advice Note 24: The Historic Environment (2017)

Local planning policies

Powys Local Development Plan 2018

SP2 – Employment Growth
SP5 – Settlement Hierarchy
SP6 – Distribution of Growth across the Settlement Hierarchy
SP7 – Safeguarding of Strategic Resources and Assets
DM2 – The Natural Environment
DM4 – Landscape
DM5 – Development and Flood Risk
DM6 – Flood Prevention Measures and Land Drainage
DM7 – Dark Skies and External Lighting
DM10 – Contaminated and Unstable Land
DM13 – Design and Resources
DM14 – Air Quality Management
DM15 – Waste within Developments
DM16 – Protection of Existing Employment Sites
E1 – Employment Proposals on Allocated Employment Sites
T1 – Travel, Traffic and Transport Infrastructure
W1 – Location of Waste Development
W2 – Waste Management Proposals

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
LDP=Powys Local Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

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

- Outline application for the construction of 6 units for B1 (Business), B2 (General Industrial) and B8 (Storage or Distribution)

For the purposes of the Powys Local Development Plan the application site area for the business park development lies entirely within the development boundary of Abermule. The site is an allocated employment site (P02 EA1). Policy E1 – Employment Proposals on Allocated Employment Sites states that proposals for B1, B2 and B8 employment development will be permitted on allocated sites where they comply with the category of the site and permitted uses of the site.

The site is categorised as a High Quality/Local site which are defined in the LDP as follows;

High Quality Sites: Smaller sites of regional significance offering small to medium sized employment opportunities for B1, B2 and B8 Uses in high quality surroundings that are well positioned in relation to the County's main road and transport infrastructure.

Local Sites: Sites for B1, B2 and B8 Uses providing a varied industrial and / or employment setting with minimised visual impact (for example, screening) yet located within close proximity to the main road and transport infrastructure as well as centres of population. These sites primarily serve a local market and may include local office developments.

As the application seeks outline planning permission for the construction of 6 units for B1, B2 and B8 use it is considered that the principle of the proposed development is acceptable.

- Full application for the construction of a recycling bulking facility and associated works

The bulking facility is located entirely within the development boundary; however the surface water compensation lies to the south west of the site outside the development boundary.

The site is an allocated employment site (P02 EA1). Policy E1 – Employment Proposals on Allocated Employment Sites states that proposals for B1, B2 and B8 employment development will be permitted on allocated sites. Policy E1 also states that some allocations are suitable for waste uses through policy W1. Allocation P02 EA1 has been identified as one of the employment allocations where this would be acceptable.

Policy W1 states that proposals for the management of waste which accord with the waste hierarchy will be supported on employment sites identified in Policies E1 and E4. As identified above, Abermule Business Park is one of these identified sites. Recycling is identified within TAN 21: Waste as being part of the waste hierarchy and as such given the location of the proposed development being in line with policies E1 and W1 it is considered that the principle of development is acceptable.

Landscape and Visual Impact

Guidance within policy DM4 of the Powys Local Development Plan, indicates that development proposals outside Towns, Large Villages, Small Villages and Rural Settlements must not, individually or cumulatively, have an unacceptable adverse effect on the valued

characteristic of the Powys landscape. With regards to both the outline and full elements of this proposal only the construction of the surface water compensation lies outside the development boundary of Abermule. The built elements of the scheme will lie entirely within the development boundary of Abermule.

Policy DM13 states that proposals will only be permitted where development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing.

For the purposes of LANDMAP's Visual and Sensory, the proposed site of development is located within the 'River Severn Flood plain' aspect area which is characterised as a significant open valley / vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with wooded valley sides fringing the valley bottom. LANDMAPs evaluation assesses the area of Moderate value.

The application site is a vacant business park with an access and associated road which has been constructed. The site is relatively flat and is bound to the south by railway line. The development will be viewed from the adjoining highway to the north of the site and from surrounding dwellings to the west, north and north-east of the site. A right of way is also located approximately 200 metres to the south of the proposed development, which will be able to view the development.

The full application proposed a steel portal building measuring approximately 48.4 metres in length, 34 metres in width with a maximum height of 13.4 metres. A single storey element is located on the south eastern elevation which measure approximately 34 metres in length, 6.4 metres in depth, with a maximum height of 6.7 metres. The proposed building of a steel portal construction finished in matt black plastic coated profile steel sheeting and render for the walls and matt black plastic coated profile steel sheeting for the roof. The building will have the appearance of an agricultural building, which is common in the surrounding landscape with two farmsteads being located in close proximity to the site. Other steel portal style buildings are also found in Abermule, approximately 300 metres to the north east of the site with others being recently granted consent.

The site will be bound by black powder coated aluminium palisade fencing and existing areas of trees to the north and south-west of the site will be retained and enhanced.

Whilst the development will be visible from a number of sensitive receptors it is considered that the development does not have such a detrimental impact on the character and appearance of the area to warrant refusal. Concerns of third parties regarding the building are noted however it is considered that the building, whilst large, is located on an employment site, is located in close proximity to a number of similarly designed buildings and as such will be seen as an acceptable part of the wider built form.

The outline application has been submitted with all matters reserved as such consideration of the scale, size and design of the buildings will not be under this application. However parameters of the maximum width and heights have been submitted demonstrating maximum

heights varying from 5.5 to 7 metres in height and floor areas ranging from 150 to 1000 square metres.

Whilst the development will be visible from a number of areas it is considered that the indicative layout submitted with the application demonstrates that the site can adequately accommodate six business units without having a detrimental impact on landscape and visual amenity.

In light of the above observations and notwithstanding the scale of the proposed development, given the proposed topography of the area along with the proposed improvement of existing planting, it is considered that the proposed development is broadly in accordance with planning policy. Officers consider that the visual and landscape impact associated with the development is in accordance with policies SP7, DM2, DM4, DM7, DM13, E1 and W1 of the Powys Local Development Plan.

Transport Impacts

Policy T1 of the Powys Local Development Plan 2018 states that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts. Policy DM13 also states that development proposals should meet all highway access requirements, vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network.

Information provided within the application states that the proposed bulking facility will generate approximately 172 vehicle manoeuvres per day. Information has been gathered with regards to the potential trips generated from the business park which is likely to generate 33 vehicles two-way in the AM peak period and 23 vehicles two-way in the PM peak period. The application seeks to access the site via an existing access from the B4368 which was constructed following the approval of the access scheme in 2009. Following consultation with Powys Highways Authority no objections were received subject to the imposition of conditions. Following this it was advised that the transport information had inaccurately stated the parking spaces to be 50 when this was intended to be 33 spaces. An amended Transport Statement was submitted which identified 33 parking spaces and 25 spaces for heavy goods vehicles. Following further consultation with the Powys Highways Authority it was confirmed that the parking space provision was in accordance with the CSS Parking Standards Wales and offered no objection subject to the imposition of amended conditions.

With regards to access to the site, the site benefits from close proximity to the A483 Trunk Road which provides access to the wider area. Bus stops are located approximately 100 and 750 metres from the site providing a service to Welshpool, Newtown and Montgomery.

As part of the application it is proposed to improve an existing agricultural access to the south-west of the site. This is being improved to allow access into the surrounding agricultural land which is currently being given through the application site. As the improved access is onto the A483 Trunk Road Welsh Government were consulted on the application. Following receipt of the application Welsh Government issues a holding objection due to a lack of information supporting the application and the amended access.

Amended information was subsequently received to satisfy the concerns raised by Welsh Government. Following reconsultation Welsh Government removed their objection subject to a condition directing a condition be included regarding the proposed access and hedgerow translocation.

As such it is considered that the proposed development is in accordance with policies T1, DM13, tan 18 AND Planning Policy Wales.

Biodiversity and Ecology

SSSI's and SAC

Policy DM2 of the Powys Local Development Plan seeks to maintain biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, habitat of species including locally important site designations.

The application site lies approximately 370 metres from the Montgomery Canal SAC and SSSI, however the site is separated from the SAC/SSSI by the A483 Trunk Road, agricultural land and the River Severn. Following consultation with the Powys Ecologist it was confirmed that following their review of the submitted plans and information it was considered that due to the distance of the proposed development from the SAC/SSSI, nature of the land and potential connections/barriers between the proposed development site and the designated site that there is no likely potential for the proposed development to result in direct or indirect impacts on the Montgomery Canal SAC/SSSI.

Protected Species

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

A number of ecological reports and supporting information has been submitted with the application:

- Preliminary Ecological Appraisal produced by Gerald Longley Ecological Consultants dated April 2017
- Reptile Survey produced by Gerald Longley Ecological Consultants dated 1st July 2017
- Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018
- Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018
- Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 produced by Middlemarch Environmental dated June 2018
- Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018
- Landscaping and Ecology Plan drawing no. 2395/P03/009 Rev A produced by CWIC dated 05/06/2018
- Lighting & Signage Plan – Recycling Bulking Facility drawing no. 2395/P03/008 Rev A produced by CWIC dated 5th June 2018

- Arboricultural Report Including Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018

Following consultation with NRW no objections were received with regards to impact on protected species subject to a condition requiring a Great Crested Newt Method Statement. This information was subsequently submitted and both NRW and Powys Ecology were reconsulted on the submitted information. NRW provided amended comments offering no objection to the submitted information.

Following consultation with the Powys Ecologist it was confirmed that the preliminary ecological appraisal identified the presence of great crested newts at the proposed site and confirmed breeding in the pond located to the south of the site. A subsequent survey of a further pond within 500 metres of the site identified further newts and was confirmed as a breeding site.

It has been identified that an EPS Licence will be required, and following review of all the submitted information Powys Ecology offer no objection to the proposed development subject to conditions requiring adherence to the submitted information and requiring a lighting scheme to be submitted for the business park.

Following amendments to the access on to the trunk road being submitted, the plans detailed that part of a hedgerow would need to be translocated. As this had the possibility to impact upon great crested newts an additional method statement was submitted in support of the application. NRW and Ecology have been consulted on the submitted information and both have stated that they have no objection to the proposed development.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

Residential Amenity

LDP policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by development in terms of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

A number of residential dwellings are within close proximity to the site;

- Bryn y Maes is located approximately 90 metres from the site and bulking facility
- Maes Derwyn is located approximately 61 metres from the site boundary and approximately 305 metres from the bulking facility
- The Court is located approximately 84 metres from the site boundary and approximately 329 metres from the bulking facility
- Court Close an estate of a number of dwellings is located within close proximity to the development with the nearest dwellings (numbers 31, 33 and 35) being located approximately 169 metres from the development boundary and approximately 420 metres from the bulking facility

The application is supported by a Noise Impact Assessment prepared by WSP in June 2018.

Consultation was undertaken with the Environmental Health Officer who advised that the submitted noise impact assessment has demonstrated that, by incorporating design features and mitigation measures, noise emissions from the recycling bulking facility are considered unlikely to cause adverse impacts on residential amenity or human health.

The mitigation measures identified are as follows;

- Restriction on bay door opening – two of the five doors will be kept shut during operation
- Sound absorptive materials to be added to processing shed interior
- Relocation of glass deposit – moved approximately 25 metres south east further away from Bryn y Maes
- Installation of 2.8m high local noise barrier at Bryn y Maes

Environmental Health have offered no objection to the proposed development with regards to residential amenity provided that a condition is attached to the grant of consent requiring an impact assessment to be submitted prior to the occupation of the business park units.

A number of third parties have raised concern regarding the potential odour impact of the proposed development. Further comments were sought from Environmental Health confirming that there were no concerns with regards to odour emissions as the majority of the material would be dealt with inside the building and the green/food waste would be stored in sealed skips to contain any odours.

As such it is considered that the proposed development is in accordance with policy DM13 of the Powys LDP and TAN 11: Noise.

Land Drainage

A Flood Consequences Assessment, Preliminary Drainage Strategy and Addendum to the Preliminary Drainage Strategy and Flood Consequence Assessment prepared by WSP were submitted in support of the application.

Following consultation with Powys Land Drainage, with regards to surface water drainage no objections have been received regarding the proposed drainage at the site provided a condition is attached requiring the detailed design of the drainage to be submitted prior to commencement of works on site.

With regards to local flood risk the Land Drainage Officer note that the full application development provides a flood alleviation storage pond to the south of the site. This has been provided to manage surface water runoff from outside the site i.e. runoff from the hillside and land to the south and east of the site. However concerns have been raised over the formation of the field access which will affect existing land drainage features, the Land Drainage Officer states that the current design proposals are not acceptable to the Lead Local Flood Authority and will require further modification. They have however stated that these modifications can be agreed as part of the detailed drainage design to be submitted prior to the commencement of development.

However, Welsh Government Trunk Road are content with the detail of the culvert and have requested that development is undertaken in line with the submitted information. As such

further comment has been requested from the Land Drainage Officer and will be provided in the form of an update report.

With regards to the outline element of the proposed development Land Drainage have advised that the submitted Flood Consequence Assessment demonstrated that small areas of the farm building complex immediately downstream of the site on the northern side of the B4386 would experience a slight increase in surface water level during a severe pluvial rainfall event. Land Drainage also commented that although the site itself is not at risk, the FCA also indicates that during a 1 in 100 annual probability event with climate change allowance the farm building complex would experience flood depths ranging from 300mm to 1.5m. The FCA concluded that the increase in flood risk complex is not considered to be significant but suggests that this risk can be further reduced through increasing the size of the proposed northern storage area and proper maintenance of the existing culvert inlet. Land Drainage conclude that based on the information submitted that additional improvements are carried out on the culvert inlet structure where any modification would not only reduce future frequency of blockages but also benefit in respect to local flood risk.

No objection has been received subject to the imposition of conditions requiring the submission of full engineering details and drawing and details of the improvements to the culvert inlet prior to the commencement of any works on site.

The submitted information demonstrated that foul water generated by the development (including welfare facilities and wash down water) will be captured and handled entirely separately from the surface water system. Dirty water will be taken to a dirty water storage tank where it will be stored before being emptied by a vacuum tanker for disposal.

Powys Ecology were also consulted on the drainage plans and offered no objection to the proposed drainage

In light of the above, it is considered that the surface water drainage systems proposed fundamentally comply with policy DM6 of the Powys Local Development Plan.

Rights of Way and Tourism

LDP Policy DM13 seeks to oppose development which would have an unacceptable adverse impact on existing and established tourism assets and attractions.

Several representations have been received raising concerns that the proposed development will be of detriment to local tourism.

Whilst objectors make reference to potential impact of the development on nearby tourism accommodation considerations should also be given to the technical professional reports submitted with the application and the comments submitted by the Environmental Health Officer who offers no objection to the proposed development.

It is also considered that sufficient distance is retained between the proposed development and the public right of way to the south of the application site to not negatively impact upon any users. The buildings will be seen in the wider landscape in close proximity to two farm complexes and Abermule.

As such it is considered that the proposed development complies with policy DM13 of the Powys LDP.

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. The recommendation is therefore one of conditional approval subject to the conditions outline below.

Conditions

Conditions in respect of full application

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans and documents approved on XX/XX/XXXX (drawing no's; 2395/P03/001, 2395/P03/009, 2395/P03/008, 2395/P03/003, 2395/P03/004, 2395/P03/011, 2395/P03/010, 2395/P03/006, 2395/P03/007, 2395/P03/005, H2395/P03/013, 2395/P03/012, 2395/P03/016, 70019430-DP-01_P01 Rev P01 and documents; Phase 1 Geo-Environmental Desk Study dated December 2017, Design and Access Statement dated June 2018, Flood Risk Appraisal Phase 2 dated November 2016, Planning Statement dated June 2018, Noise Impact Assessment dated February 2018, Arboricultural Report dated March 2018, Addendum to Preliminary Drainage Strategy and Flood Consequence Assessment dated June 2018, Flood Consequence Assessment dated April 2018, Waste Planning Assessment dated June 2018, Offsite Impacts Mitigation dated May 2017, Statement of GCN Conservation and Mitigation Works dated April 2018, Reptile Survey dated June 2018, Preliminary Ecological Appraisal dated April 2017, Preliminary Drainage Strategy dated April 2018, Flood Consequence Assessment dated June 2018, Ecological Compliance Schedule and Habitat Management Plan dated June 2018, Great Crested Newt Method Statement dated June 2018, Noise Impact Assessment dated June 2018, Technical Note dated June 2018, Ecological Compliance Schedule and Habitat Management Plan dated July 2018, Transport Statement dated July 2018 and Great Crested Newt Reasonable Avoidance Method Statement dated July 2018).
3. The use shall not be carried out outside the hours of 07:00 to 18:00 Monday to Sundays.
4. Prior to the first beneficial use of the development, a bus shelter and all associated works shall be constructed alongside the bus layby on the B4386. The specification of which is to be agreed in writing with the Local Planning Authority.
5. Prior to the first beneficial use of the development any entrance gates shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be

retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

6. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 33 cars and 25 heavy goods vehicles together with all operational access routes within the site such that all vehicles serving the site may both enter and leave the site in a forward gear.
7. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
8. No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.
9. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the local planning authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).
10. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local

planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

11. 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'.
12. The mitigation measures regarding great crested newts identified in the Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018 and Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018 shall be adhered to and implemented in full and maintained thereafter.
13. The measures identified in the Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018 shall be adhered to and implemented in full and maintained thereafter.
14. Installation of external lighting features at the site will be carried out in accordance with the Lighting & Signage Plan – Recycling Bulking Facility drawing no. 2395/P03/008 Rev A produced by CWIC dated 5th June 2018, the identified lighting plan shall be adhered to and implemented in full and maintained thereafter.
15. The Tree constraints plan identified in the Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018 shall be adhered to and implemented in full and maintained thereafter.
16. The reasonable avoidance measures regarding great crested newts identified in the Hedgerow Translocation Works - Great Created Newt Reasonable Avoidance Method Statement produced by Middlemarch Environmental Reference RT-MME-127521-02 dated 20th July 2018 shall be adhered to and implemented in full and maintained thereafter.
17. No development shall commence until full engineering details and drawings for the surface water and land drainage arrangements, together with details on the surface water flood compensation pond has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be completed prior to the first beneficial use of the development.

18. The proposed amended field access & culvert must be constructed in accordance with approved drawings 2395/P03/12 Rev C & P03/016 Rev A, including the translocation of 100m of existing hedgerow prior to the development being brought into use.

Reasons in respect of full application

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To ensure that the amenities of local residents are safeguarded in accordance with policy DM13 of the Powys Local Development Plan 2018.
4. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
5. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
6. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
7. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
8. 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 DM10 of the Powys County Council Local Development Plan 2018.
9. 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 DM10 of the Powys County Council Local Development Plan 2018.
10. 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 DM10 of the Powys County Council Local Development Plan 2018.

11. 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 DM10 of the Powys County Council Local Development Plan 2018.
12. To comply with Powys County Council's LDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016
13. To comply with Powys County Council's LDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.
14. To comply with Powys County Council's Policies LDP DM2 and DM7 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 LDP Policies DM2 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 Section 6 of the Environment (Wales) Act 2016.
16. To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.
17. To ensure that the proposed surface water and land drainage features for the development follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design in accordance with policy DM6 of the Powys Local Development Plan.
18. The conditions are included to maintain the safety and free flow of trunk road traffic in accordance with policy T1 and DM13

Conditions in respect of outline application

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 to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
4. The development shall be carried out strictly in accordance with the plans and documents approved on XX/XX/XXXX (drawing no's; 2395/P03/001, 70019430-DP-01_P01 Rev P01 and documents; Phase 1 Geo-Environmental Desk Study dated December 2017, Design and Access Statement dated June 2018, Flood Risk Appraisal Phase 2 dated November 2016, Planning Statement dated June 2018, Noise Impact Assessment dated February 2018, Arboricultural Report dated March 2018, Addendum to Preliminary Drainage Strategy and Flood Consequence Assessment dated June 2018, Flood Consequence Assessment dated April 2018, Waste Planning Assessment dated June 2018, Offsite Impacts Mitigation dated May 2017, Statement of GCN Conservation and Mitigation Works dated April 2018, Reptile Survey dated June 2018, Preliminary Ecological Appraisal dated April 2017, Preliminary Drainage Strategy dated April 2018, Flood Consequence Assessment dated June 2018, Ecological Compliance Schedule and Habitat Management Plan dated June 2018, Great Crested Newt Method Statement dated June 2018, Noise Impact Assessment dated June 2018, Technical Note dated June 2018, Ecological Compliance Schedule and Habitat Management Plan dated July 2018, Transport Statement dated July 2018 and Great Crested Newt Reasonable Avoidance Method Statement dated July 2018).
5. Prior to occupation of the business/employments units on the development, an impact assessment will be submitted to and approved by the Council to demonstrate how the proposed use, design and any required mitigation measures will ensure that the amenity of nearby noise-sensitive properties shall not be unacceptably affected by levels of noise. The assessment will consider the potential combined impacts of noise from all permitted uses on the Abermule Business Park development site (i.e. including the Recycling Bulking Facility), and will be conducted in accordance with the method set out in BS 4142:2014, and must demonstrate that the combined noise impact from the development site will be no greater than indicated in the Abermule Business Park Noise Impact Assessment report ref 70032991-NV1-02-R1.
6. The mitigation measures regarding great crested newts identified in the Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018 and Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018 shall be adhered to and implemented in full and maintained thereafter.
7. The measures identified in the Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018 shall be adhered to and implemented in full and maintained thereafter.

8. 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.
9. Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.
10. The Tree constraints plan identified in the Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018 shall be adhered to and implemented in full and maintained thereafter.
11. No development shall commence until full engineering details and drawings for the surface water and land drainage improvements, together with a management and maintenance plan for the culvert inlet, are submitted to and approved in writing by the local planning authority. The approved scheme shall be completed prior to the first beneficial use of the business park development.
12. No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.
13. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the local planning authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

14. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).
15. 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'.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To comply with Powys County Council Local Development Plan policy DM13 'Design and Resources'.
6. To comply with Powys County Council's UDP Policies DM2 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, the Conservation of

Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.

7. To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.
8. To comply with Powys County Council's Policies LDP DM2 and DM7 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.
9. To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and 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 DM2 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 Section 6 of the Environment (Wales) Act 2016.
11. To ensure that the proposed surface water and land drainage features for the development follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design in accordance with policy DM6 of the Powys Local Development Plan.
12. 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 DM10 of the Powys County Council Local Development Plan 2018.
13. 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 DM10 of the Powys County Council Local Development Plan 2018.
14. 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 DM10 of the Powys County Council Local Development Plan 2018.

15. 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 DM10 of the Powys County Council Local Development Plan 2018.

Informative Notes

Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017.

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The maximum penalty that can be imposed - in respect of each offence - is a fine of up to 5,000 pounds, six months imprisonment or both.

In addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

Land Drainage

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 culverting (or modification to an existing structure) 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).

Network Rail

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in

any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

DRAINAGE

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

NOISE

Network Rail would remind the council and the applicant of the potential for any noise/vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary.

The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

HEAPING, DUST AND LITTER

It should be noted that because of the nature of the proposals we would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary. We also have concerns over the potential for dust clouds and rubbish created from the processing at the site affecting the railway signal sighting. Therefore, adequate measures for preventing dust and rubbish blowing onto Network Rail property are to be in operation.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway

SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

Case Officer: Tamsin Law- Principal Planning Officer
Tel: 01597 82 7230 E-mail:tamsin.law@powys.gov.uk

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4.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0632	Grid Ref:	315123.71, 289297.18
Community Council:	Kerry	Valid Date:	Officer: 19/06/2018 Bryn Pryce
Applicant:	Powys County Council		
Location:	Brynlywarch Residential School, Kerry, Newtown Powys SY16 4PB		
Proposal:	Full: Erection of a classroom unit		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The applicant is Powys County Council.

Site Location and Description

This application site is located within the grounds of the Brynlywarch Residential School approximately 0.6 miles south of Kerry. The existing site currently forms an area of tarmaced hardstanding currently used as a playground area bound by metal fencing to the north east and south east with part of the school to the north west and playground to the south west.

This application seeks consent for the erection of a classroom unit to provide additional accommodation ancillary to the main school building. The proposed building is to be a demountable classroom building with two separate classrooms, four w/c's and a cloakroom.

Consultee Response

Kerry Community Council

No comments received by Development Management at the time of writing this report.

PCC - Building Control

Correspondence received 2nd July 2018

Please be aware that Building Regulations Approval will be required.

PCC - Highways

Correspondence received 6th July 2018

The County Council as Highway Authority for the County Class III Highway, C2012

Does not wish to comment on the application

Wales & West Utilities

No comments received by Development Management at the time of writing this report.

Severn Trent

Correspondence received 4th July 2018

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

To help us provide an efficient response please could you send all responses to APPlanning@hdcymru.co.uk rather than to named individuals, including the STW ref within the email/subject.

PCC - Built Heritage

Correspondence received 16th July 2018

1.0 Recommendation

1.1 No objections

Reason: It is considered that the proposal is in accordance with the policies and Guidance in PPW and Tan 24 including setting of historic assets with its annexes and the adopted Powys Local Development Plan

2.0 Background to Recommendation

2.1 Designations

Cadw ID 17282 Brynllwarch Hall School included on the statutory list on 12/09/1996

Adjoining site

Scheduled Ancient Monument MG050 The Moat Mound and Bailey

Listed Building Cadw ID 7564 The Moat included on the statutory list on 10/03/1953

2.2 Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990
Planning Policy Wales 9th edition 2016
Conservation Principles published by Cadw
TAN24
Managing Change to Listed Buildings in Wales – Annexe to TAN 24
Conservation Areas in Wales – Annexe to TAN 24
Setting of Historic Assets in Wales – Annexe to TAN24
Heritage Impact Assessments – Annexe to TAN24
Historic Environment Records

Local Development Plan

Strategic Policy SP7
DM13 Design and Resources Local Development Plan Themes and Objectives;
Theme 4 – Guardianship of natural, built and historic assets
LDP Objective 13 – Landscape and the Historic Environment

3.0 Comments

3.1 I note the proximity to the Scheduled Ancient Monument however as Cadw are the consultee in respect of setting of Scheduled Ancient Monuments I shall comment on the setting of listed buildings only.

3.2 The school is sited in a woodland overlooking a precipitous slope to views to the NNW. The building is large in an Italianate style with the principal rooms appearing to face the NNW as the open belvedere atop a semi-circular bay faces NNW.

3.3 The proposal is for the erection of a demountable building to the SE of the principal building directly to the south of a modern single storey school building. It is noted that the demountable building is proposed for 2 years as a temporary measure while long terms plans are proposed.

3.4 The proposal is for the erection of a building of a temporary nature being plastisol coated steel wall cladding, with steel profiles composite sheeted roof. Buildings of these materials are not readily encouraged in the grounds of listed buildings. However in this instance the demountable is for a temporary period of around 2 years only, and I note that building of a similar character have been installed at the school.

3.5 The school is very well screened by mature trees and the large school building is not readily visible from the public roads, it is considered that the siting and size of the proposed demountable building will result in that building being not visible from public vantage points and including the formal driveway to the school. As such it is not considered that the proposed demountable would be visible from outside the site and as such would not be considered to have an impact on the setting of The Moat. Its location within the school grounds away from the formal frontage and at the more “service end” of the listed building, would mean that the proposed demountable is well sited within the site.

3.6 I have taken into account the guidance in section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Conservation Principles, section 6.5.11 of

PPW, TAN24 and its annexes, and given the siting of the proposed building away from the formal frontage of the listed building and the lack of visibility of the proposed demountable building I would have no objections to the proposal on the grounds of the setting of listed buildings.

CADW

No comments received by Development Management at the time of writing this report.

CPAT

Correspondence received 10th July 2018

Thank you for the consultation on this application.

I can confirm that there are no archaeological implications for the proposed development at this location.

Environmental Health

Correspondence received 18th July 2018

Foul drainage

The proposal is to connect the foul drainage to the existing septic tank. Please can the applicant/agent confirm that the capacity of the existing septic tank and drainage field is sufficient to handle the increased sewage load from the new development?

Correspondence received 19th July 2018

Given that the development does not represent an increase in loading on the foul drainage system, I have no objection to the application.

Representations

A public site notice was erected at the site on the 6th of July 2018. No third party representations have been received by Development Management at the time of writing this report.

Principal Planning Policies

National planning policy

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 5: Nature conservation and planning (2009)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 18: Transport (2007)

Technical Advice Note (TAN) 23: Economic Development (2014)

Technical Advice Note (TAN) 24: The Historic Environment (2017)

Local planning policies

Powys Local Development Plan

SP7 – Safeguarding of Strategic Resources and Assets

DM13 – Design and Resources

T1 – Travel, Traffic and Transport Infrastructure

C1 – Community Facilities and Indoor Recreation Facilities

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
LDP=Powys Local Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 16 & 66

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

Policy C1 of the Powys Local Development Plan supports the provision of community facilities which includes schools, libraries, community centres, leisure centres etc. The proposal must take into account any nearby facilities which could appropriately accommodate the proposed use and be in close proximity to a settlement identified in the strategic settlement hierarchy.

The proposed site is located adjacent to an existing residential school facility close to the large village of Kerry. The proposed building is to provide additional classroom space which is not available within the main building. There are no other suitable facilities within close proximity to the school and due to the nature of the school it is important that students and staff be accommodated within the grounds of the existing school building. Officers consider that the proposed building and its siting is considered to be acceptable.

In light of the above, it is considered that the proposed development fundamentally complies with policy C1 of the Powys Local Development Plan.

Scale, Design and Appearance

Policy DM13 of the Powys Local Development Plan seeks to ensure that development is designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detail. Developments should not have an unacceptable detrimental impact upon the amenities enjoyed by the occupants or users of nearby properties by means of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

The proposed classroom unit is to have two classrooms, four W/C's and a cloakroom within the unit itself. The building is to measure 19.2 metres in length, 8.5 metres in width and 3.2 metres in height. The building is to have walls clad in plastisol coated steel external wall cladding, the roof is to have a composite roof sheeting with steel outer facing, windows are to be double glazed white UPVC units and the doors are to be of steel construction with powder coated finish. The roof and wall cladding is to be Albatross in colour. The proposed fascia boards are to be profiles plastic coated steel merlin in colour. All rainwater goods are to be of PVC construction and white in colour. Officers consider that the proposed building is sited as such that the proposal would not have any unacceptable adverse impact upon the setting of the listed building or upon the character and appearance of the surrounding area. The proposed building is considered to be of a scale, height, mass and design that is considered to be acceptable given the buildings temporary nature.

In light of the above observations, it is considered that the proposed extension is in accordance with planning policy DM13 of the Powys Local Development Plan.

Highways Safety and Movement

Policy T1 of the Powys Local Development Plan 2018 states that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

As part of this application process the highways authority have been consulted however they did not wish to comment on the application. Officers consider that the proposed development would not result in any unacceptable adverse impact upon highway safety as a result of the proposal.

In light of the highways officer's comments, officers consider that the proposed development is in accordance with planning policy, particularly policy T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales.

Built Heritage

Policy SP7 of the Powys Local Development Plan states proposals must not have an unacceptable adverse impact on the resources or asset and its operation. Strategic resources and assets in Powys include historic environment designations such as scheduled ancient monuments and listed buildings. This policy seeks to safeguard these important assets from unacceptable development for the future well-being of the county.

Brynllwarch residential school is a grade II listed building and as part of this application process the councils Built Heritage Officer has been consulted on the potential impact upon the setting of this listed building. No objections have been received from the built heritage who confirms that the proposed development would not have an unacceptable impact upon the setting of the listed building given its siting and materials.

In light of the above, it is considered that the proposed development complies with policy SP7 of the Powys Local Development Plan.

Foul Drainage

The proposed classroom unit is to accommodate two classrooms four W/C's and a cloakroom. The proposed toilets are to be connected to the existing foul sewerage system that supports the existing school. As part of this application process Environmental Health have been consulted who initially asked for further details regarding the use of the system proposed however seeing as there would be no increased load upon the existing septic tank system environmental health officers have raised no objections to the proposal.

RECOMMENDATION

At the time of writing this report the publicity period for the application had not expired. This publicity period expires the day after the Planning Committee meeting. Given the safeguarding issues that have been highlighted by the education department, the Planning Department has agreed to take the application to the Planning Committee prior to the end of the publicity period. This is however on the basis that delegation is given to the Professional Lead for Development Management to conditionally approve the application subject to full consideration of any representations received during the aforementioned publicity period and the application being referred back to the next Planning Committee meeting if any correspondence of objection is received prior to determination.

Recommendation: That delegated authority is given to the Professional Lead for Development Management to conditionally approve the application subject to the full consideration of any representations received during the statutory publicity period and subject to the condition that the application is referred back to the next Planning Committee meeting if any correspondence of objection is received prior to determination of the application.

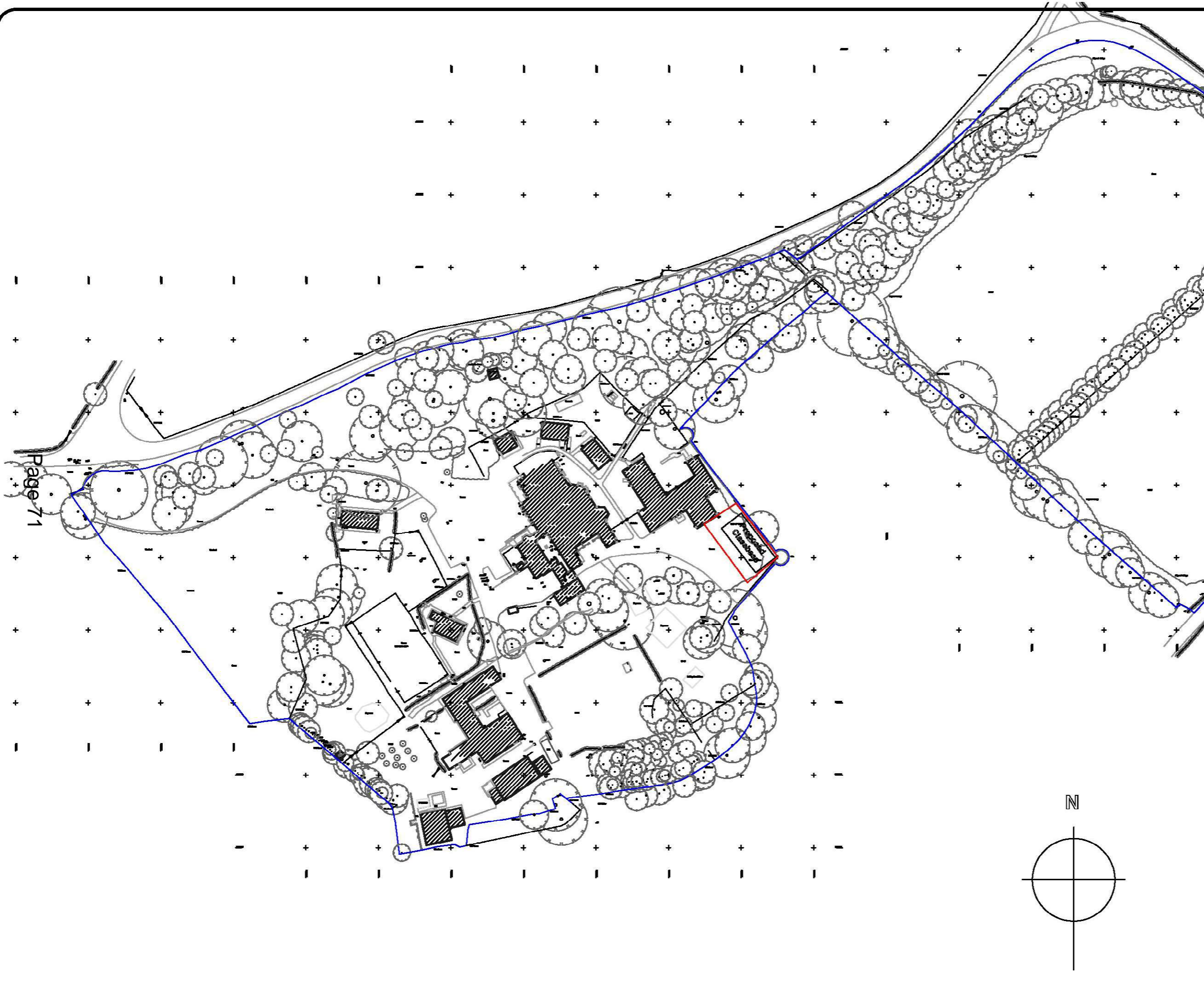
Conditions:

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as received on 12th June 2018 (drawing no's: 9876-2-001B) and amended plans received (drawing no's: P6100/42/Site Location Plan/A, P6100/42/Site/A).

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

Case Officer: Bryn Pryce- Planning Officer
Tel: 01597 82 7126 E-mail:bryn.pryce@powys.gov.uk



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Do not scale from drawings, refer only to figured dimensions.
 Check all dimensions on site.
 Report any discrepancies to the Contract Administrator promptly.

Revisions:

Project
**Temp Demountable,
 Brynlliwarch Hall School**

Drawing Title
Proposed Site Location Plan

Drawing Number:
P6100/42/Site Location Plan/A

Drawn by:
AJS

Scale: **1:1250 @ A3** Date: **May 18**

31 Ddole Road Industrial Estate
 Llandrindod Wells
 Powys LD1 6DF
 Tel: 07773076048



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4.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0507	Grid Ref:	328392.3 272534.84
Community Council:	Knighton Town Council	Valid Date:	Officer: 10/05/2018 Holly-ann Hobbs
Applicant:	D Willowridge, Willowridge International, 10 Old Cheltenham Road, Longlevens, Gloucester, GL2 0AW.		
Location:	Land at West Street, Knighton, Powys, LD7 1EN.		
Proposal:	Section 73 application for variation of condition nos 2 and 3 attached to planning permission P/2015/0419 to extend the time limit for commencement		
Application Type:	Application for Removal or Variation of a Condition		

The reason for Committee determination

The Local Member has requested that this application is determined by the Planning, Taxi Licensing and Rights of Way Committee.

Site Location and Description

The site subject to this application is located within the settlement development boundary of Knighton as defined by the Powys Local Development Plan. The application is bound by Offa's Dyke Recreation Centre and Park to the north and east. Located to the south is the public highway and to the west residential properties.

Consent is sought to vary condition 3 attached to outline planning permission P/2015/0419 which states;

'The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the approval of the last reserved matters, which is the later'.

Consultee Response

Knighton Town Council

Members of Knighton Town Council made a recommendation by unanimous vote to recommend refusal of this application at its meeting on 23rd May 2018.

Can you please ensure that the decision is put on the Powys County Council planning portal?

Highway Authority

The County Council as Highway Authority for the County Class I Highway, A488

Does not wish to comment on the application.

Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE

We have no assets mapped in this area. Please consult Severn Trent.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Please quote our reference number in all communications and correspondence.

Councillor Ange Williams – Local Member

I would like to call in the above planning application. The land is in a prime site for development, the application is to retain it as empty which it has been for the last 12 years. There's a need for housing in Knighton and I believe the land could be used better for that purpose or used for workshop space.

Cadw

Variation of Conditions 2 and 3 of Planning Permission P/2015/0419

Thank you for your letter inviting our comments on the above.

We note that the principle of planning permission has already been accepted with outline permission having already been approved subject to a number of conditions. In particular, that the details of access, appearance, landscaping, layout and scale (i.e. the reserved matters) are approved by the Council before any development begins. Therefore, this application is merely seeking to extend the period for approving these reserved matters and commencement of the development. We have no objection to the extension of time but we wish to be consulted on the reserved matters in order to provide advice to ensure the protection of the Dyke, and its setting, in line with Strategic Policy SP7 of your Local Development Plan (section 3.3.41 (page 45)). For example, it is important that the monument is not hemmed in by development and left unmanaged. Furthermore, the development offers the potential to enhance this section of the monument and its setting with opportunities to remove the existing revetment wall, undertake archaeological investigation and consider the conservation / re-grading of the earthwork within a suitably broad grassed buffer zone to the east, supported by a sustainable management plan.

Clwyd Powys Archaeological Trust

Thank you for the consultation on these condition variations.

There are no archaeological implications for the variation of these conditions.

Schools Service

Correspondence received 17th July 2018 –

Although the projected increase in pupil numbers is not as acute as originally projected the school *is* seeing an increase in pupil numbers in the catchment area of the school, with the number on roll projected to increase from 227 in January 2018 to 254 by January 2023. As it is projected that the development would place pressure on both classroom accommodation and associated ancillary facilities at the school the Schools Service wishes to confirm its request for a S106 education contribution of £6,850 in respect of this development.

Correspondence received 19th July 2018 –

The current capacity is 243 so at 227 the school currently has capacity to accommodate pupils from this development.

The Service is in the process of reviewing the capacity of all its schools so this figure may change but the outcome of the review will not be known until later in the year.

Natural Resources Wales

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist, *Natural Resources Wales and Planning Consultations* (March 2015): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>.

We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

Representations

The proposed development has been advertised by site display (notice dated 8th June 2018). At the time of writing this report, no public representations have been received by Development Management.

Planning History

PR73301- Outline: Residential development comprising of 14 market dwelling units & 7 affordable housing dwelling units, demolition of existing redundant factory. Conditional consent granted subject to a Section 106 Agreement – 09/08/2007.

P/2010/0798 – Outline: Variation of Condition: Condition 1(b) and (c) of PR733/01 to extend the time limit. Conditional consent granted subject to a Section 106 Agreement – 30/05/2012.

P/2015/0419 – Outline: Variation of Condition: Condition 2 of P/2010/0798 to extend time limit. Conditional consent granted subject to a Section 106 Agreement – 18/06/2015.

Principal Planning Constraints

Scheduled Ancient Monuments

Principal Planning Policies

National Planning Policy

Planning Policy Wales (2016)

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

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 16 – Sport, Recreation and Open Space (2009)

Technical Advice Note 18 – Transport (2007)

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

Technical Advice Note 23 – Economic Development (2014)

Technical Advice Note 24 – The Historic Environment (2017)

Local Planning Policy

Powys Local Development Plan (2018)

SP1 – Housing Growth

SP3 – Affordable Housing Target

SP5 – Settlement Hierarchy

SP6 – Distribution of Growth across the Settlement Hierarchy

SP7 – Safeguarding of Strategic Resources and Assets

DM1 – Planning Obligations

DM2 – The Natural Environment

DM3 – Public Open Space

DM4 – Landscape

DM6 – Flood Prevention Measures and Land Drainage

DM10 – Contaminated and Unstable Land

DM13 – Design and Resources
T1 – Travel, Traffic and Transport Infrastructure
H1 – Housing Development Proposals
H2 – Housing Sites
H3 – Housing Delivery
H4 – Housing Density
H5 – Affordable Housing Contributions

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
LDP=Powys Local Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Planning History

Outline planning permission for the erection of 21 dwellings including 7 affordable units was granted under planning reference PR73301. Due to a combination of reasons including the economic climate, it is understood that development has been delayed on site and therefore a number of applications (P/2010/0798 & P/2015/0419) to renew the original outline planning permission have been considered and consented by Development Management.

Principle of Development

The application site is located within the settlement development boundary of Knighton, defined as a town within the adopted Local Development Plan. In accordance with LDP policy SP6, it is envisaged that at least 50% of the Plan's housing growth will be located within town centres on committed and allocated sites or other suitable sites within the development boundary.

The current submission seeks to extend the time period for the commencement of development for a further 5 years. Notwithstanding the previous renewals, given the location

of the application site within the settlement development boundary, it is considered that the principle of residential development at this location is fundamentally acceptable.

Affordable Housing Contribution

In accordance with LDP policy H5, proposals for new housing development of five or more dwelling units or on sites of 0.25ha and above will be required to make contributions towards the provision of affordable housing.

The target contributions required to be made by development proposals will be based on the required contribution for the relevant sub-market area as set out below:

- i. Central Powys – 30% contribution.
- ii. Severn Valley – 20% contribution.
- iii. North Powys - 10% contribution.
- iv. South West Powys – 0% contribution.

Contributions shall be made in the form of on-site affordable housing provision.

In accordance with the former Unitary Development Plan, the current Section 106 secures the provision of 7 affordable units (30%). As part of the current submission, the applicant is now seeking to re-negotiate the affordable housing provision to 10%. For the purpose of the LDP, Members are advised that Knighton is located within the North Powys sub-market where the affordable housing contribution requirement is 10% and therefore, Officers are satisfied that the proposed reduction is in accordance with planning policy.

It is noted that a statement accompanying the application indicates that owing to site constraints, the provision of on-site affordable housing would compromise the viability of the development. Nevertheless, no evidence relating to viability has been submitted as part of this application. In light of the above, in accordance with policy H5 of the LDP, Officers would recommend that the affordable housing provision (10%) is secured on-site.

Amenity Provision

In accordance with policy DM3, provision for new Open Space will, subject to viability, be sought from all housing developments of 10 or more dwellings. The type and nature of the provision will be determined by the deficiencies identified in the Open Space Assessment for the locality and, depending on the individual circumstances, may be provided on or off site.

Officers note that the application site is located within immediate proximity of Offa's Dyke Centre Park and Offa's Dyke Centre Playground (NEAP). Unfortunately, at the time of writing this report, a response from Countryside Services has not been received. Officers will therefore look to secure a response and provide a suitable update to Members either within the update report or verbal presentation.

Education Contribution

LDP policy DM1 confirms that planning obligations will be sought by agreement with applicants, where necessary, to ensure that:

1. The development provides for adequate infrastructure necessary to serve the proposal, and that satisfactory maintenance and / or restoration arrangements are achieved;
2. Significant adverse socio-economic and environmental impacts are addressed and mitigated;
3. Benefits are secured in the public interest to meet the additional demands of development proposals on local communities.

On reviewing the Section 106 agreement, it is noted that a contribution of £6,850 for the purpose of improving education facilities for the Community of Knighton was secured. Following consultation, School Services has confirmed that Knighton Primary School currently has the capacity to accommodate pupils from the proposed development and therefore, Officers do not consider it reasonable or necessary to require a financial contribution towards education facilities.

Housing Delivery

Concerns have been raised by the Local Member in relation to the site, particularly that the site has remained undeveloped for over a decade. Whilst Officers acknowledge that the LDP suggests that conditions may be imposed to encourage starts and completions on site in order to ensure deliverability within the plan period, it is not considered that there is sufficient evidence to justify this approach in this instance.

RECOMMENDATION

In light of the above considerations and notwithstanding the concerns expressed, Officers consider that the proposed development is in accordance with planning policy. Should Members be minded to grant consent it is requested that the decision is delegated to the Professional Lead for Development Management to allow further discussions regarding the provision of public amenity space.

Conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. None of the dwellings shall be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details submitted to and approved in writing by the Local Planning Authority.
5. No tree shall be wilfully damaged or destroyed or uprooted , felled ,lopped or topped without the previous written consent of the Local Planning authority within 60 months after

the completion of the development . Any trees removed without such consent or dying or being seriously diseased before the end of the period shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

6. During the development hereby permitted the developer shall afford access at all reasonable times to an archaeologist in accordance with a archaeological investigation and recording scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences,gates,walls/,garage,building,extension,dormer window shall be erected] or constructed, other than those expressly authorised by this permission].

8. Prior to commencement of the development, details for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority and the works shall only be carried out in accordance with those details so approved.

9. Development shall not begin until a report on potential contamination of the site has been prepared by an appropriate person and submitted to and approved by the Local Planning Authority. This report shall include a phased investigation approach, incorporating risk assessment, to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring.

10. The applicant shall submit and have approved in writing by the Local Planning Authority, full details of the relocation of the bus stop and alteration to the on-street parking opposite the site, prior to the commencement of any works on site.

11. The works referred to above shall be fully completed to the written satisfaction of the Local Planning Authority prior to the occupation of any of the dwelling units.

12. Any entrance gates shall be set back from the edge of the highway/footway and shall be constructed so as to be incapable of opening towards the highway.

13. The gradient of the access shall not exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access.

14. The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be at right angles to that edge of the said carriageway.

15. Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 15 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 15 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway and 4.5 metres distant from the edge of the adjoining carriageway and 70 metres in each direction. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained from obstruction thereafter.

16. Within 5 days from the commencement of the development clear visibility shall be maintained above a height of 0.26 metres above carriageway level over the full frontage of the developed site to the estate road effective over a bandwidth of 2.4 metres measured from the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained from obstruction thereafter.

17. Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410 mm depth, comprising a minimum of 250 mm of sub-base material, 100 mm of bituminous macadam base course material and 60 mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

18. Prior to the occupation of the units, provisions shall be made within the cartilage of the site for the parking of not less than 2 cars per dwelling and 1.5 spaces per flat excluding any garage space provided.

19. The gradient from the back of the footway/verge to the vehicle parking areas shall not exceed 1 in 15.

20. Within 5 days from the commencement of the development provision shall be made within the cartilage 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 0.30 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site may park within the site and both enter and leave the site in forward gear.

21. The width of the access carriageway shall not be less than 5.5 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway.

22. A radius of 6 metres shall be provided from the carriageway of the county highway on each side of the access to the development site.

23. Any internal side road junctions shall have a corner radii of 6 metres.

24. The centre line radii of all curves on the proposed estate road shall be not less than 30 metres.

25. All access shall be gained via the existing private driveway. No vehicular or pedestrian access shall be used or created to service the site directly from the county highway.

26. No building shall be occupied before the estate road carriageway and one footway shall be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

27. The estate road carriageway and all footways shall be fully completed, to a standard to be agreed in writing by the Local Planning Authority, upon the issuing of the Building

Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner.

28. Prior to the occupation of the units the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15 metres from the edge of the adjoining carriageway.

29. No storm water drainage from the site shall be allowed to discharge onto the county Highway.

30. No development approved by the planning permission shall be commenced until

a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced;

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable; 1) a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and

2) refinement of the Conceptual Model and 3) the development of a Method Statement detailing the remediation requirements;

c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority (LPA) and a risk assessment has been undertaken;

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

31. The development of the site should be carried out in accordance with the approved Method Statement.

32. The development of the site should be carried out in accordance with the approved Method Statement.

33. Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted their location must be approved in writing by the Local Planning Authority.

34. Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material.

35. Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the LPA. The piling shall thereafter be undertaken only in accordance with the approved details.

36. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

37. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible within the site being drained. Roof water shall not pass through the interceptor. Most contaminated soils are regarded as controlled waste. If controlled waste is to be deposited on the site then either a Waste Management Licence will be required or the applicant will need to register an exemption to licensing with the Environmental Agency. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the licensable status of any proposed on site operations are clear. If in doubt, the Agency should be contacted for advice at an early stage to avoid any delays.

Reasons:

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. In order to ensure that satisfactory drainage arrangements are provided in accordance with DM6 of the Powys Local Development Plan (2018).
5. To ensure that the site is properly landscaped and in the interest of the visual amenity of the locality.
6. To ensure that items of archaeological interest are recorded, in accordance with policy DM13 of the Powys Local Development Plan (2018), Technical Advice Note 24 – The Historic Environment (2017) and Planning Policy Wales (2016).
7. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy DM13 of the Powys Local Development Plan (2018).
8. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with policies DM6 and DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (2016).
9. In the interest of environmental protection, in accordance with policy DM10 of the Powys Local Development Plan (2018).
10. In the interest of highway safety, in accordance with policies DM13 and T1 Powys Local Development Plan (2018).
11. In the interest of highway safety, in accordance with policies DM13 and T1 Powys Local Development Plan (2018).

37. In the interest of environmental protection, in accordance with policy DM10 of the Powys Local Development Plan (2018).

Case Officer: Holly-ann Hobbs- Principal Planning Officer
Tel: 01597 827319 E-mail:holly.hobbs@powys.gov.uk

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Map Information
Scale: 1:1250
Date: 17/05/18
Reference: 13534
Order No: 1984704

Land at West Street Knighton



Project 13534/101 :Location Plan



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4.5

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0627	Grid Ref:	310907.19 273407.47
Community Council:	Llanbister	Valid Date:	Officer: 19/06/2018 Sara Robinson
Applicant:	Powys County Council		
Location:	Land Adjacent to Llanbister County Primary School, Llanbister, Llandrindod Wells, Powys, LD1 6TN		
Proposal:	Full: Change of use of agricultural land to playing field and erection of fencing		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The applicant is Powys County Council.

Site Location and Description

The site concerns Llanbister County Primary School. The site is accessed off the classified highway B4356. The application site concerns the north east of the school. To the northwest of the site is agricultural land whilst to the east, south and south west are residential dwellings and Llanbister County Primary School to the west.

This application seeks full planning consent for the change of use of agricultural land to playing field and erection of fencing. The area subject to the change of use measures approximately 72 metres in length and 25.5 metres in width. The proposed fencing will measure approximately 1.77 metres in height and will be constructed from green plastic coated weld mesh and posts.

Consultee Response

Llanbister Community Council

With reference to the above planning application I wish to offer the official response of Llanbister Community Council following it's monthly meeting on 12th July 2018.

Llanbister Community Council support the application. We believe that such a playing field would be good for the children with improved health and wellbeing. The numbers of children are set to increase also in the next 18 - 24 months and the additional recreational area will accommodate these increased numbers. The current arrangement would not be so accommodating.

In addition the playing field would be an asset to the community if other groups were allowed to use it. This would carry the proviso that any additional use outside of school hours would not negatively impact on the surrounding houses and their occupants.

We do have some concerns however:

1. Who would maintain the playing field and the strip of land that separates it from the nearby houses.
2. There is a sewerage drain situated close to the playing field (More specifically where the boundary fence will be). The drain serves properties that are situated above the residential area directly affected by the field. If there is any damage to the drain there could be an adverse health impact on the children using the field

We would be grateful for your consideration of our concerns and perhaps provide some response to these matters

PCC - Building Control

No comments were received at the time of writing this report.

PCC - Highways

The County Council as Highway Authority for the County Class II Highway, B4356

Does not wish to comment on the application

PCC Contaminated Land

In relation to planning application P/2018/0627, the following advice is provided for the consideration of Development Control.

Advice

1. The application proposal involves the conversion of agricultural land to a playing field. Agricultural land could contain potential sources of contamination depending on what they were used for in the past such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition.

Furthermore, records identify that the application site adjoins the location of a historic pollution incident (heating oil spill).

2. Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' (2016) states: "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. In respect of contaminated land paragraph 5.55, of the Welsh Government (WG) circular 'The Use of Planning Conditions for Development Management' (ref: WGC 016/2014), states that: "Conditions might also be imposed requiring the developer to draw to the

attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment”.

Furthermore, in paragraph 5.56 of the WG circular (ref: WGC 016/2014) it is states: “The level of work required must be proportionate to the problems that are envisaged and the more onerous conditions should not be imposed as a matter of course”.

4. Based on the available information and current planning guidance, it is recommended that the following Condition and Note, to the applicant, are attached to any permission granted for planning application P/2018/0627:

Unsuspected Contamination

In the event that the presence of unsuspected contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

Reason: 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.

Cllr Rachel Powell

I am writing as the County Councillor for Beguildy ward, the LEA Governor to Llanbister School, a community member and member of Teme Ithon Action Group, as well as a parent of three lively boys who attend Llanbister school.

Llanbister CP School is a rural school, set within the furthest northern point of the County of Radnorshire. By demographics alone, it is nestled into a sparse area, predominantly linked with agriculture and the countryside. It is ironic therefore, that the local school has limited ‘green’ space, considering the landscape of open fields and common land. I wish to write to confirm my absolute support for this change of use to extend the school playing area, as I believe the benefits, significantly outweigh any negatives for our children and community.

Evidenced based public health literature, has for many years, identified the valuable benefits for young children and indeed adults, in accessing regular outdoor play related activities. This

can be further evidenced with current educational initiatives such as the 'daily mile' that encourages physical activity prior to learning and has been shown to improve concentration levels, enhance health and improve educational attainment. The green area would, provide a safe place to run and play, with minimal injuries of scuffed knees and bruises, that are a regular occurrence within my house-hold, especially with the recent profile of the FIFA World cup, whereby all little boys and girls, want to be 'Harry Kane'.

Public health research denotes how play, within an outdoor space, encourages social interaction for children, enhancing well-being, both physical and psychological. It also allows, the ability for quiet time, which we know is essential in creating resilience for young people to safeguard their mental health. As well as environmental benefits, there are sensory benefits too which compliments their learning and offers variable styles of teaching for staff, such as looking at nature and its seasonal traits.

However, more importantly, I must raise the voice of Llanbister children, of which it will impact. I have had a remarkable interest from the children, who regularly enquire, whenever they see me, at when their 'green space' is going to happen. A 6 year old, who seemed to be the regular 'goalie' said it would 'help save more goals as the tarmac was a little hard to fall on sometimes'.

With the United Nations Childrens Rights Charter, recently signed by the Council, as well as the Future Generations Act (2015), the voice of the child, should within this environment, be valued and recognised within any form of decision making that will affect them.

'The Unfrozen Moment – Delivering A Green Brexit' by the secretary of state Michael Gove (July 2017) sets the vision on the future of our natural environment. He recognises the 'commitment of young people' as well as 'an historic opportunity to review land use', but most importantly, he states, that we need to be 'encouraging imaginative and environmentally enriching alternatives'.

In view to this application, I can see no better 'environmentally enriching alternative' than the enhancement to children's lives within their learning and play. Indeed, how else will children learn the art of 'whistle with a blade of grass?'.

To conclude, I fully support this planning application in view to the proposed change of use.

Representations

A site notice was erected on the school fence adjacent to the site of the proposed site. The site notice was erected on the 06/07/2018 for the period of 21 days.

Following the display of a site notice eight representations of support were received and two representations of objection were received at the time of writing this report and are summarised as follows;

Support

- The chance of an additional green grass play area is essential for the Health and Well Being of the children, especially as the school numbers are predicted to be 60 by September 2019.
- Although the school now continues to thrive and grow, a green space is sadly lacking. Playtime is a very important part of the childrens' school day, a sports/playing field space is number 1 on their wishlist. Obviously children need as much space as possible to run around and a more natural "green" field environment would be great for their wellbeing.
- I know this additional play area will be a great new addition for the growing number of children who attend the school, allowing them green space for a play area, exercise and sporting activities - essential for both their health and wellbeing.
- While they have a nice tarmacked outdoor area, it is no substitute for a proper grass playing field for children to run around on during breaks and for use during exercise periods. The front garden at the school is also lovely and the teachers have put so much effort into enriching the area, but again it is too small for the school as it is and will only become more so with growing pupil numbers.
The children need and deserve to have a good sized grass area to fully benefit from outdoor learning opportunities, and to have the option of doing exercise classes on the grass rather than tarmac or in the village hall. A proper green space would also give the school the option to have sports day on the school site rather than having to bus all the children and resources out to a local farmers field. The children absolutely love sports day it would be so much easier for everyone if it could be held at the school site rather than in the middle of a field a good mile away from the school.
- The acquisition of the lease to use the field is potentially a great step forward in the schools provision, not only in health and well being, space to play , space for PE and games but also in the wider curriculum. Our outdoor learning provision will be enhanced through the study of different environments and habitats, forest school activities and opportunities to share the space with other groups in the community.
- In continuing to support the school and its progression as a local primary school a green space would provide a place for our children and their education to flourish. There will room to play on grass both recreationally and for sporting activities.
- The School will benefit greatly from the addition of a playing field, with the opportunity and range of outdoor play available increasing. I look forward to seeing our children enjoy the outdoor space.
- My children attend the school and long for some grass to play on, I think this will prove to be a very valuable space for the children. The school is going from strength to strength and this will only enhance that.

Objection

- The view from my garden would be severely impacted by the plans to erect a 1.8 Mt chain link fence across the whole field and within my field of vision. I have recently purchased this property and my overriding reason for doing so was the location and

the uninterrupted view from the garden. As such, I would not have gone ahead with the purchase had the proposed fence been in place when viewing it. The cynic in me could be forgiven for concluding that the proposed use as a school field is an attempt to ease the Change of Use application process, by initially converting the land from agricultural usage to a school playing field, making it more palatable to the local authority when applying for residential use in the future.

- One of the main reasons for buying this house were the views and seclusion. Obviously we knew of the school being 4-5 properties away and did not have an issue with that, but having a playing field with high fencing the other side of our hedge is something we were not expecting, especially in the future it progressed to maybe, public use, parties etc, or even a building. Upkeep would also be an issue, as the green land at the front of the school can be hit and miss, maintenance wise. If this should go ahead, there must be strict rules adhered to.

Planning History

No history

Principal Planning Constraints

Adjacent to right of way

Principal Planning Policies

National planning policy

Planning Policy Wales (9th edition, November 2016)

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

Technical Advice Note 12 – Design (2016)

Technical Advice Note 16 – Sport Recreation and Open Space (2009)

Technical Advice Note 18 - Transport (2007)

Local planning policies

SP5 – Settlement Hierarchy

SP6 – Distribution of Growth across the Settlement Hierarchy

DM1 – Planning Obligations

DM2 – The Natural Environment

DM10 – Contaminated and Unstable Land

DM11 – Protection of Existing Community Facilities and Services

DM13 – Design and Resources

T1 – Travel, Traffic and Transport Infrastructure

TD3 – Montgomery Canal and Associated Development

C1 – Community Facilities and Indoor Recreation Facilities

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
LDP=Powys Local Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

The existing school is located adjacent to the built area of Llanbister. Policy C1 confirms that development proposals for community or indoor recreation facilities will be permitted where;

1. Proposals are within or adjoining a settlement identified in the strategic settlement hierarchy;
2. No suitable facility exists nearby which could appropriately accommodate the proposed use; and
3. The appropriateness and feasibility of multi-use has been considered.

Consent is sought for the change of use of land to form an extension to an existing school to provide suitable additional facilities required for the needs of the school.

In light of the above it is therefore considered that the principle of the proposed development fundamentally complies with relevant planning policy.

Design and External Appearance

The proposed fencing will measure approximately 1.77 metres in height and will be constructed from green plastic coated weld mesh and posts. It is considered that the use of green fencing will help to assimilate the fencing into its surroundings to reduce its visual impact and therefore it is not considered to have an unacceptable impact on the character and appearance of the area.

Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as category 3b agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification of category 3b it is considered that the proposed development on this agricultural land is justified.

Highway Safety and Movement

LDP policies DM13 part 11 and T1 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The access will remain the same and no alterations are proposed to the parking provision. It is considered that the proposal will not increase vehicle movements in the area. The Highways Authority has been consulted and has raised no objection in relation to the proposal.

In light of the comments received it is considered that the proposal is in accordance with planning policy, particularly LDP policy DM13 part 11 T1 and Technical Advice Note 18: Transport.

Impact upon neighbour amenities

LDP Policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

Concerns have been raised from a neighbouring residential property regarding the loss of view from their property as a result of the proposed development. Unfortunately, loss of a view is not a material planning consideration and therefore little weight will be given to this aspect of the concerns raised. However further consideration has been given to the potential loss of light and impact on privacy to neighbouring residential properties.

It is considered that the proposed change of use of land will not unacceptably impact the neighbouring dwellings all of which back onto the proposed site. It is considered that there

are mature hedgerows located to the south and east of the site which will help to provide privacy to some of the neighbouring dwellings.

It is also further considered the fence as proposed would not have a detrimental impact upon the neighbouring residential properties as it would not be seen as having an unacceptable impact to light afforded to the neighbouring dwellings.

It is considered that the proposed extension would therefore not have an unacceptable impact affecting the amenities enjoyed by occupants of existing residential properties in accordance with LDP Policy DM13 and the Council's Residential Design Guide.

Contaminated Land

LDP policy DM10 states that development proposals on contaminated or unstable land will be permitted where they do not:

1. Result in any additional problems of ground instability or contamination either on or off site and shall remediate the contamination / instability.
2. Unacceptably adversely affect public health and safety, nature conservation, historic or archaeological interests.

The Contaminated Land Officer has commented as the proposal involves the conversion of agricultural land to a playing field. Agricultural land could contain potential sources of contamination depending on what they were used for in the past such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition. The Contaminated Land Officer has stated that records identify that the application site adjoins the location of a historic pollution incident (heating oil spill).

In light of the above the Contaminated Land Officer has requested the inclusion of appropriately worded conditions to ensure that in the event that the presence of unsuspected contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. The condition also states that an investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Another condition has been suggested to ensure the following completion of the remedial works identified in the approved remediation scheme, a verification report is to be submitted and agreed by the Local Planning Authority.

In light of the above and subject to the inclusion of the recommended conditions it is considered that the proposal is in accordance with planning policy, particularly LDP policy DM10.

RECOMMENDATION

It is considered that the proposal complies with planning policy. The recommendation is one of conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved (drawing no's: Option 4 (Block Plan), 2717/M01/001).
3. In the event that the presence of unsuspected contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

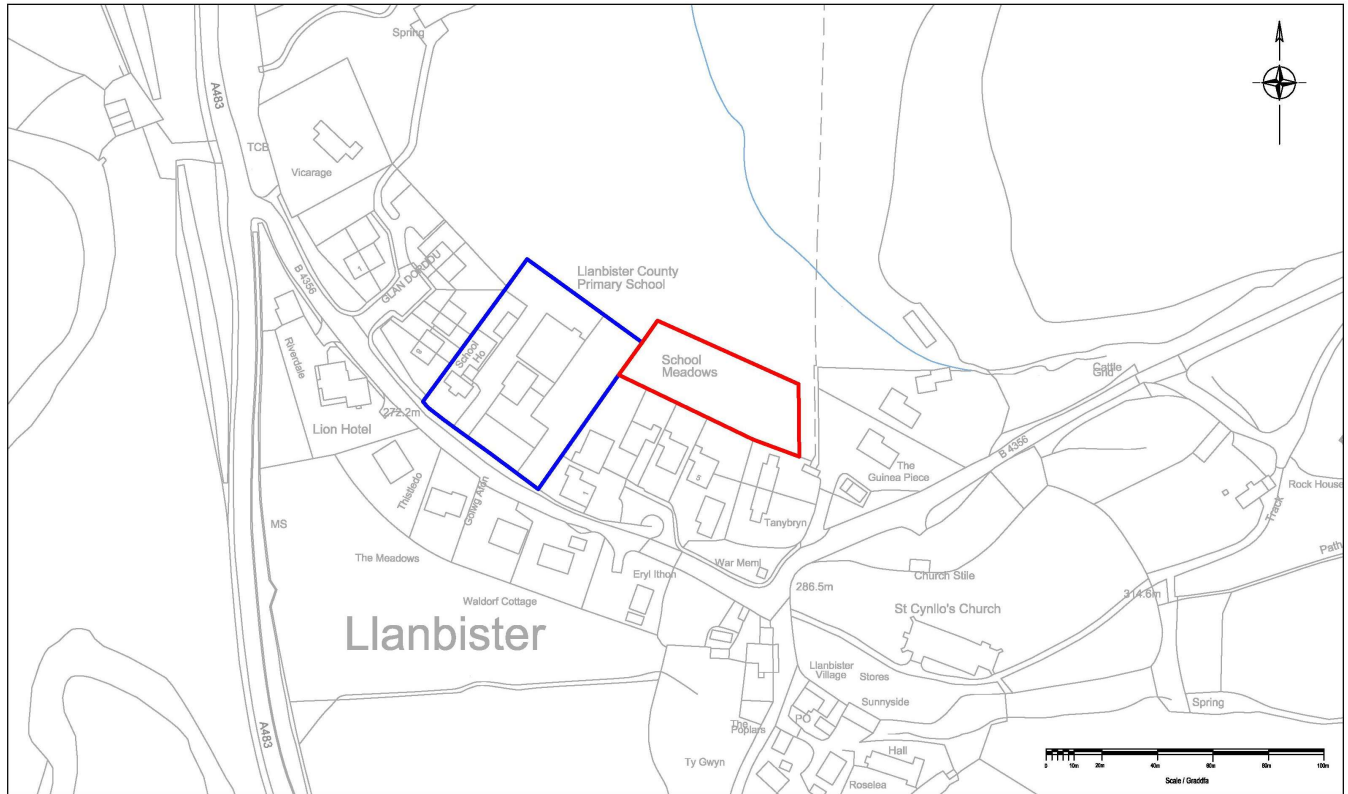
Reasons

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. 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 DM10 of the adopted Local Development Plan (2018).

Informative Notes

A Building regulations application may be required for this development, please contact Building Regulations on 01874 612290.

Case Officer: Sara Robinson- Planning Officer
Tel: 01597 827229 E-mail:sara.robinson@powys.gov.uk



<p>Engineering Design Services</p> <p>EDS West Manager : Steve Hollows shw@edesign.gov.uk 01545 572213</p> <p>EDS East Manager : Gareth Price gp@edesign.gov.uk 0845 607 6060</p> <p><small>EDS is a brand name for the Engineering Design Services project between Powys County Council and Gwent and Glamorgan County Council and all copyright in this drawing is held by the project partners.</small></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Amendments</th> </tr> <tr> <th>Rev</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Amendments		Rev	Date			<p>Project</p> <p>Llanbister County Primary School School Field Extension</p> <p>Drawing Title</p> <p>Location Plan</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>By</td> <td>DB</td> <td>Checked</td> <td> </td> </tr> <tr> <td>Date</td> <td>May 18</td> <td>Scale</td> <td>at A3</td> </tr> <tr> <td>Project Number</td> <td>H2717</td> <td>Drawing Number</td> <td>PL_01</td> </tr> </table> <p style="font-size: small;"> © Powys County Council 2018. All Rights Reserved. Engineering Design Services is a registered trademark of Engineering Design Services. All other trademarks are the property of their respective owners. </p>	By	DB	Checked		Date	May 18	Scale	at A3	Project Number	H2717	Drawing Number	PL_01
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4.6

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1453	Grid Ref:	308555.64, 278616.33
Community Council:	Llanbadarn	Valid Date:	Officer: 15/12/2017 Bryn Pryce
Applicant:	Mr James Powell, E A Powell & Sons, Dolygarn, Llanbadarn Fynydd, Llandrindod Wells Powys LD1 6YL		
Location:	Dolygarn, Llanbadarn Fynydd, Llandrindod Wells Powys LD1 6YL		
Proposal:	Full: Erection of an agricultural livestock building		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The applicant is married to a County Councillor.

Site Location and Description

This site is accessed via a private farm track off the U1301 unclassified highway. The site is located directly adjacent to an existing agricultural building on the main farm complex. The existing site is bound by an agricultural building to the east, hardstanding and access track to the south and agricultural land to the north and west.

This application seeks consent for the erection of an agricultural livestock building. The proposed building is to measure 60.9 metres in length, 15.2 metres in width, 5.5 metres in height to the eaves and 7.5 metres in height to the ridge. The building is to be of standard agricultural construction with concrete panel walls with gale breakers above and a roof clad in fibre cement sheeting in natural grey.

Consultee Response

Llanbadarn Fynydd CC

Correspondence received 25th Januray 2018

At the recent meeting of Llanbadarn Fynydd community council the councils were all in favour of the above proposal; important to help a local farming business go forward.

PCC Highways M

Correspondence received 4th January 2018

The County Council as Highway Authority for the County Unclassified Highway, U1301

Does not wish to comment on the application.

Wales & West Utilities

Correspondence received 9th January 2018

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Welsh Water

Correspondence received 29th December 2017

We have no comment to make regarding application reference P/2017/1453 as our assets will not be affected by the development.

Environmental Health

Correspondence received 10th January 2018

I have had a look at the details for the above application, I have noted there is a property (Dolafon) which is very close by which may be affected by noise and odour from the proposed development. Could the applicant / agent clarify the status of this property in relation to the farm please?

PCC Ecology

Correspondence received 7th February 2018

I have reviewed the proposed plans as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 21 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no non-statutory designated sites within 500m of the proposed development.

There are two statutory designated sites within 500m of the proposed development:

- River Ithon – SSSI
- River Wye – SAC

It appears from reviewing site photographs and OS maps that there is a 'ditch' located on the proposed development site. It is not clear from the information submitted the level of engineering operation that will be required to accommodate the proposed agricultural building. I recommend that before and after site level plans is submitted establish the extent of work required.

It is also not clear if the ditch at this location has been culverted – clarification of the exact location and routing of the 'ditch' will be required, as the identified 'ditch' on the proposed development site has potential to flow into the tributary of the River Wye SAC (River Ithon) which is located approximately 80m south of the proposed development.

Given the that the proposed development works will be impacting the existing ditch and the potential connection to the River Wye SAC it is considered that there is a potential for the proposed development to impact the River Wye SAC and that pollution from construction activities could result in a Significant Effect, it is therefore considered that to demonstrate that the proposed development would not result in a Likely Significant Effect the River Wye SAC and/or it's associated features a Pollution Prevention Plan will need to be identified to ensure no negative impact is caused during construction activities and during operation of the site – this information is required to be submitted prior to determination of the application and to enable a Habitats Regulations Screening to be undertaken.

Therefore it is considered that further information is required to enable the LPA to assess the potential impacts of the proposed development the River Wye SAC – A European Designated Site – in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). This information is required to be submitted prior to any further works of the development.

It is recommended that the identified Pollution Prevention Plan refers to guidance identified in to the Pollution Prevention Guidelines Series in particular PPG 6 - Working at construction and demolition sites and GPP 5 – Works and maintenance in or near water; these documents can be found at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

External Lighting:

Careful consideration will need to be given to any external lighting of the proposed development, the habitat surrounding the proposed development does have features suitable for mobile wildlife to forage and commute. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. A wildlife sensitive lighting plan could be secured through a planning condition, however as further information has been requested prior of determination of the application submission of these details at this stage would avoid the need for a pre-commencement condition requiring this information.

Landscaping:

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed

Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules.

A Landscaping Plan could be secured through a planning condition, however as further information has been requested prior of determination of the application submission of these details at this stage would avoid the need for a pre-commencement condition requiring this information.

Correspondence received 18th July 2018

Further to my previous response regarding planning application P/2017/1453 dated 7th February 2018. A Pollution Prevention Plan has been submitted to enable the LPA to assess the potential impacts of the proposed development to biodiversity, in particular with regards to the River Wye SAC.

The proposed development required diversion of a ditch/stream that runs to a tributary of the River Ithon as well as large excavation in order to site the agricultural building. The River Ithon is designated as part of the River Wye SAC - as such the potential for the proposed development to impact the River Wye SAC during the construction and operation phases of the development and likelihood to result in a Likely Significant Effect to the River Wye SAC and/or its associated features has been considered.

I have reviewed the submitted the pollution prevention plan dated (on planning portal) as 4th July 2018 –I consider the pollution prevention plan to be appropriate and acceptable. I do recommend that the pollution prevention plan is secured through an appropriately worded condition.

It has been clarified by yourself and the applicant via email (dated 12 July 2018) that the stream/ditch that is proposed to be diverted is *very seldom any water running only in times of heavy rainfall*. And that the proposed works will be *carried out in a dry time to eliminate any chance of pollution and reducing any impact of travelling, soil disruption/movement*.

Having reviewed the Method Statement and Pollution Prevention Plan submitted it has been determined that the proposed development would not result in a likely significant effect to the River Wye SAC and/or it's associated features – I have attached a copy of the Screening Assessment for your records.

Therefore further to my previous response dated 7th February 2018 should you be minded to approve the application I recommend inclusion of the following conditions:

The Method Statement and Pollution Prevention Plan for Planning Application P/2017/1453 dated 04 July 2017 (planning portal) shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external

lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policies DM2, DM7 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.

NRW

Correspondence received 22nd January 2018

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 28/12/2017.

We do not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed.

New Housing for Livestock

Under the Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulations 2010 (SSAFO) any slurry produced must be contained. This will include any liquid arising from solid manures and any liquid produced if feeding cattle on the hard standing as this is classified as slurry under the SSAFO Regulations.

If any arising slurry is being directed to an existing store the applicant must ensure there is sufficient capacity to allow for the required minimum 4 months' storage.

The SSAFO Regulations 2010 require all installations to be constructed to set standards with a durability life of at least 20 years. Installations for storing and/or making slurry and silage must not be constructed within 10 metres of any inland freshwater or coastal water.

Further information on the requirements of the SSAFO Regulations is contained within Welsh Government's SSAFO Guidance Notes for Farmers. This can be viewed at <http://wales.gov.uk/topics/environmentcountryside/farmingandcountryside/farmcountrypublicationindex/ssafowalesregs2010/?lang=en>

We would advise the applicant that Natural Resources Wales must be notified in writing at least 14 days before bringing any new or substantially altered or enlarged silage or slurry store into use. It is a legal requirement to submit this information prior to using the new structure. A form (WQE3) is available from our website at: <http://www.naturalresources.wales/farming/good-farming-practice/?lang=en> (please scroll to the bottom of the page)

Representations

A public site notice was erected at the site on 11th January 2018. No third party representations have been received by Development Management at the time of writing this report.

Planning History

AGRI/2011/0101 – Erection of agricultural building to house livestock. Permitted Development

AGRI/2017/0101- Erection of livestock building. Permitted Development

Principal Planning Policies

National Policies

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note (TAN) 5: Nature, Conservation and planning (2009)

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

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 18: Transport (2017)

Technical Advice Note (TAN) 23: Economic Development (2014)

Local Policies

Powys County Council Local Development Plan 2018

SP7 – Safeguarding of Strategic Resources and Assets

DM2 – Natural Environment

DM4 – Landscape

DM7 – Dark Skies and External Lighting

DM13 – Design and Resources

T1 – Travel, Traffic and Transport Infrastructure

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
LDP=Powys Local Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

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

Policy DM13 of the Powys Local Development Plan seeks to ensure that development is designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detail. Developments should not have an unacceptable detrimental impact upon the amenities enjoyed by the occupants or users of nearby properties by means of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

The proposed agricultural building is to measure 60.9 metres in length, 15.2 metres in width, 5.5 metres in height to the eaves and 7.5 metres in height to the ridge. The building is to be of standard agricultural construction with concrete panel walls with gale breakers above and a roof clad in fibre cement sheeting in natural grey. The proposed building is to be sited directly adjacent to an existing agricultural building and is considered to be an acceptable location for the development. The proposed building is considered to be of an acceptable design, scale, height, massing and materials that are considered to complement and enhance the character and appearance of the surrounding buildings and of the local area.

As part of this application process Environmental Health Officers have been consulted who initially raised concerns over the proximity of the proposed livestock building to the dwelling known as 'Dolafon' to the north east of the site. The applicant has confirmed that this dwelling is within the ownership of the rural enterprise and is restricted as an agricultural workers dwelling. Officers do not have concerns over potential impacts upon third party neighbouring properties as a result of the proposal.

In light of the above observations and notwithstanding the scale of the proposed development, it is considered that the proposed agricultural building is in accordance with planning policy. Officers consider that the proposed agricultural building is in accordance with policies SP7, DM2, DM4, DM7 and DM13 of the Powys Local Development Plan.

Highways Safety and Movement

Policy T1 of the Powys Local Development Plan 2018 states that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

As part of this application process the highways authority have been consulted and they did not wish to comment on the application. Officers consider that the proposed development will not result in a significant increase in the volume of traffic entering and leaving the site and the proposed development would not have an unacceptable impact upon highways safety

In light of the highways officer's comments, officers consider that the proposed development is in accordance with planning policy, particularly policy T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales.

Landscape Impact

Guidance within policy DM4 of the Powys Local Development Plan, indicate that development proposals will only be permitted where they would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings. Policy DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas.

The proposed site is located within the valley slopes, west Ithon aspect area which is characterised as a single area that is an important component of attractive views from busy A483 in valley. Moderately sloping valley sides & shoulders forming a transition zone between upland moor & hills and valley floor, with a mixture of semi-natural rough grassland, wetland, improved & traditional pastures, scattered scrub, woodland & trees, and some craggy parts. LANDMAP recognises its scenic quality as High with its rarity being moderate. Its overall visual and sensory evaluation is considered to be moderate.

The proposed building is sited directly adjacent to existing farm buildings on the main farm complex and will be well screened from the wider landscape by the existing buildings and topography of the land to the west. The proposed building is designed so as to complement and enhance the character and appearance of the existing buildings and of the surrounding area whilst not having an unacceptable adverse impact upon the wider landscape. Officers consider that the proposed siting and scale of the agricultural building will not have an unacceptable adverse impact upon the wider landscape.

In light of the above observations and notwithstanding the scale of the proposed development, it is considered that the proposed development is in accordance with planning policy. Officers consider that the agricultural building is in accordance with policies SP7, DM2, DM4, DM7 and DM13 of the Powys Local Development Plan.

Lighting

Policy DM7 of the Powys Local Development Plan seeks to ensure that development proposals that include lighting as part of the scheme do not have an unacceptable level of light pollution in the countryside, adverse effect upon the visibility of the night sky, nuisance or hazard to highway users or an unacceptable disturbance to protected species.

As part of this application process the ecologist has been consulted and has suggested that a lighting condition to secure a lighting scheme for any external lighting to be installed be secured via condition. Officers consider that the suggested condition is reasonable and will be included on any grant of consent.

In light of the above, it is considered that it is appropriate to include the suggested condition upon any grant of consent to secure further details of any lighting to be installed. Officers are satisfied that the proposed development complies with policy DM7 of the Powys Local Development Plan.

Ecology and Biodiversity

Policy DM2 of the Powys Local Development Plan seeks to maintain biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, habitat of species including locally important site designations.

As part of this application process the county ecologist was consulted. Initially further details were sought in respect of a pollution prevention plan and also details of how the existing culvert and ditch were to be diverted as part of this proposal. The additional information has been supplied and the ecologist has raised no objections to the proposed development subject to conditions securing the implementation of the pollution prevention plan and a lighting condition to secure details of any proposed external lighting. NRW have been consulted on the proposal and have raised no objections to the scheme.

Due to the proximity of the proposed development to the River Wye SAC a habitats regulations assessment has been carried out for the proposal by our ecologist. The assessment concludes that there is not likely to be any significant effects on the SAC as a result of the proposed development.

In light of the above and subject to the imposition of conditions suggested by the County Ecologist, it is considered that the proposed development is in accordance with policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

RECOMMENDATION

The recommendation is one of conditional consent subject to the conditions as set out below.

Conditions:

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as received on 11th December 2017 (drawing no's: JP/02, EAP/03) plans received 20th March 2018 (drawing no's: JP/04, JP/05) and amended plans received 8th May 2018 (drawing no's: EAP/01).
3. The Method Statement and Pollution Prevention Plan for Planning Application P/2017/1453 dated 04 July 2017 (planning portal) shall be adhered to and implemented in full.
4. 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.

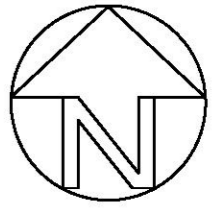
Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To comply with Powys County Council's LDP Policies DM2 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.
4. To comply with Powys County Council's LDP Policies DM2, DM7 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.

Case Officer: Bryn Pryce- Planning Officer
Tel: 01597 82 7126 E-mail: bryn.pryce@powys.gov.uk

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SCHEDULE OF WORKS



Page 111

CLIENT
 E A Powell & Sons
 Dolygarn
 Llanbandam Fynydd
 Llandrindod Wells
 LD1 6YL

JOB TITLE
 Proposed Livestock Shed

DWG. TITLE
 Location Plan

SCALE
 1=1250

DRN
 SH

DWG. NUMBER
 EAP/01

DATE
 May 17

REV
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4.7

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1274	Grid Ref:	310254.79 291198.41
Community Council:	Newtown	Valid Date:	Officer: 01/12/2017 Dunya Fourie
Applicant:	Mr Lee Davies, Going Green For A Living Community Trust Ltd, The Cross, Broad Street, Newtown, Powys, SY16 2BB.		
Location:	Sites A, B & C Nr. Riverside & Nr. Latham Park, Newtown, Powys.		
Proposal:	Full: Proposed Green Infrastructure Project to include Site A - Change of use of land to form a play park / amenity area and erection of play equipment; Site B - Construction of a BMX pump track; Site C - Erection of hub building & formation of storage compound, formation of car park, new entrance and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The three sites are on land owned by Powys County Council

Site Location and Description

This application concerns 3 sites in Newtown, the sites include a parcel of land on Trehafren Hill to the east of the football grounds (marked A on the site plan), another area is on the banks of the River Severn to the south of the football ground and car park (marked B on the site plan) and the third area is again on the banks of the Severn adjacent to Severn public carpark and the existing formal play area (marked C on the site plan).

This application seeks consent for works in connection with a community green infrastructure project; Going Green. There are a number of pending applications for different types of recreational facilities within Newtown. This application seeks consent for the following development:

- Erection of a hub building, storage and parking facility (site A), construction includes insulated cladding and roof panels with powder coated windows and doors. The dimensions of the building would extend to 29.7m in length x 14m in width and 8.4m in height. The building accommodation would be set over two floors and set into the existing topography. Hard standing is to be provided for up to 50 cars. Access to the site is via Trefafren road.
- Bike pump track (B); Landscaping an area of ground to provide a bicycle pump track. The track would be created by changing the landscape profile round the track to make berms, rollers, table tops and double bumps. The maximum height of a roller would be 5m.
- Riverside play area (C); redevelopment of the existing play area, including erection of new fencing, new benches, landscaping to accommodate riverside terraces, new benches and installation of new play equipment. Play equipment includes climber pyramid with integrated steel slide (7.4m in height), inclusive roundabout, nest swing (1.7m in height), timber jungle

bridge (3.2m x 1.2m), timber walk and stretch, timber stepping posts, balance beams, balance weave, log stack climber, robina pole castle.

Consultee Response

Newtown Town Council

Letter of the 9th January 2018

The town council supports this application

Highways Authority

Letter of the 10th April 2018

The County Council as Highway Authority for the County Unclassified Highway, U4231

Wish the following recommendations/Observations be applied
Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for a footway along the U4231 and associated works, and cross sections through the highway verge/bank along the easterly visibility splay shall be submitted to and approved in writing by the Local Planning Authority.

Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC1 Prior to the first beneficial use of the development any entrance gates shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC4 Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each

direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 50 cars and one heavy goods vehicle together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, constructed as Condition 7 above, shall be not less than 5.5 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC13 Prior to the first beneficial use of the development a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

HC21 Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC32 No surface water drainage from the site shall be allowed to discharge onto the county highway.

Letter of the 11th January 2018

The County Council as Highway Authority for the County Unclassified Highway, U4231

Wish the following recommendations/Observations be applied

Recommendations/Observations

This application should be deferred.

Reasons for Deferral

A full application such as this should include full highway access details.

The visibility splay for the car park access is drawn incorrectly and does not include pertinent detail such as gradient[s], width, and means of draining the access.

No blue line plan has been submitted, therefore, we are unsure if the proposed visibility splay is within land in the control of the applicant.

Drawing number SO61.1.1.11 Rev A shows that the embankment to the west of the proposed access is to be “cut back”, yet no cross sections of the proposed cut have been submitted for consideration. The same drawing shows that an access track for the Severn Trent, yet no other detail is included.

The proposed radius of “5 metre” is considered to be too tight due to the vehicles sizes which are to use the proposed access. Furthermore the access road in its proposed location will undermine the root system of the existing tree.

There is no footway link to the site currently, as such, the applicant should submit a revised plan showing a footway link to tie into the existing footway/footpath in each direction.

The applicant has failed to submit any detail in relation to the proposed movements from the car park and Hub Building, nor a breakdown of the vehicle sizes.

Should the applicant submit revised reflecting the above comments, we shall comment further.

To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

Wales & West Utilities

E mail of the 19th December 2018

Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it.

They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

Severn Trent Water

E mail of the 22nd December 2018

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, <https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> select "Water and / or Sewer map request form" fill out the relevant details and fee payment and return to:

Environmental Health

E mail of the 5th January 2018

Environmental Protection has no objection to the application.

Contaminated Land Officer

E mail of the 14th January 2018

In relation to Planning Application P/2017/1274, there would be no requirements in relation to land contamination.

Powys Ecologist

E mail of the 5th January 2018

Thank you for consulting me with regards to planning application P/2017/1274 a full planning application for proposed Green Infrastructure Project to include Site A - Change of use of land to form a play park / amenity area and erection of play equipment; Site B - Construction of a BMX pump track; Site C - Erection of hub building & formation of storage compound,

formation of car park, new entrance and all associated works at sites A, B & C Nr. Riverside & Nr. Latham Park, Newtown.

I have reviewed the proposed location plans, aerial images as well as local records of protected and priority species and designated sites within 1km of the proposed development. The data search identified 879 records of protected and priority species within 1km of the proposed development including records of bats, reptiles and otter - no records were for the site itself.

There are no statutory or non-statutory designated sites within 1km of the proposed development.

Site A – Regarding the Felling of an existing Oak Tree

Bat species have been recorded in close proximity to the proposed development site. Bats may be potentially utilising the area to roost or for foraging and commuting purposes.

Bat tree-roosts are extremely difficult to identify, and it should be assumed that any mature native-species tree is an actual roost.

Bats utilise tree features such as trunk hollows, knot holes, splits/cracks and also roosting behind dense ivy. It appears that a number of the sycamore trees within the proposed development site are covered in ivy.

All British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the *Conservation of Habitats and Species Regulations 2010*.

Regulation 9(5) of the 2010 Regulations requires all local planning authorities, in the exercise of all their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.

Under Regulation 41 of the 2010 Regulations it is an offence to:

(1) deliberately capture, injure or kill any wild animal of a European protected species;
(2) deliberately disturb animals of any such species. Disturbance of animals includes in particular any disturbance which is likely—

(a) to impair their ability—

(i) to survive, to breed or reproduce, or to rear or nurture their young; or

(ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or

(b) to affect significantly the local distribution or abundance of the species to which they belong

(3) deliberately take or destroy the eggs of such an animal; or

(4) damage or destroy a breeding site or resting place of such an animal (including sites that are currently unoccupied).

Furthermore that all British bats are protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended). This legislation makes it an offence to intentionally to kill, injure, take from the wild, possess or trade in any species of British Bat, as well as

intentionally or recklessly damage, destroy or obstruct access to any structure or place which bats use for shelter or protection. It is also an offence to disturb a bat/ bats whilst they are using such a place.

There are no available photographs or images of the site or the existing oak tree.

Therefore, further information to enable assessment of the tree for its bat roost potential and the potential for any impacts is required, this could take the form of:

- A preliminary bat assessment by a suitably qualified and experienced ecologist

OR

- Up to date pictures of the existing tree to demonstrate if it has potential to support roosting bats

I have attached a guidance document which provides information regarding roosting bats and features which are used for roosting purposes to help the applicant determine whether or not a bat assessment may be necessary.

If a preliminary bat roost assessment is undertaken and identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required.

Bat activity surveys will need to be undertaken in accordance with Powys County Council's planning application guidance note (Powys Bat Survey Guidance 2009) and the Bat Conservation Trust's Bat Surveys for Professional Ecologists – Good Practice Guidelines 3rd Edition, 2016. Therefore, the survey should be undertaken by suitably licensed and qualified ecologists and comprise a thorough internal and external inspection and three activity surveys; two dusk surveys and a dawn survey during the recognised activity season May – September, the surveys should be spread throughout the activity season (as far as reasonably possible to do so) to allow a broad picture of any bat roost use of the site to be developed. Where deviations from the standard guidelines are considered to be necessary, full justifications for the methods used will be required.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

If bats are found to be using the building for roosting purposes and there is potential for the roost to be destroyed or disturbed i.e. an offence is likely to be committed a European protected species licence would be required to allow the works to proceed, as part of the planning process the Local Planning Authority must establish whether the three tests as defined by the Conservation of Habitats and Species Regulations 2010 (as amended) have been met prior to determining the application. If the Wildlife Licensing Unit at Natural Resources Wales (NRW) is also happy that these Tests have been satisfied, then an EPS development licence can be granted.

The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public 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".
2. That there is "no satisfactory alternative"

3. That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”

In order to address the 3rd test appropriate mitigation would need to be identified. The proposed mitigation will need to be located in a suitable location and appropriate to the species identified. Mitigation details need to be clearly illustrated on the architectural plans and must provide sufficient detail to enable them to be subject to a planning condition/s106 agreement.

Details of ecological consultants working in Powys can be found at <http://www.cieem.net/members-directory> (please note this is not a Powys County Council approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

Pollution Prevention Plan

I note from reviewing aerial images of the proposed development sites the river Severn is in close proximity to the North of all the sites. Given the proximity of proposed development to the watercourse present and the nature of the proposed works it is considered that a pollution prevention plan will need to be identified to ensure no negative impact is caused during construction activities and during operation of the site. I therefore recommend that a Pollution Prevention Plan is secured through a planning condition. However as further information has been requested the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

It is recommended that reference is made to Pollution Prevention Guidelines Series in particular PPG 6 - Working at construction and demolition sites and GPP 5 – Works and maintenance in or near water; these documents can be found at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Tree and Hedgerow Replacement

From the submitted information it is unclear if trees or hedgerow will be impacted by the proposed development (except for the felling of one oak tree on site A). The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows’

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a “habitat of principal importance for the purposes of conserving biodiversity” as identified in on

Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows are identified an appropriate compensation strategy will be required, where possible translocation of the existing hedgerow should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified.

Where it is necessary to remove any trees or hedgerows a Tree and Hedgerow Replacement. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area. A tree and hedgerow replacement plan could be secured through a planning condition, however the provisions of details submitted with a planning application would avoid the need for a pre-commencement condition requiring this information.

Tree Protection Plan

Given the proximity of development and works to the surrounding trees on the proposed development sites, it is considered prudent to require information from the applicant as to how these features biodiversity importance for wildlife will be protected during the construction period of works. A tree protection plan could be secured through a planning condition, however the provisions of details submitted with a planning application would avoid the need for a pre-commencement condition requiring this information.

Tree Protection Plan in accordance with BS:5837:2012

Landscaping Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. A Landscaping Plan could be secured through a planning condition, however as further information has been requested the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

Lighting

Careful consideration will need to be given to any external lighting of the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area or woodland. This information could be secured through a planning condition, however the submission of a Wildlife Sensitive Lighting Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

Biodiversity Enhancements

As further information has been requested it is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development - In accordance with Part 1 Section 6 of the

Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process.

These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable.

Natural Resources Wales

Letter of the 15th January 2018

We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirements are met and you attach the conditions to the planning permission.

We also include informative comments (end of letter) made by our Recreation Access and Partnership officer, as this project has developed in consultation with NRW over time. These comments are purely informative and do not form part of the official response, they just aim to provide background information on this project and a justification for any of the concerns raised.

Summary of Requirements and Conditions

Requirement 1 – Flood risk: The submission of additional construction details for the proposed amphitheatre and canoe access point to establish the acceptability of the proposal and Flood Risk Activity Permits requirements.

Condition 2 – biosecurity: the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA

Condition 3 – PPP: The submission and implementation of a Waste Management Plan and a Pollution Prevention Plan for all operations likely to have an impact on the water quality of the river Severn.

Flood Risk

The application sites B and C lies within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the

site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Severn.

We have no concerns with the proposed car park and Hub building at site A as this falls outside the floodplain.

The BMX track at site B is close to the river bank. From a flood risk perspective, as the track will include engineered raised sections of ground, to avoid impact on or by out of bank flood flows, the preference is for the facility to be sited further from the top of bank, which would also ensure a suitable watercourse green corridor is maintained. This approach would be in line with pre-application conversation NRW had with the applicant.

As the proposal is in the recognised floodplain, material should be sourced from within the floodplain, where possible, to ensure there is no detriment to floodplain storage. Any net loss of floodplain storage should be kept to a minimum.

We note that some of the proposed work for the Play Park, site C, involves the construction of an amphitheatre very close of the river bank and a canoe access / egress point. There are no detailed plans for these two aspects of the proposal and therefore the information available to date is considered inadequate.

Further detail on the precise location, sectional design, construction techniques and a justification for requirement is needed at this stage in order to agree the detailed principle. If this is cannot be provided at this stage then detailed, chargeable Flood Risk Activity Permits will be required.

Requirement 1 – Flood risk: The submission of additional construction details for the proposed amphitheatre and canoe access point to establish the acceptability of the proposal and Flood Risk Activity Permits requirements.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non native species (INNS) and diseases. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include

- (i) appropriate measures to control any INNS on site, if present; and
- (ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

Condition 2 – biosecurity: the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA

Protected Species

NRW has not considered European Protected Species (EPS) because the application does not appear to include an EPS report. Please consult NRW again if an EPS report identifies the presence of EPS.

We have records of bat, otter and water vole using the river corridor in this area and we note the proposed works will involve changes to the river bank and its vegetation as well as conversion of a building to cafe. Should you decide an ecological appraisal is not required, we advise that a Reasonable Avoidance Measures scheme (RAMS) for the species listed above should be secured via appropriate conditions.

Pollution Prevention

Due to the proximity of some of the proposed works to the river, NRW is concerned that the proposal has the potential to lead to suspended solids entering the River Severn.

A Pollution Prevention Plan will be required together with a Waste Management Plan to demonstrate there will be no impact on water quality.

All works proposed along the river bank must be carried out in accordance with GPP5 'Works in, near or over watercourses' which is available at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

No material should be deposited within 10m of the river without discussion with Natural Resources Wales.

Any waste material stored, used or disposed of must be done so in accordance with the Duty of Care Regulations and may require a permit or exemption under the Environmental Permitting Regulations 2010.

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 www.naturalresourceswales.gov.uk www.cyfoethnaturiolcymru.gov.uk 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

Letter of the 20th December 2018

I refer to your consultation of 13/12/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A489 trunk road does not issue a direction in respect of this application.

Sports Council for Wales

E mail of 5th January 2018

Thank you for your email providing notification of the above application. Sport Wales is the statutory consultee on planning applications affecting playing fields and it is noted that the proposed construction of the BMW pump track at site B encroaches onto a playing field including what appears to be a football pitch.

Sport Wales applauds the efforts of the 'Going Green for a Living' project to enhance the green spaces of Newtown and while Sport Wales does not object to the proposed BMX pump track as it will still be an outdoor recreation facility that will no doubt prove attractive to many encouraging physical activity, Sport Wales would be grateful to know what consideration has been given to the impact it will have on other activities most obviously football? It is noted there are several other pitches running along the river corridor and elsewhere in the town, are these sufficient to cater for demand?

CADW

Letter of 21st December 2018

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument MG160 Newtown Hall Castle Mound. 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 when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the 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 three proposed projects are located inside 500m of scheduled monument MG160 Newtown Hall Castle Mound but intervening buildings and vegetation will block or heavily screen all views between them and the scheduled monument. Consequently the proposed development will cause no damage to the setting of scheduled monument MG160.

Public Response

A site notice was erected at each of the three sites, no decision was made for a continuous period of 21 days from the date of the site notice. No third party responses have been received.

Planning History

No relevant planning history

Principal Planning Policies

National Planning Policies

Planning Policy Wales (9th Edition, November 2016)
Technical Advice Note 5-Nature Conservation and Planning (2009)
Technical Advice Note 12-Design (2016)
Technical Advice Note 15-Development and Flood Risk (2004)
Technical Advice Note 16-Sport, Recreation and Open Space (2009)
Technical Advice Note 18-Transport
Technical Advice Note 24-The Historic Environment (2017)

Local Planning Policies

Local Development Plan for Powys (April 2018)

SP7-Safeguarding Strategic Resources and Assets
DM2-The Natural Environment

DM4-Landscape
DM5-Development and Flood Risk
DM6-Flood Prevention Measures and Land Drainage
DM11-Protection of Existing Community Facilities and Services
DM13-Design and Resources
T1-Travel Traffic and Transport Infrastructure

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note LDP=Powys Local Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Other Legislative Considerations

Crime and Disorder Act 1998
Equality Act 2010
Planning (Wales) Act 2015 (Welsh language)
Wellbeing of Future Generations (Wales) Act 2015

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

Policy DM3 concerns development proposals within public open space, the proposed development is either wholly or partially within public open space and as such this policy is relevant.

While this development proposes recreational facilities they would affect areas considered to be open space and as such the criteria set out under policy DM3 needs to be considered. The policy includes a set of criteria that seeks to ensure public space is only lost where there is adequate reuse and alternative uses for the space have been explored.

While this development would result in limited loss of open space, development of the sites through this proposal would result in formalising the use of areas of open space. Sites B and C are within the River Severn green corridor which runs through the middle of Newtown, these sites comprise a very small portion of this band of open space, as such the alternative uses of these sites would still allow plenty of open space to remain. Site A would occupy a small detached piece of open space which appears to be unmaintained, the size of the site is small in comparison to the areas of open space along the green corridor and these areas of open space are in easy walking distance.

The scale of the three sites in relation to the overall area of open space to be retained in Newtown and the proposed alternative uses are in keeping with the policy criteria set out under DM3 and as such the proposed formalised play areas are considered acceptable in principle.

Flood Risk

Sites B is located within the River Severn C2 floodzone and site C is located partially within the river Severn C2 floodzone, as defined by the TAN15 Development Advice Flood Maps (DAMs). Site A is outside of the floodzone and NRW confirm they have no concerns regarding development of this site in relation to flooding.

Development on site B involves the re-profiling of a small area of land and planting trees to form the bike track. The works are on an area of existing recreational land and do not involved the construction of any hard standing area. The site shall remain free draining and the profiled bike track has been moved away from the river bank, in accordance with NRW comments.

Development on site C is partially with the C2 floodzone, the area is currently used as informal amenity space, the proposed works would involve the erection of play infrastructure and the ground surface would remain amenity grass. There would be small areas of bound rubber mulch safety surfacing around some of the play equipment, two of these areas would be within the flood zone.

The amended plans submitted on the 16th July 2018 confirm the removal of the amphitheatre and canoe access which were originally sited on the riverbank and the re-sting of the BMX/pump track further away from the bank in line with NRW comments. The use of the land would remain as existing; for recreational use, which is not classed as highly vulnerable to flooding. The area of semi hard standing is very small in relation the surrounding area of free draining land.

Based on the above, it is concluded the scheme would not increase surface water run off to cause flooding elsewhere and the scheme would not increase vulnerability to flooding above that which already exists. The proposed development is therefore considered to be in accordance with policies DM5 and DM6 of the Powys LDP, Technical Advice Note 15 and Planning Policy Wales.

Landscape and Visual impact

The character of the surrounding landscape is a mixture of urban and riverine, the two structures which are of a height which could be viewable in the surrounding area are the Hub building on site A and the climber pyramid on site B. Policy DM4 seeks to protect valued landscape characteristics and qualities from development which would have an unacceptable adverse effect.

The site is outside of any protected or registered landscapes and as detailed under the Historic section of this report, the development would not have an unacceptable adverse impact on the nearby SAM. The height of the hub and pyramid are in proportion with other structures, including dwellings close to site A, and the structures do not occupy on exposed or elevated sites within the landscape. As such it is concluded the proposed development would not have an unacceptable adverse impact on valued landscape characteristics and qualities and would be easily integrated into the existing built landscape of Newtown.

Ecological impact

It is important to be mindful of how a development proposal would impact directly and indirectly on biodiversity and in particular those species identified as being at risk under the Habitat Regulations (HR). In accordance with the HR, policy DM2 seeks to protect biodiversity from development which would have an unacceptable impact on the favourable conservation status of protected species.

The County Ecologist raised concern regarding the loss of an oak tree on site A and its potential to have an impact on bat populations identified in the area. The planning agent confirmed in writing of the 11th January the oak tree on the site, located at the entrance to the proposed car park facility, is to be retained and the site layout plan details a 'no dig solution' to the road surface close to the tree at the entrance to the site, this measure is to protect the root system of the tree. The agent also confirmed the scheme would not result in the loss of any trees or hedges across the three sites and new tree plant is proposed on site B and C as shown on the approved plans.

In light of the confirmation of development received, and in absence of any other concerns raised by the Ecologist in their response, no further information has been requested and it is concluded the development of the sites would not have a detrimental impact on the favourable conservation status of protected species.

Impact on highway infrastructure

In accordance with policy T1 all development proposals are assessed in relation to their potential to generate traffic. Suitable parking provision and a safe means of access are key to determining whether or not development would be acceptable in terms of highway safety.

The proposed development at sites B and C would have little to no impact on the existing highway infrastructure. Both sites are in close proximity of the existing large public Dolerw car park and are well linked to foot and bicycle access routes.

Development of site A would generate traffic to the site in connection with the facilities the Hub building provides and the proposal includes provision of a new parking facility associated with the use of the site. The nearby highway infrastructure includes a single width traffic controlled section of road with a mixture of existing uses surrounding the site, including a football pitch, library, school and dwellings.

Following the Highway Authority's initial response on the 11th January, additional information was provided and on site discussions took place between with the Highway Authority and the planning agent, the initial concerns, including provision of a footway link along the U4231 and confirmation of suitable visibility at the entrance to the site were resolved. An updated response was received from the Highway Authority on the 10th April which raises no objection to the scheme provided the recommended conditions form part of any forthcoming consent. In light of the above and subject to the recommended conditions, it is not considered that the proposed would unacceptably affect highway safety or movement, compliant with the relevant planning policies.

Impact on the historic environment

Historic assets are a finite resource and as such in accordance with policy SP7 and TAN24, development proposals need to be carefully assessed in terms of the impact on these strategic assets.

Sites B and C are in proximity to Newtown Hall Castle Mound (MG160) and as such the visual impact of the proposals on the mound need to be carefully assessed. The intervening buildings and vegetation between the development sites and the Mound ensure the setting of the Mound would not be compromised through the proposed development. CADW confirm in their response of the 21st December the development would cause no damage to the scheduled ancient monument.

On the basis of the above and comments received, Officers consider the proposal to be in accordance with policy SP7 of the Powys LDP, Technical Advice Note 24 and Planning Policy Wales.

Impact on residential amenity

Site A is adjacent to dwellings on the Trehafren residential development, the amenity of the residents needs to be considered in terms of whether their amenity would be reduced through disturbance from the use of the proposed site. Access to the site would utilise the existing road network and new parking facilities are being provided on site in association with the use of the Hub building. The Hub building would include 3 rooms which it is proposed would be used for conferences and as a training facility. There would also be an equipment storage facility.

It is anticipated the use of the building and associated traffic generation would not reduce the amenity currently enjoyed by dwellings on the adjacent side of the road to the site entrance and as such the development is considered in accordance with policy DM13.

RECOMMENDATION

Having carefully considered the proposed development, Officers consider the proposal to be in accordance with planning policy and therefore, the recommendation is one of approval subject to the conditions detailed below.

Conditions:

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans as approved. The plan references include updated riverside play park plan (2940-012 rev A), updated pump track plan (2940-021 rev A), proposed hub site plan (option 3 dated 31.07.17), location plan (S061.1.0.01 dated 29.06.17)
3. Prior to the first beneficial use of the development any entrance gates shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
4. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the

access and shall be retained at this gradient for as long as the development remains in existence.

5. The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

6. Prior to the commencement of any other development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

7. Prior to the commencement of any other development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

8. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 50 cars and one heavy goods vehicle together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

9. Prior to the commencement of any other development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

10. The width of the access carriageway, constructed as Condition 7 above, shall be not less than 5.5 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

11. Prior to the first beneficial use of the development a radius of 10.5 metres shall be provided from the carriageway of the county highway on each side of the access to the development site and shall be maintained for as long as the development remains in existence.

12. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

13. Upon formation of the visibility splays as detailed in condition 6 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

14. No surface water drainage from the site shall be allowed to discharge onto the county highway.

15. Prior to the erection of any external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved scheme.

16. Prior to commencement of development of sites b and c, as shown on the approved location plan, a biosecurity risk assessment shall be submitted to and approved in writing by the local planning authority. The risk assessment shall include:

(i) appropriate measures to control any INNS on site, if present; and
(ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme. Thereafter, the development shall be undertaken strictly in accordance with the biosecurity risk assessment as approved.

17. Prior to the commencement of development on sites B and C as shown on the approved location plan, a scheme detailing reasonable avoidance measures for otters, water vole and bats shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the reasonable avoidance measures as approved.

18. Prior to the commencement of development on sites B and C as shown on the approved location plan, a pollution prevention plan shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken strictly in accordance with the pollution prevention plan as approved.

19. Prior to the commencement of development on sites B and C as shown on the approved location plan, a waste management plan shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken strictly in accordance with the waste management plan as approved.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and to accord with Local Development Plan policies DM13 and T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
4. In the interests of highway safety and to accord with Local Development Plan policies DM13 and T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
5. In the interests of highway safety and to accord with Local Development Plan policies DM13 and T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
6. In the interests of highway safety and to accord with Local Development Plan policies DM13 and T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
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14. In the interests of highway safety and to accord with Local Development Plan policies DM13 and T1 (2018), Planning Policy Wales (2016) and Technical Advice Note 18-Transport (2007)
15. In the interests of ecology and to accord with local authority plan policies DM2 and DM13 (2018) and Planning Policy Wales (2016) and Technical Advice Note 5 (2009)
16. In the interests of ecology and to accord with local authority plan policies DM2 and DM13 (2018) and Planning Policy Wales (2016) and Technical Advice Note 5 (2009)
17. In the interests of ecology and to accord with local authority plan policies DM2 and DM13 (2018) and Planning Policy Wales (2016) and Technical Advice Note 5 (2009)
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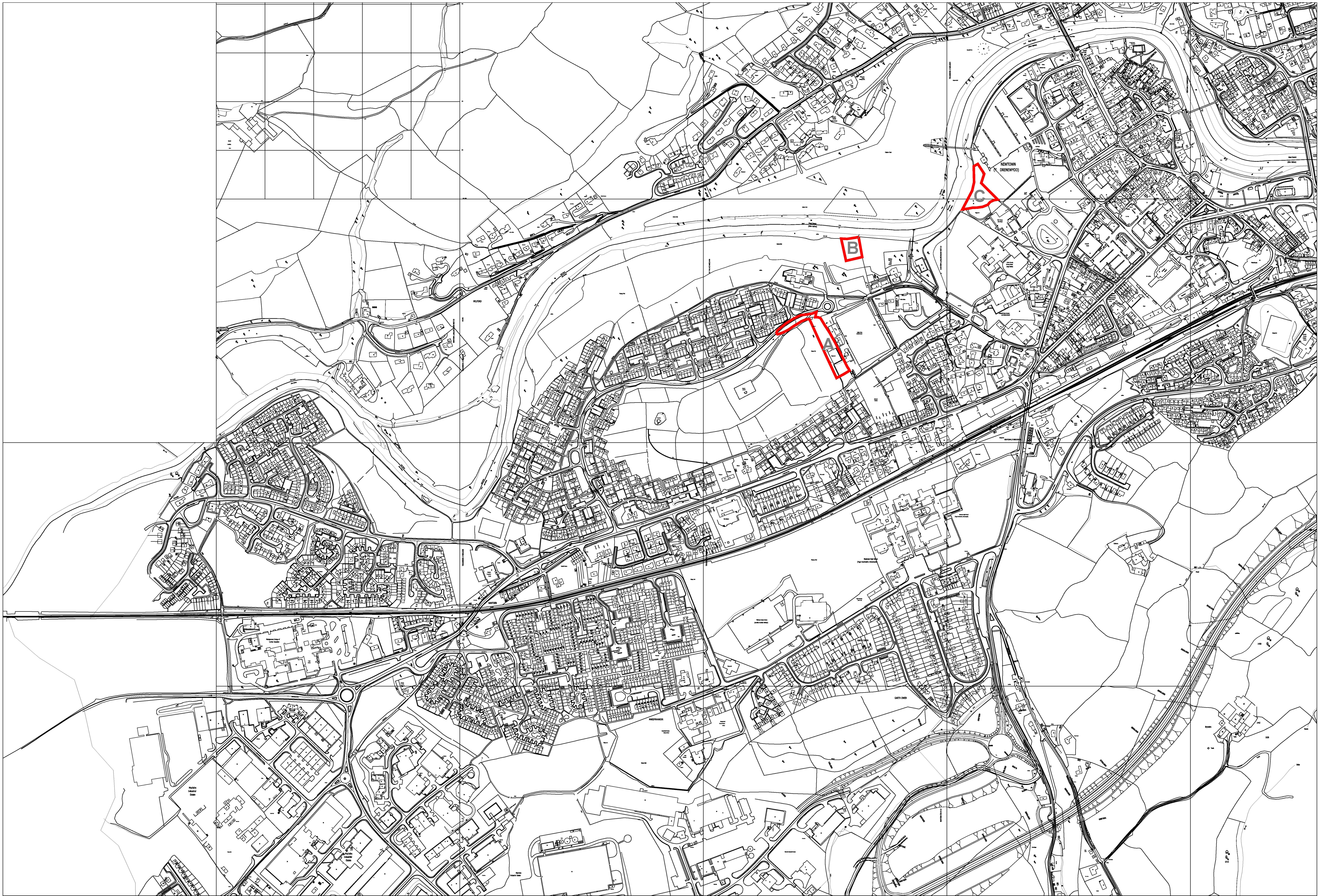
Informative Notes

Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

Case Officer: Dunya Fourie- Planning Officer
Tel: 01597 82 7111 E-mail:dunya.fourie@powys.gov.uk

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Application Site Boundary

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4.8

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0592	Grid Ref:	306290.08 261902.33
Community Council:	Llandrindod Wells	Valid Date:	Officer: 31/05/2018 Sara Robinson
Applicant:	Powys County Council		
Location:	Trefonnen Church In Wales School, Trefonnen Lane, Llandrindod Wells, Powys, LD1 5EB		
Proposal:	Section 192 application for a certificate of lawful development for a proposed use for a single storey rear extension to school		
Application Type:	App. Proposed Certificate Lawful Development Proposed use or development		

The reason for Committee determination

The applicant is Powys County Council.

Site Location and Description

The application site is Trefonnen Church in Wales School located adjoining the settlement development boundary for Llandrindod Wells. The application site is located directly to the south of the existing school. To the north and east of the school is the existing playground, to the west is the car park and to the south beyond the application site is the unclassified highway U1660.

Consent is sought under Section 192 for a certificate of lawful development for a proposed use for a single storey rear extension to the school. The proposed extension will measure approximately 13 metres in length by approximately 3.5 metres in width reaching a height of approximately 3 metres. The extension will cover an overall floor space of approximately 45.5m².

Planning History

P/2009/1034 – Construction of replacement primary school, new access, associated parking and other external works and demolition of existing school – Conditional Consent

Principal Planning Policies

National Planning Policy

Town and Country Planning (General Permitted Development) Order (As Amended) 2014

Welsh Government Guidance Note (April 2014) -Permitted development rights, Industrial and Warehouse Development Schools, Colleges, Universities and Hospitals, Office Buildings, Shops, Financial and Professional Services

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
LDP=Powys Local Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Principle of Development

Under the Town and Country Planning (General Permitted Development) Order, Part 32 and guidance sought from the Welsh Government Guidance Note the Permitted development rights, Industrial and Warehouse Development Schools, Colleges, Universities and Hospitals, Office Buildings, Shops, Financial and Professional Services (April 2014). Permitted development under Part 32, Class A is for the:

A) Erection, extension or alteration of a school, college, university or hospital building.

Development not permitted

A.1 Development is not permitted by Class A—

(a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed—

(i) 25% of the gross floor space of the original school, college, university or hospital buildings; or

(ii) 100 square metres,

whichever is the lesser;

(b) if any part of the development, would be within 5 metres of a boundary of the curtilage of the premises;

(c) if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used;

(d) if the height of any new building erected would exceed 5 metres;

(e) if the height of the building as extended or altered would exceed—

(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or

- (ii) *in all other cases, the height of the building being extended or altered;*
- (f) *if the development would be within the curtilage of a listed building;*
- (g) *the development would lead to a reduction in the space available for the parking or turning of vehicles; or*
- (h) *unless—*
- (i) *in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education; or*
 - (ii) *in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services.*

Having reviewed the information submitted in support of the application it is considered as follows:

- The proposed floor space for the extension is approximately 45.5 metres, permitted development for schools allows for a cumulative gross floor space of 25% of the original school or 100m². The existing school has a floor space of approximately 1,750m² and therefore it is considered that the floor space would comply with the above criteria.
- The proposed extension is located in excess of 5 metres of the curtilage of the building
- The area for the siting of the proposed extension is currently an area of hard standing
- The proposed extension reaches a height of approximately 3.1 metres and therefore does not exceed 5 metres in height
- The building is not within the curtilage of a listed building
- The proposed extension will not encroach on the existing car park and will not lead to reduction in parking spaces available

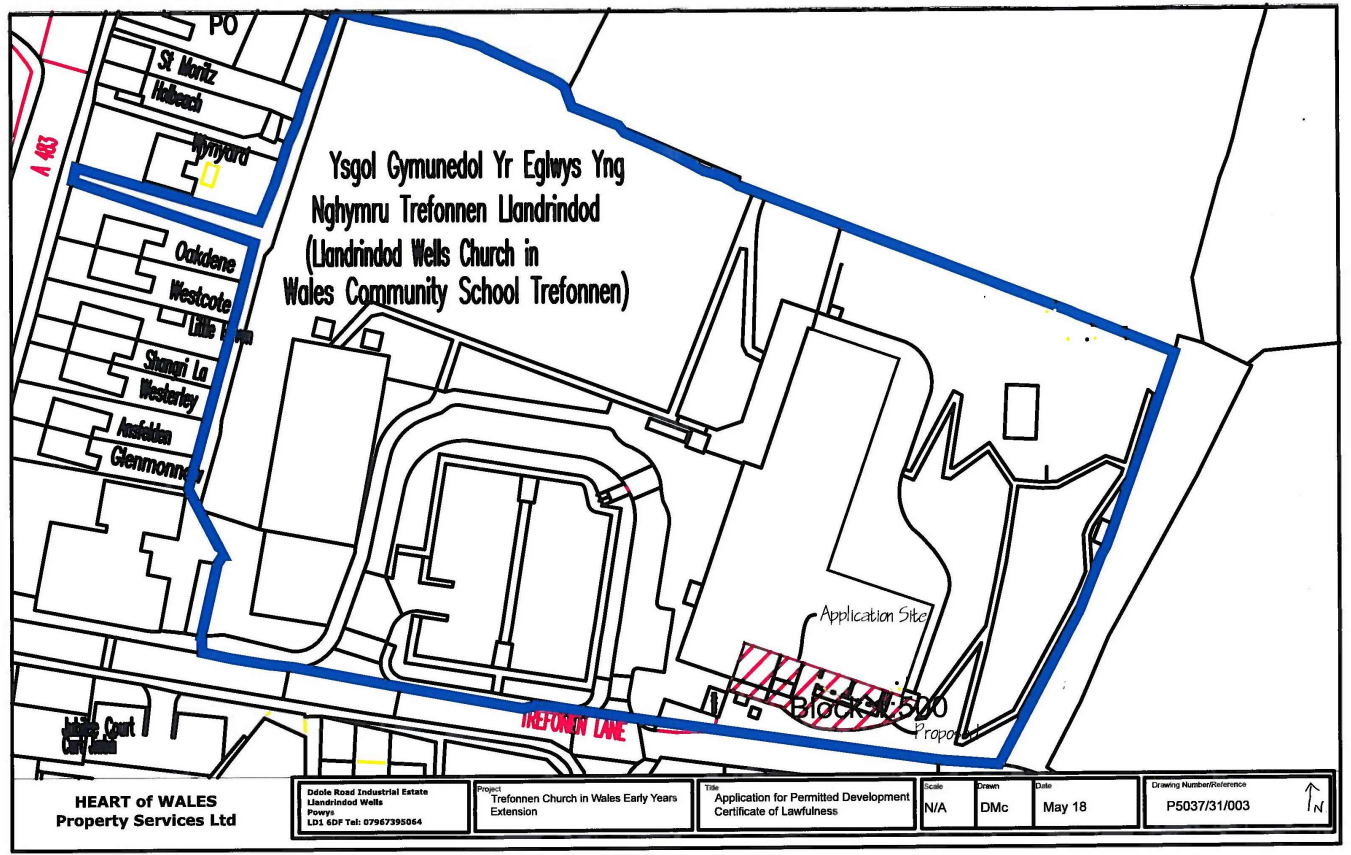
In light of the above it is considered that the proposed development falls under the Permitted development under Town and Country Planning (General Permitted Development) Order, Part 32, Class A.

RECOMMENDATION

In accordance with the information submitted it is considered that the proposed development would fall under permitted development rights and therefore under Part 192 is considered to be lawful.

Case Officer: Sara Robinson- Planning Officer
Tel: 01597 827229 E-mail:sara.robinson@powys.gov.uk

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HEART of WALES
Property Services Ltd

Didale Road Industrial Estate
Llandrindod Wells
Powys
LD1 6DF Tel: 07967395064

Project
Trefonnen Church in Wales Early Years
Extension

Title
Application for Permitted Development
Certificate of Lawfulness

Scale
N/A

Drawn
DMc

Date
May 18

Drawing Number/Reference
P5037/31/003



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4.9

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0467	Grid Ref:	311249.4 291900.05
Community Council:	Newtown	Valid Date:	Officer: 08/05/2018 Dunya Fourie
Applicant:	Powys County Council		
Location:	Y Ffrydd, Canal Road, Newtown, Powys, SY16 2JY.		
Proposal:	Full : New parking arrangements and associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The applicant is Powys County Council

Site Location and Description

The site is located in Newtown to the front of the dwellings along Y Ffrydd road. Access to the site is via a single access road off Canal Road.

This application seeks consent to change the use of land along the edge of Y Ffrydd road, from informal amenity land to parking provision. The works would require some changes to the ground level and surfacing.

Consultee Response

Newtown Town Council

No response received.

Highway Authority

Letter of the 19th July 2018

The County Council as Highway Authority for the County Unclassified Highway, U4267

Wish the following recommendations/Observations be applied

Recommendations/Observations

The development is to be constructed in accordance with drawing number D/001 Rev C.

Severn Trent Water

E mail of 24th may 2018

With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Representations

A site notice was erected at the site, no decision was made for a continuous period of 21 days from the date of the site notice. No third party responses have been received.

Planning History

No relevant planning history

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, November 2016)
Technical Advice Note 18-Transport (2007)

Local Planning Policy-Local Development Plan (April 2018)

DM3 - Public Open Space
DM4 - Landscape
DM13 - Design and Resources
T1-Travel, Traffic and Transport Infrastructure

Other Legislative Considerations

Crime and Disorder Act 1998
Equality Act 2010
Planning (Wales) Act 2015 (Welsh language)
Wellbeing of Future Generations (Wales) Act 2015

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.

Impact on the free flow of traffic and parking provision on Y Ffrydd road

In accordance with policy T1, development should be supported by sufficient parking provision and should not impact the free flow of traffic along the highway.

Y Ffydd is a public road serving the adjacent dwellings and access to Canal Road and Barn Lane. Vehicle access is narrow, there is allocated parking for 9 cars adjoining the footway in front of the properties along Y Ffrydd. During the site visit it was evident there is a degree of on street parking along the footway adjoining the allocated parking bays.

This application seeks consent (as amended) to carry out streetworks to the footway in order to provide an additional 4 parking bays, in line with those which already exist.

In accordance with their response of the 19th July 2018, the Highway Authority confirms they have no objection to the amended scheme. In light of the above, it is considered that the proposal is in accordance with planning policy.

RECOMMENDATION

The proposed development is considered to be in accordance with planning policy and therefore the recommendation is one of conditional consent.

Conditions:

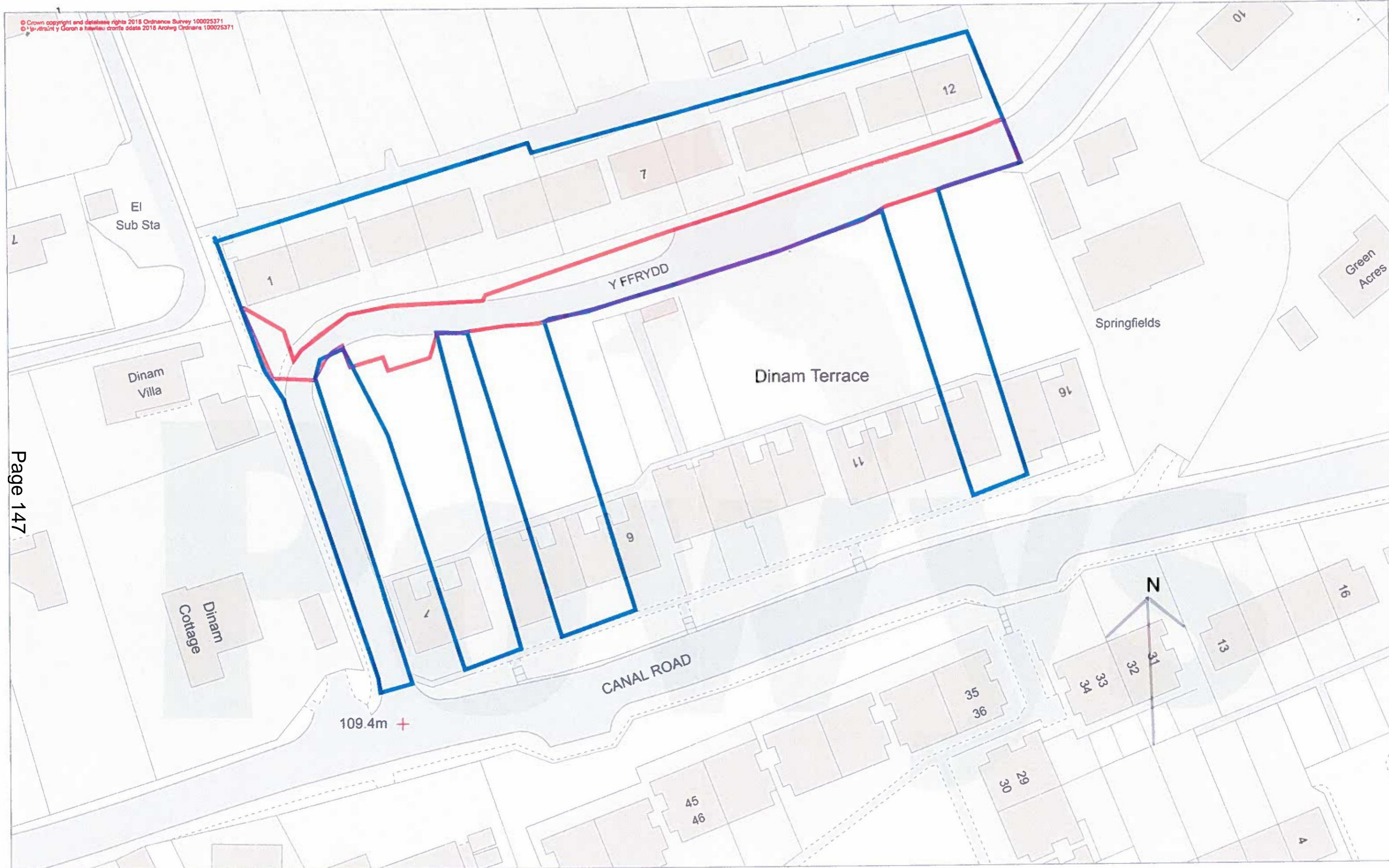
1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the approved plans; references include site plans 216602 D/001C and location plan Y Ffrydd Land Ownership

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

Case Officer: Dunya Fourie- Planning Officer
Tel: 01597 82 7111 E-mail:dunya.fourie@powys.gov.uk

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CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE

2nd August 2018**REPORT BY: HEAD OF LEISURE AND RECREATION****SUBJECT: Application to correct the Register of Common Land****REPORT FOR: DECISION****Application to correct the Register of Common Land, sections 22 and Schedule 2 of the Commons Act 2006 – Application 17-001CA, Register unit MCL76, area Y – Land at Rhiwgriafol, community of Glantwymyn****The application:**

1. Application 17-001CA was made by Mrs JM Wilkins, of 55 Church Road, Whitchurch, Cardiff, CF14 2DY. The application was received on 11th October 2017 and was assessed as having been duly made. A copy of the application can be found at appendix 1.
2. The effect of this application, if granted, would be to remove 19.27 hectares of land from the Register of Common Land. The land affected is part of 'Area Y' of registered common MCL76 (known as Cwm Ednant, Rhiw Goch, Moelfre, Waen Ty Isaf, Cwm Wern-Fach, Ffridd Dolgadfan, Bwlch Glynmyydd, Banc Bronderwgoed, Banc Melyn, Moelfre Fach and Llanerch -yr-Aur.)
3. A location plan showing the site can be found at appendix 2. A more detailed plan showing the area affected can be found at appendix 3.
4. The land that is subject of this application is all within the ownership of Mrs JM Wilkins (the applicant.)
5. The land affected by the application is currently being leased.
6. There are no registered graziers on this area of common land.
7. The documents that were supplied to accompany the application are as follows:
 - A supporting document list (appendix 4);
 - An extract from a current Ordnance Survey map, showing the land subject of the application (appendix 5);
 - An extract from the Land Registry title plan for the land affected by the application (appendix 6);
 - A 2010 aerial photograph from the Welsh Government Single Application Form, showing the land subject of the application and a pink hatched overlay denoting the areas registered as common land (appendix 7);
 - A 1922 conveyance, from Mrs Margaret Francis and others to Mr Richard Jones of freehold hereditaments and premises known as Rhiwgriafol (appendix 8);

- An extract from the Tithe Map for Penegoes dated 1846 (appendix 9);
 - A copy of the Finance Act 1910 'Duties on Land Values' for hereditament 170 (House and Land, Rhiwgriafol) (appendix 10);
 - A copy of the Finance Act 1910 'Duties on Land Values' for hereditament 171 (Woodlands, Rhiwgriafol) (appendix 11);
 - An extract from the Finance Act 1910 map, showing hereditament 170 and field no 1786 (appendix 12);
 - A Welsh Government Glastir map, showing the boundary of the Glastir parcels subject of the application and including the land affected by the application (appendix 13);
 - A Welsh Government Glastir survey plan, with the boundaries of the land affected by the application marked (appendix 14);
 - Annotated plans from, and relating to the Register of Common Land for Area Y of registered common MCL76 (appendix 15);
 - Annotated text and map extracts from the Register of Common Land for registered common MCL76 (appendix 16);
 - A statutory declaration from Mr G Wigley of Rhosdyrnog Farm (appendix 17.)
8. The documents that were later supplied in response to representations are:
- A letter dated 9th April 2018, outlining the sequence of transfers of the land subject of the application (appendix 18);
 - A copy of the grant of probate to the estate to Mrs Wilkins' grandfather, Richard Jones (appendix 19);
 - A copy assent of the estate of Mrs Wilkins' grandfather to her grandmother, Mrs H Jones (appendix 20);
 - A copy of the 1953 grant letters of administration to the estate of Mrs Wilkins' grandmother, to her father Mr EH Jones (appendix 21);
 - A copy of the 1955 assent whereby Mr EH Jones vested the title to the lands at Rhiwgriafol into his sole name (appendix 22);
 - A copy of the 1985 conveyance through which Mr EH Jones transferred title to the land to the joint names of himself and Mrs Wilkins' mother, Mrs ME Jones (appendix 23.)
 - Letter dated 19th June 2018, listing the transfers of title of the land at Rhiwgriafol from 20th January 1922 to 27th June 1997 (appendix 24.)
9. In addition, the Commons Registration Authority is entitled to consider the statutory documents that it holds in relation to the Register of Common Land, including the original applications for registration and the Register itself. The applicant is not required to provide copies of documents if the Registration Authority issued the document, was a party to it, or the document has been deposited with the registration authority in accordance with any enactment.
10. The evidence accompanying this application is almost entirely documentary, with only one statutory declaration from a personal witness. For this application, witness evidence is not key to meeting the legal criteria; the legal criteria are described below. As a result, it is proposed that the application be determined on the basis of the documentary evidence supplied, without a hearing.

Legal criteria:

11. This application has been made under the provisions of section 22 and Schedule 2 to the Commons Act 2006. Section 22 relates to non-registration or mistaken registration of land under the Commons Registration Act 1965. Paragraphs 1 to 9 of schedule 2 set out the circumstances under which an application may be made under section 2.
12. The applicant has chosen to make their application under the provisions of paragraph 7 of Schedule 2. Under that paragraph, an application may be made to remove 'Other land wrongly registered as common land' from the Register.
13. Under paragraph 7, the legal requirements are that:
 - (a) the land was provisionally registered as common land under section 4 of the 1965 Act;
 - (b) the provisional registration of the land as common land was not referred to a Commons Commissioner under section 5 of the 1965 Act;
 - (c) the provisional registration became final; and
 - (d) immediately before its provisional registration the land was not any of the following—
 - (i) land subject to rights of common;
 - (ii) waste land of a manor;
 - (iii) a town or village green within the meaning of the 1965 Act as originally enacted; or
 - (iv) land of a description specified in section 11 of the Inclosure Act 1845 (c. 118).

Publicity for application:

14. Under The Commons Act 2006 (Correction, Non-Registration or Mistaken Registration) (Wales) Regulations 2017, publicity must be given to this type of application via the Council website and site notices. Notice of the application must also be served on statutory consultees.
15. The public notice of application and a plan of the land appeared on the Council website on 22nd November 2017. The same notices were put up on site on 28th November 2017. To allow the required period of not less than 42 days, the deadline for receipt of objections and representations was Friday 12th January 2018.
16. In line with statutory requirements, notice of the application was served on:
 - (a) The owner of the land to which the application relates, being Mrs Wilkins;
 - (b) Any occupier or lessee of that land; the tenant has been notified;
 - (c) Every other local authority for that area, being Glantwymyn Community Council.
 - (d) The persons who have requested that notice of application be emailed to them.
17. Notice of application should also be served on any owner of rights of common 'in gross' that are exercisable over the area of land affected by the application. However, no person is registered as owning rights of common in gross over area Y.
18. There is a requirement to serve notice on Commons Councils and anyone who has made a declaration of entitlement to rights in the Register of Common Land.

However, the provisions to form Commons Councils or make these declarations are not in force in Wales at the moment, so there are no Commons Councils or holders of declarations on whom notice can be served.

19. In addition, a copy of the notice was sent to Mr IH Lewis, who represents the graziers who are registered as holding rights exercisable over other areas of registered common MCL76.

Objections and representations:

20. Representations have been received to this application, from Mr H Craddock of the Open Spaces Society. As the Open Spaces Society does not have a legal interest in the land subject of the application, it must be determined by the Council, as the Commons Registration Authority.

21. There are a series of emails from the objector, as follows:

- Email dated 10th January 2018 (appendix 25);
- Email dated 15th January 2018 (appendix 26);
- Email dated 7th February 2018 (appendix 27);
- Email dated 6th March 2018 (appendix 28);
- Email dated 5th April 2018 (appendix 29);
- Email dated 16th April 2018 (appendix 30);
- Email dated 27th June 2018 (appendix 31.)

22. The applicant has provided the following responses, in addition to the documentary evidence listed above:

- Email dated 24th January 2018 (appendix 32);
- Letter dated 15th February 2018 (appendix 33);
- Letter and documents dated 16th March 2018 (appendix 34);
- Letter dated 28th April 2018 (appendix 35.)

23. The applicant and objector have been provided with copies of each other's responses and any additional documents supplied, as required by the Regulations.

Assessment of the evidence against legal criteria:

Whether the land was provisionally registered as common land under section 4 of the 1965 Act:

24. Section 4 of the Commons Registration Act 1965 required that a registration authority should "...register any land as common land or a town or village green or, as the case may be, any rights of common over or ownership of such land, on application duly made to it and accompanied by such declaration and such other documents (if any) as may be prescribed for the purpose of verification or of proving compliance with any prescribed conditions."

25. The Land section of the Register of Common Land records that registered common MCL76 was provisionally registered under the Commons Registration Act 1965 on 4th November 1969. It was registered pursuant to a statutory application for registration of land as common land, (number 398) which was made by The Rambler's Association of 124 Finchley Road, London on 27th October 1969. An extract from the written Land section of the Register can be found at appendix 36.

That the provisional registration of the land as common land was not referred to a Commons Commissioner under section 5 of the 1965 Act:

26. The application for registration of Land as common land in relation to registered common MCL76 was disputed. The Register of Common Land records that the entry was modified accordingly, as follows:
- The area to read 404.804 HA (1000.505 Acres) or thereabouts.
 - The land hatched black comprising an area of 371.110 HA (917.227 acres) has been removed from the Register.
27. These modifications did not affect the land registered as Area Y; an extract from the Register Plan can be found at appendix 37. Some of the areas removed from the registration can be seen and do not include Area Y.
28. The modifications were agreed through negotiation between the Commons Registration Authority and the applicant. The Register does not record any Commons Commissioner's decision, as the matter was not referred to them.
29. The Open Spaces Society representative did query this point, in his email of 10th January 2018. On receipt of clarification and the relevant extracts from the Register of Common land from the Commons Registration service, he accepted that the registration had not been subject of a referral (see email of 15th January 2018.)

Whether the provisional registration became final:

30. The Land section of the Register records that the registration of unit MCL76, (including Area Y) became final on 26th July 1973. This has not been not disputed by the Open Spaces Society.

That immediately before its provisional registration the land was not land subject to rights of common:

31. Section 22 of the Commons Registration Act 1965 sets out the criteria under which land was eligible for registration as common land. The first of these is land that the land was subject to rights of common, at the time of registration.
32. MCL76 is divided into a number of lettered areas. Rights of common are registered as being exercisable over parts of MCL76, but the rights have not been registered as being exercisable over the whole common. The original applications for registration of rights of common all specified that the rights concerned were exercisable over specific lettered areas of MCL76. No applications were made to register rights of common that were exercisable over area Y.
33. The applicant has provided a statutory declaration from Mr Geraint Wigley, who has spent most of his life living in the Talywern / Darowen area. He farmed Rhosdyrnog in Talywern, which he took over from his father in 1971. Mr Wigley notes that Rhosdyrnog is close to Rhiwgriafol. He states that by his late father's account, area Y has been exclusively grazed by the Rhiwgriafol flock since the early 20th century. Mr Wigley notes that he is not aware of anyone else who has declared an interest in, or challenged the right to graze livestock there.

34. No other evidence has been submitted to suggest that the land affected by the application was subject to rights of common, immediately before its provisional registration.

That immediately before its provisional registration the land was not land waste land of a manor:

35. Under section 22 of the Commons Registration Act 1965, land was also eligible for registration as common land if it was waste land of a manor. For an application under paragraph 7 and Schedule 2 of the Commons Act 2006, 'waste land of a manor' is land that at the time of provisional registration was both:

- part of a manor; and
- open, uncultivated and unoccupied.

36. In support of their case, the applicants have provided a number of documents in relation to this point, as described below.

37. Extracts from the Tithe Map and Apportionment:

The Tithe Maps and statutory apportionments for the whole of Wales have now been digitised and are available to the public via the Places of Wales website. The applicants have referred to this in their letter of 16th March 2018, but have also provided copy extracts of the Tithe Map and a screenshot extract of the Tithe apportionment.

38. The Tithe Map for this area is titled 'Map of the inclosed land of the parish of Darowen in the County of Montgomery' and is dated 1846. The map identifies the land subject of this application as being enclosure 1033. The written apportionment describes this enclosure as being part of Graigfach; the state of cultivation is described as being 'Pasture'. The occupier at the time of the apportionment was noted as being William Bebb and the landowner was Richard Hughes. The land was subject to a tithe payment.

39. The applicant's comment on the Tithe map is that parcel numbers 1033 and 1031 are "shown as pastureland and there is no mention of them being common land or sheep walk. They were owned by a Richard Hughes of Cwmcarnedd Estate, Llanbrynmair and tenanted by a William Bebe who later emigrated to America."

40. This would suggest that although enclosure 1033 may have been owned by the Cwmcarnedd Estate, it was not regarded as being common land or 'waste of the manor' in 1846. The enclosure was occupied by a single tenant and used as pasture. The depiction of common land on Tithe Maps does vary. Common land may be shown and described as such on Tithe Maps and Apportionments. Alternatively, it may be outside the boundary of the apportionment, or with no enclosure number, although sometimes may be labelled as 'Common.'

41. The Open Spaces Society representative has acknowledged that the Tithe Map provides evidence of the historic status of the application land, in his email of 5th April 2018. He comments that he agrees that "...this tends to show that the land was not sheepwalk at the date of tithe commutation (about 1840). It provides good evidence of the status of the land at that time, although it cannot show that the land

was not common land at the date of provisional registration — only that it rules out the possibility that the land was historically not common land.”

42. Extracts from the Finance Act 1910 map and ‘Duties on Land Values’ book, for hereditaments 170 and 171:

The application land falls within the area shown on the Finance Act 1910 Map as being hereditament 170. Hereditament 171 is not shown on the map extract provided by the applicant.

43. The Finance Act 1910 records note the use and state of occupation of land at the time of survey. They provide some detail about easements, rights and restrictions on the land. This includes any deductions claimed for rights of common.

44. The extract from the ‘Duties on Land Values’ book for hereditament 170 describes the land as ‘House and Land’ at Rhiwgriafol. The occupier at that time was Evan Jones; the person making the return was Margaret Francis.

45. It is of note that the return does include a line titled ‘If copyhold, name of the Manor’; this has not been completed for hereditament 170, presumably because in the line above, the land as noted as being in freehold ownership.

46. The land is described as being a farm and outbuilding, and ‘Wholly agricultural.’ The land is not described as being waste of the manor, or subject to any right of common. The owner of the land would be entitled to claim a deduction from the rateable value, in relation to rights of common. Claiming a deduction falsely would be an offence, so where one is claimed, it is good evidence of the existence of the right. However, there was no requirement to declare and claim a deduction, so the fact that none has been claimed cannot rule out the existence of rights of common.

47. In his email of 27th June 2018, the Open Spaces Society representative queried whether the land subject of this application was open, uncultivated and unoccupied at the date of provisional registration.

48. The Finance Act 1910 map does provide some useful information in relation to this. The Ordnance Survey base map used – which was at a scale of 25 inches to the mile (1:2500) – does show a boundary feature, along the northern, southern, western and part of the eastern sides of the application land. This boundary is in the same location as the boundary line shown on the current Ordnance Survey maps and on the 1:10,560 scale base map used for the Register of Common land itself; it does not appear to have changed. However, the eastern boundary is not complete and the land is partially open to the rest of the common.

49. 1922 conveyance, from Mrs Margaret Francis and others to Mr Richard Jones of freehold hereditaments and premises known as Rhiwgriafol:

This records the transfer of land at Rhiwgriafol from Mrs M Francis to Mr Jones and includes a plan of the land concerned.

50. First, it is of note that the land was transferred from Mrs Francis – who completed the return for the Finance Act 1910 – to Mr Jones. This suggests that certainly in the period from 1910 to 1922, the land was not owned by a manor.

51. Second, the Schedule to the conveyance lists both the named and numbered fields subject of the transfer, and 'Also Sheepwalk.' The conveyance notes that the farm, outbuildings and parcels of land called Rhiwgriafol are described in the Schedule to the conveyance. It is noted that the 'Abuttals and boundaries thereof' are delineated and coloured on the plan, with farm and lands being pink and the 'Sheepwalk' being green.
52. As the applicant notes in their letter of 24th January 2018, the land subject of this application is coloured in pink, in the same way as the enclosures surrounding Rhiw-griafol house and the adjoining woodland. None of the other areas coloured in pink on this 1922 conveyance were subsequently registered as common land.
53. Most (although not all) of the area coloured in green to indicate the sheepwalk is now registered as being part of MCL76; it forms areas C, Q and K of the common.
54. A copy of the grant of probate to the estate to Mrs Wilkins' grandfather:
This is dated 11th April 1951 and records the grant of probate of the estate of the late Mr Richard Jones (Mrs Wilkins' grandfather) to his executor, Mr EH Jones.
55. A copy assent of the estate of Mrs Wilkins' grandfather to her grandmother:
This records the vesting of the estate of the late Mr Richard Jones to his widow, Mrs H Jones (Mrs Wilkins' grandmother.) It is dated 12th December 1951 and describes the land as being 'All that farm with the messuage or farmhouse farm and other outbuildings, closes or parcels of land called Rhiwgriafol' and also the Sheepwalk; it refers back to the Schedule to the 1922 conveyance and so includes the application land.
56. A copy of the 1953 grant letters of administration to the estate of Mrs Wilkins' grandmother, to her father Mr EH Jones:
This is dated 7th August 1953 and records the grant of probate of the estate of Mrs Wilkins grandmother (Mrs H Jones) to her father, Mr EH Jones.
57. A copy of the 1955 assent whereby Mr EH Jones vested the title to the lands at Rhiwgriafol into his sole name:
This is dated 16th March 1954 and relates to the vesting of the title to the lands at Rhiwgriafol in Mr EH Jones' sole name. It refers back to and includes the lands subject of the 1922 conveyance; it notes the sheepwalk as being coloured in green.
58. A copy of the 1985 conveyance through which Mr EH Jones transferred title to the land to the joint names of himself and Mrs Wilkins' mother, Mrs ME Jones:
This is dated 9th August 1985 and records the transfer of title to the land at Rhiwgriafol into the joint names of Mr EH Jones and Mrs ME Jones, who was Mrs Wilkins' mother. Again, it refers back to all of the land includes the 1922 conveyance, so includes the application land.
59. The above series of documents does provide evidence that in the period from 1922 to 1985, the land subject of this application was owned by and transferred between members of Mrs Wilkins' family, so not part of a manor. It does span the date of provisional registration of this area of common land, which was 4th November 1969.

60. Photographic evidence obtained from officer site visit:

The Commons Registration Authority can make use of the site visit to put up notices as an opportunity to make a site inspection. As noted above, a site visit was made on 28th November 2018 by the Definitive Map and Commons Registration Officer and site photos were taken.

61. Some of the photos are at appendix 38. The application land is similar in character and vegetation to the adjoining areas of registered common MCL76. However, the partial boundary on the eastern side of the common is still very much in evidence on the ground, as a pronounced embankment. The ground to the north and south of the application land slopes away very steeply, to deep valleys.

Whether immediately before its provisional registration the land was a town or village green within the meaning of the 1965 Act as originally enacted:

62. To meet this requirement, the applicant must be able to demonstrate that at the date of provisional registration, the land was not:

- Land which has been allotted by or under any Act for the exercise or recreation of the inhabitants of any locality; or
- Land on which the inhabitants of any locality have a customary right to indulge in lawful sports and pastimes; or
- Land on which the inhabitants of any locality have indulged in such sports and pastimes as of right for not less than twenty years.

63. Recreational allotments, which were later eligible to be registered as Town or Village Greens, were set out in Inclosure Awards. However, no Inclosure Award has been identified which includes the land subject of this application. Neither has any person put forward any evidence that the land has been allotted by or under any other Act for the exercise or recreation of the inhabitants of any locality.

64. No person has put forward any evidence that the land was subject to any customary right to indulge in lawful sports and pastimes, or that they indulged in such sports or pastimes in the 20 years prior to the date of provisional registration. Glantwymyn Community Council were consulted; notices were placed on site and on the Council website, so opportunity was provided for any such evidence to be put forward.

65. In his statutory declaration, Mr Wigley comments that for as long as he can remember, the land subject of the application (area Y) has formed part of Rhiwgriafol and has never been regarded as a village green. Mr Wigley goes on to explain that he understands a Town or Village Green to be an open space which has been used by local inhabitants for the purpose of recreation or playing games.

66. The Open Spaces Society representative notes that Mr Wigley's statutory declaration is "helpful, but not sufficient." He has not commented on whether the application land was a Town or Village Green at the date of provisional registration.

Whether immediately before its provisional registration, the land was of a description specified in section 11 of the Inclosure Act 1845 (c. 118).

67. Section 11 of the Inclosure Act 1845 describes several classes of land that are not true common land, including regulated pastures. Some of these areas of land were

put forward for registration under the Commons Registration Act 1965, although they did not actually meet the definition set out under the 1965 Act for registration as common land. Although these areas should not have been registered pursuant to the 1965 Act, provision has not been made to remove them from the Register now, under the Commons Act 2006.

68. As noted above, no Inclosure Award has been identified that includes the area of land subject of this application. No other evidence has been put forward to indicate that the land subject of this application was of a description specified in section 11 of the Inclosure Act 1845.

Officer summary:

69. The first three legal criteria are matters of fact that are evidenced from the Register of Common Land itself. The Register records that the land was provisionally registered under part 4 of the Commons Registration Act 1965, that the registration became final and that it was not referred to a Commons Commissioner. No rights of common are registered as being exercisable over this area of land.

70. The representations from the Open Spaces Society focus mainly on whether the land subject of this application was waste land of the manor, at the date of its provisional registration as common land. In relation to that, it is felt that the applicant has demonstrated that the land was not part of a manor at the date of provisional registration, being 4th November 1969. This is supported by the Finance Act 1910 documents and subsequent series of conveyances and transfers between members of Mrs Wilkins' family, which span the date of provisional registration.

71. There is less clarity about whether the land was open, uncultivated and unoccupied at the time of provisional registration, because the boundary on the eastern side of the land seems to have been incomplete. However, as the Open Spaces Society representative has commented, the applicant is only required to demonstrate that one of the two criteria for the land being waste of the manor is not met, to fulfil this legal test.

72. Little information has been provided about whether the land might have been a Town or Village Green at the time of provisional registration. The applicant has provided one statutory declaration that refers to this issue; no counter evidence has been provided.

73. In summary, on the basis of the information put forward by the applicant and the documents already in the keeping of the Commons Registration Authority, it is considered that this application meets the criteria set out under paragraph 7 of Schedule 22 to the Commons Act 2006.

RECOMMENDATION:

That application 17-001CA be granted as made and that 19.27 hectares of land be removed from the Register of Common Land, as shown on the plan at appendix 3.

Appendices:

Appendix number:	Description:
1	Copy of application 17-001CA
2	Location plan showing application land
3	Detailed plan showing application land
4	A supporting document list
5	Ordnance Survey map, showing the land subject of the application
6	Extract from the Land Registry title plan
7	2010 aerial photograph from the Single Application Form
8	1922 conveyance, from Mrs M Francis and others to Mr Richard Jones
9	An extract from the Tithe Map for Penegoes dated 1846
10	Copy of Finance Act 1910 'Duties on Land Values' for hereditament 170
11	Copy of Finance Act 1910 'Duties on Land Values' for hereditament 171
12	An extract from the Finance Act 1910 map, showing hereditament 170
13	Welsh Government Glastir map
14	Welsh Government Glastir survey plan
15	Annotated plans from, and relating to the Register of Common Land for Area Y of registered common MCL76
16	Annotated text and map extracts from the Register of Common Land for registered common MCL76
17	Statutory declaration from Mr G Wigley of Rhosdyrnog Farm
18	Applicant letter of 9 th April 2018, outlining sequence of land transfers
19	Copy of the grant of probate to the estate to Mrs Wilkins' grandfather
20	Copy assent of the estate of Mrs Wilkins' grandfather to her grandmother
21	Copy of the 1953 grant letters of administration to the estate of Mrs Wilkins' grandmother, to her father Mr EH Jones
22	A copy of the 1955 assent to Mr EH Jones sole name
23	Copy of the 1985 conveyance to the joint names of Mr EH Jones and Mrs Wilkins' mother
24	Applicant's letter dated 19 th June 2018
25	OSS email dated 10 th January 2018
26	OSS email dated 15 th January 2018
27	OSS email dated 7 th February 2018
28	OSS email dated 6 th March 2018
29	OSS email dated 5 th April 2018
30	OSS email dated 16 th April 2018
31	Email dated 27 th June 2018
32	Applicant email dated 24 th January 2018
33	Applicant letter dated 15 th February 2018
34	Applicant letter and documents dated 16 th March 2018
35	Applicant letter dated 28 th April 2018
36	Commons Register extract, written Land section
37	Commons Register extract, Register plan
38	Site photographs taken 28 th November 2018

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FORM CA13 W

11 OCT 2017

Commons Act 2006: Schedule 2

**Application to correct non-registration
or mistaken registration**

Applicants are advised to read 'Guide to the Commons Act 2006 (Correction, Non-Registration or Mistaken Registration) (Wales) Regulations 2017: Guidance for applicants' and to note:

Any person can apply under Schedule 2 to the Commons Act 2006.

All applicants should complete boxes 1-10.

Applications must be submitted by a prescribed deadline. From that date onwards no further applications can be submitted. Ask the registration authority for details.

You will be required to pay a fee unless your application is submitted under paragraph 2, 3, 4 or 5 of Schedule 2. Ask the registration authority for details. You will have to pay a separate fee should your application relate to any of paragraphs 6 to 9 of Schedule 2 and be referred to the Planning Inspectorate.

This section is for office use only

Official stamp



Application Number

17-001CR

Register unit number allocated at registration

MCL76 'Y'

1. Commons Registration Authority

Insert name of commons registration authority.

To the: POWYS COUNTY COUNCIL

Tick one of the following boxes to confirm that you have:

enclosed the appropriate fee for this application **or** have applied under paragraph 2, 3, 4 or 5, so no fee has been enclosed:

2. Name and address of the applicant

If there is more than one applicant, list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation or business if you are applying on behalf of such a body. If you supply an email address in the box provided, you may receive communications from the registration authority or other persons (e.g. objectors) via email. If box 3 is not completed all correspondence and notices will be sent to the first named applicant.

Name:	<u>(Mrs) JANE MARGARET WILKINS.</u>		
Address:	<u>55, CHURCH ROAD, WHITCHURCH, CARDIFF.</u>		
Postcode:	<u>CF14 2DY.</u>	Telephone Number:	<u>[REDACTED]</u>
Email address:	<u>[REDACTED]</u>		

3. Name and address of representative, if any

This box should be completed if a representative, such as a solicitor, is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or organisation / business named here. If you supply an email address in the box provided, the representative may receive communications from the registration authority or other persons (e.g. objectors) via email

Name / Organisation:	
Address:	
Postcode:	Telephone Number:
Email address:	

4. Basis of application for correction and qualifying criteria

For further details of the requirements of an application refer to Schedule 1 to the Commons Act 2006 (Correction, Non- Registration or Mistaken Registration) (Wales) Regulations 2017

Tick one of the following boxes to indicate the purpose for which you are applying under Schedule 2 of the Commons Act 2006.

- To register land as common land (paragraph 2)
- To register land as a town or village green (paragraph 3)
- To register waste land of a manor as common land (paragraph 4)
- To deregister common land as a town or village green (paragraph 5)
- To deregister a building wrongly registered as common land (paragraph 6)
- To deregister any other land wrongly registered as common land (paragraph 7)
- To deregister a building wrongly registered as town or village green (paragraph 8)
- To deregister any other land wrongly registered as town or village green (paragraph 9)

For waste land of a manor (paragraph 4), tick one of the following boxes to indicate why the provisional registration was cancelled.

- The Commons Commissioner refused to confirm the registration having determined that the land was no longer part of a manor (paragraph 4(3))
- The Commons Commissioner had determined that the land was not subject to rights of common but did not consider whether it was waste land of a manor (paragraph 4(4))
- The applicant requested or agreed to cancel the application (whether before or after its referral to a Commons Commissioner) (paragraph 4(5))

Please specify the register unit number(s) (if any) to which this application relates:

The land is lettered Y of Unit No. MCL 76 on Grid No. SN.89 NE of the Commons Registration Map register (it is understood the land is field no. CYM 133947)

8. Supporting documentation

List all supporting documents and maps accompanying the application, including if relevant any written consents. This will include a copy of any relevant enactment referred to in paragraphs 2(2)(b) or 3(2) (a) of Schedule 2 to the Commons Act 2006 or, in relation to paragraph 4 (waste land of a manor) evidence which shows why the provisional registration was cancelled. There is no need to submit copies of documents issued by the registration authority or to which it was a party but they should still be listed. Use a separate sheet if necessary

1. Copy conveyance dated 20.01.1922 of Rhugrafel made between Margaret Francis (1) Margaret Jane Jones (2) Thomas Henry Huger Vaughan the (3) the Reverend Evan Griffith Jones & the Reverend David Cunliffe Davies (4) & Richard Jones (5)
2. Statutory Declaration of Gerraint Wigley dated

9. Any other information relating to the application

List any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary

The Ramblers Association who had applied to have the land registered as Common Land but subsequently agreed it was not. The Solicitor then acted for my father (the then owner of the land) failed to apply for that the land to be de-registered: hence the current application.

10. Signature

The application must be signed by each individual applicant, or by the authorised officer on behalf of a body (organisation / business)

Signatures:



Date: 10:10:2017

REMINDER TO APPLICANT

You are responsible for telling the truth in presenting the application and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted. You are advised to keep a copy of the application and all associated documentation.

Data Protection Act 1998: The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the commons registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public. A copy of this form and any accompanying documents may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000.

5. Description of the reason for applying to correct the register

Explain why the land should be registered or, as the case may be, deregistered.

Rhiingria/ŵl of which the area of land subject to this Application forms part was acquired by my grandfather in 1922 and is now owned by me. Enclosed with this Application is a copy of the Conveyance ^{dated 20.01.1922} of Rhiingria/ŵl to my grandfather and includes the freehold of the land subject to this Application. I am now therefore now the freehold & am entitled to have such land removed from the Register of Common Land.

6. Description of land

You must provide an Ordnance map of the land relevant to your application. The relevant area must be hatched in a distinctive colour (e.g. Red). The map must be at a scale of at least 1:2,500, or 1:10,000 if the land is wholly or predominantly moorland. Give a grid reference or other identifying detail.

Name by which the land is usually known:

Land forming part of Rhiingria/ŵl, Stryd Salywern, Machynlleth.

Location:

Salywern, Machynlleth.

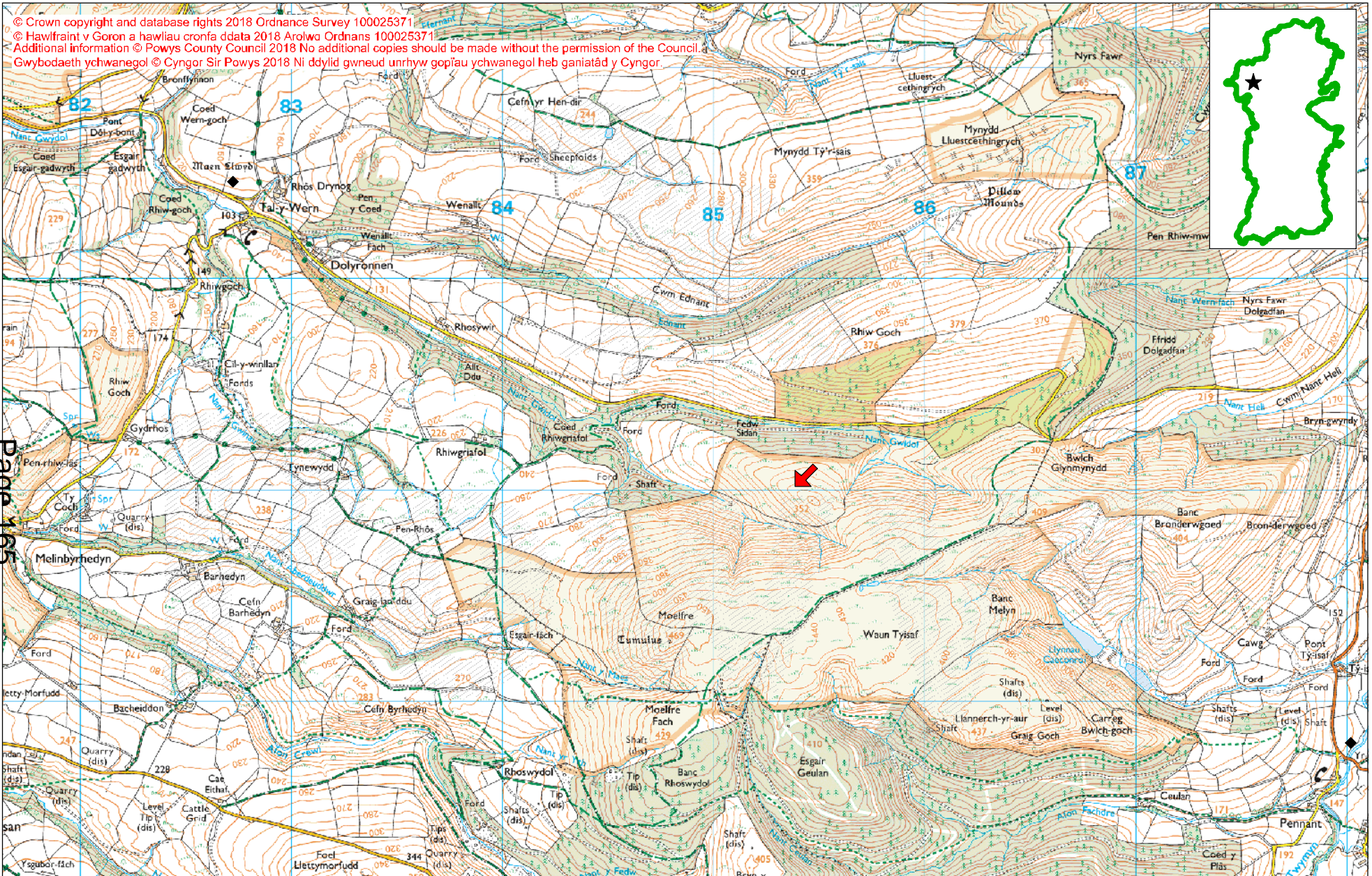


Tick the box to confirm that you have attached an Ordnance map of the land

7. Declarations of consent

This can include any written declarations sent to the applicant (i.e. a letter), and any such declaration made on the form itself. If your application is to register common land or a town or village green and part of the land is covered by a building or is within the curtilage of a building, you will need to obtain the consent of the landowner.

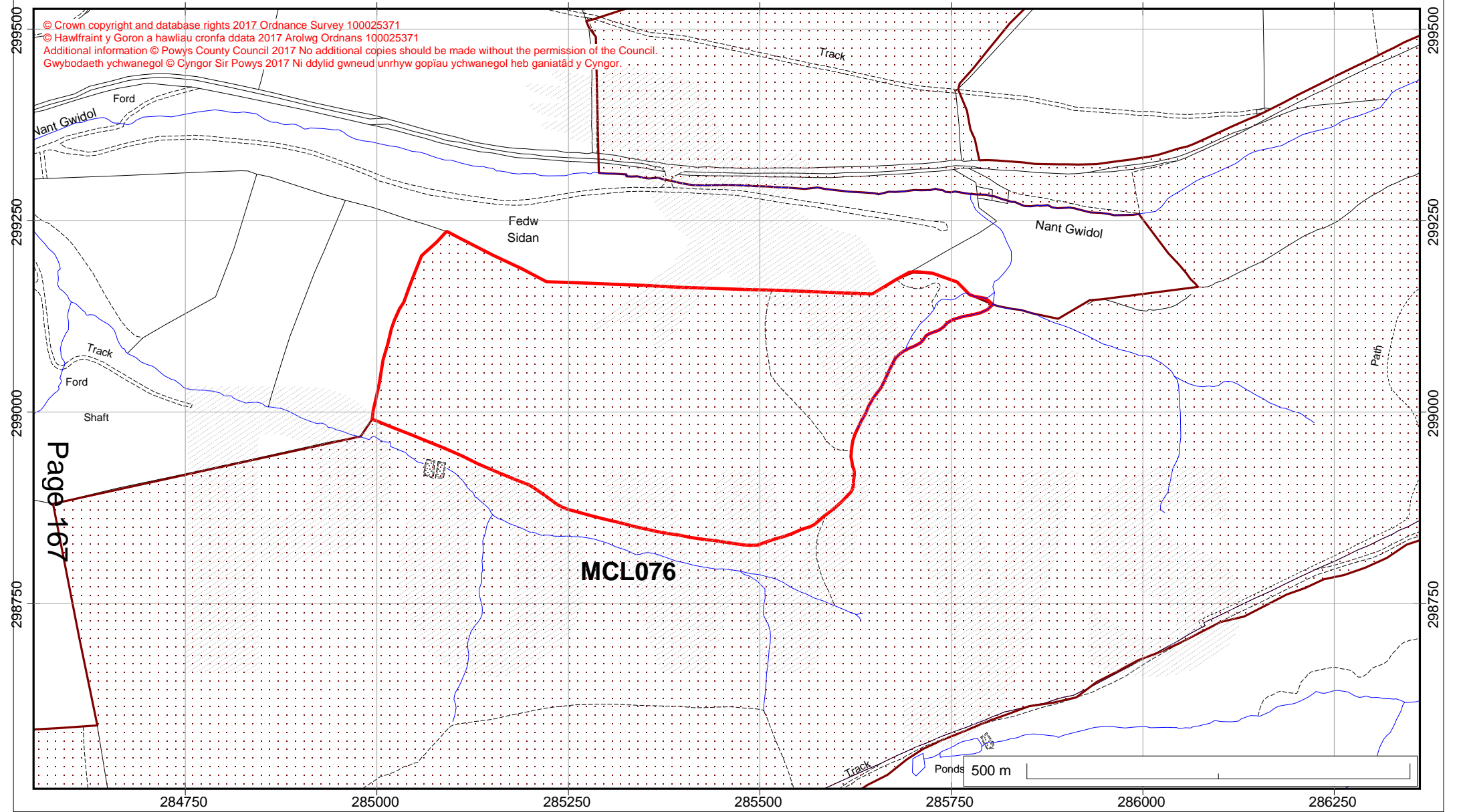
~~Statutory~~
Statutory Declaration of Geraint Wigley dated
16 October 2017.



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284750 285000 285250 285500 285750 286000 286250





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Application to remove land forming part of register unit (CL76) Montgomeryshire



COMMONS REGISTRATION AUTHORITY

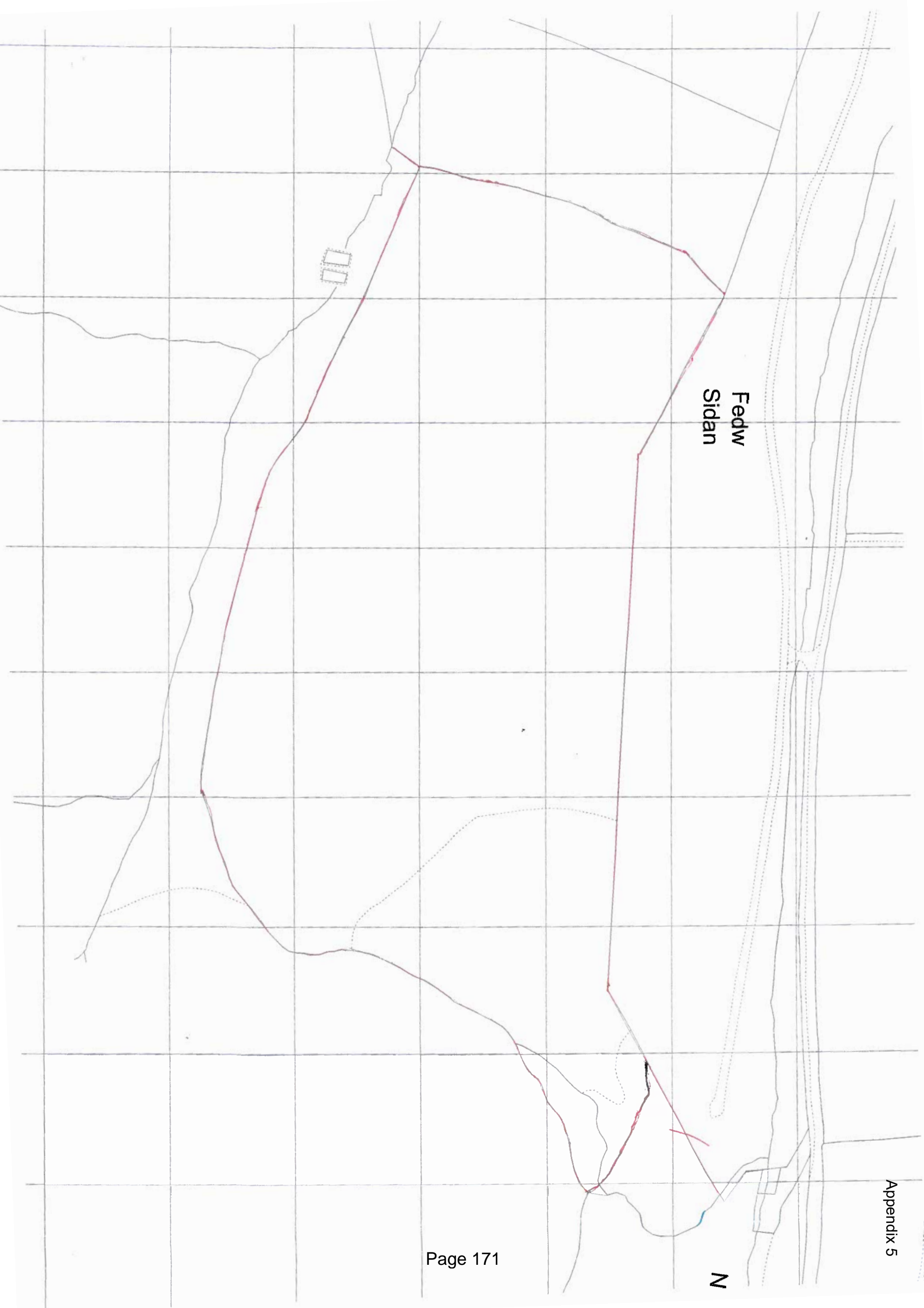
- Registered Common Land 
- Land subject to application 

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Documents in support of deregistration of land wrongly registered as common land.

1. Ordnance Survey map, with land in question edged in red.
2. Land registry map of Rhinogriafel farm edged in black.
3. Aerial photograph of land in question. SAF map 2010.
4. Conveyance of land in 1922 to Mr Richard Jones (grand-father of present farm owner) Plan shows land conveyed.
5. Penegoes Parish Tithe Map 1840 showing field nos. 1033 & 103
 at Davanren Pastureland
6. Montgomery Land Valuation Map 1910 showing field no. 1786.
 Ref. 170/11 Duties & Land Values. 10 sheets.
7. Welsh Assembly Government map - glastir - showing parcel of land 'Y' as field no. 7718.
8. Commons Registration map register 24th May 2004 - owner of land 'Y' determined by the Commons Commission to be my father (Evan Hughes) Jones.
9. Statutory Declaration of Geraint Wigley.

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Fedw
Sidan

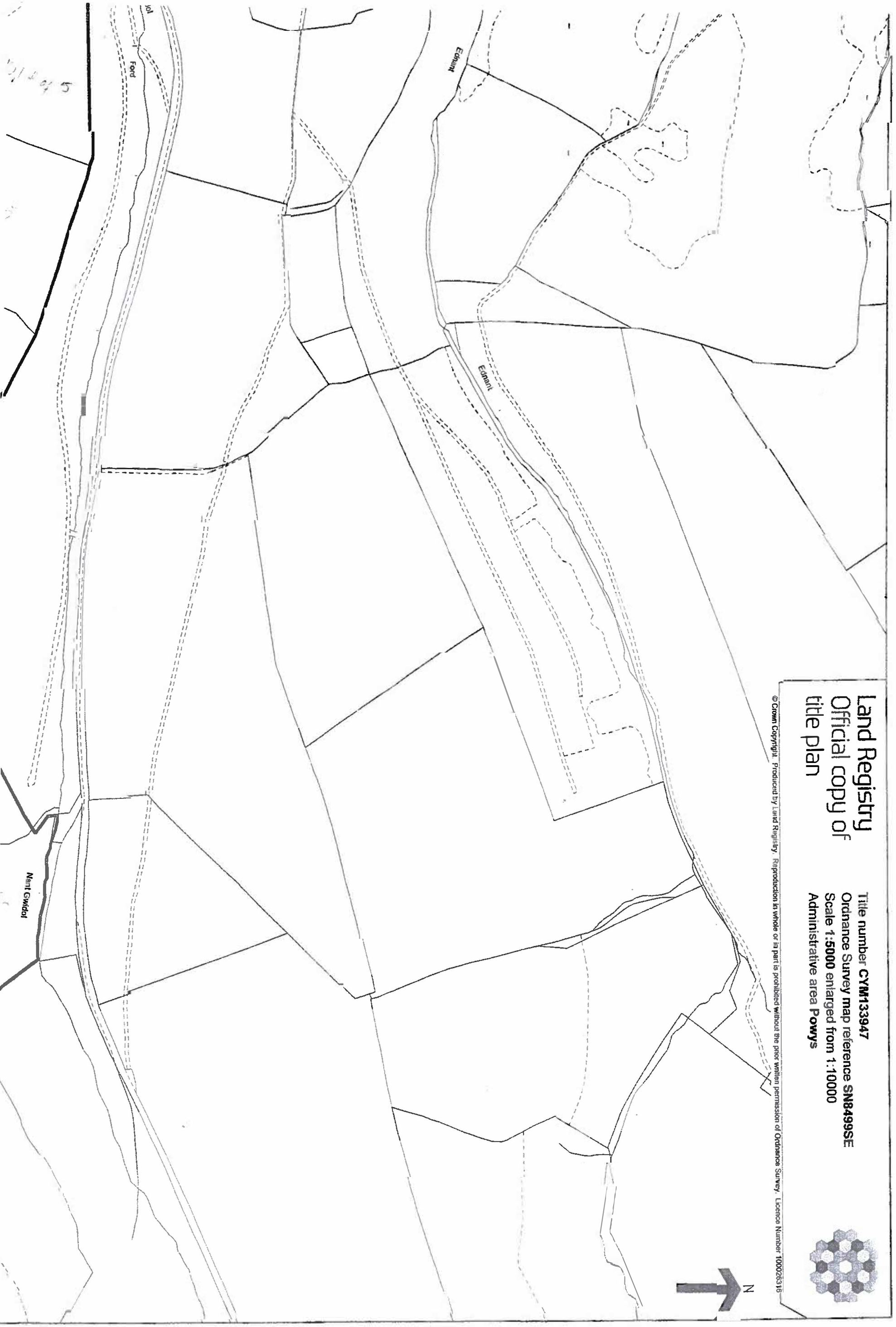
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Land Registry
Official copy of
title plan

Title number **CYM133947**
Ordnance Survey map reference **SN8499SE**
Scale **1:5000** enlarged from 1:10000
Administrative area **Powys**

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Llywodraeth Cymru
Welsh Assembly Government

Ffurflen Cais Sengl Single Application Form Mapiau 2010 Maps (Cymru / Wales)

Marc Ddiogelwch GWARCHOD / Security Marking PROTECT
Cyfeirnod Cwsmer / Customer Reference Number
A0002873
Map 2 o 3 / Map 2 of 3

Symbolau IACS / IACS Symbols

- Ffn'au Parsell IACS IACS Parcel Boundar
- Rhif Dalen **SA1234** Sheet Number
- Rhif Parsel **6789** Parcel Number
- Parseli ar Ddalen Map Arall (Wedi'u Cynnwys) Parcels on Another Map Sheet (Included)

- Heneb A'rherstedg Unscheduled Ancient Monument

- Tir Comin Common Land



Argraffwyd ar / Printed on 03/02/2010

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The information is only to be used for IACS purposes.

Atgynhychy map hon o ddwyddwr Arrolwg Ordnans a ddatblygwyd gan y Cwmni Ordnans yn Rheolw Llyfr a Mawrdd. Hawlfraint y Cwmni Ordnans yn parhau'n ddilys. Dim hawlfraint y Goron a gall arwain at eiddo neu achos sifil.
Llywodraeth Cymru Rhif Trwydded: D10001767/8/2010

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Date 20th January 1922

Mrs Margaret Francis
+ others

To

Mr Richard Jones

Compendium

of fresh or hereditaments &
premises known as *Millington* &
Whate at *Darwen* in the
County of *Montgomery*.

U 97529
30 JAN 1922

W. J. Howlands
Montgomery

27/10/

P. O. S.



This Indenture

made the twentieth day of January one thousand nine hundred and twenty two ^{between}



Margaret Francis of 5 Loveden Road Aberystwyth in the County of Cardigan formerly of Bank Place Machynlleth in the County of Montgomery Widow of the first part Margaret Jane Jones now and formerly of the same addresses respectively Widow of the second part Thomas Henry Hughes Vaughan of Llyssyn in the said County of Montgomery Farmer of the third part The Reverend Evan Griffith Jones of Brynauwel Pinnal in the County of Merioneth Minister of the Gospel and The Reverend David Cunllo Davies of Bryn Edwydd Machynlleth in the said County of Montgomery Minister of the Gospel (hereinafter called the Trustees) of the fourth part and Richard Jones of Rhivgrafol in the Parish of Darowen in the said County of Montgomery Farmer (hereinafter called the Purchaser) of the fifth part **Whereas** subject to the payment of the principal sum of one thousand pounds charged on the hereditaments hereinafter described and assured with other hereditaments by the Will dated the seventh day of June one thousand eight hundred and seventy one and proved in the Shrewsbury District Registry of the Court of Probate on the twentieth day of October one thousand eight hundred and seventy one of Richard Hughes who died on the first day of October one thousand eight hundred and seventy one and which principal sum was by an Indenture dated the nineteenth day of September one thousand eight hundred and eighty seven and made between John Hughes of the one part and the said Margaret Francis (by her then name and description of Margaret Hughes) of the other part assigned to and is now vested in the said Margaret Francis and subject also to the right of dower of the said Margaret Francis out of the said hereditaments but free from all other incumbrances and hereditaments now stand limited in fee simple in possession in equal undivided third parts to the said Margaret Jane Jones Thomas Henry Hughes Vaughan and Ann Hughes

Parry an infant (who was born on the sixth day of July one thousand nine hundred and five) as tenants in common And whereas by an Order of the Chancery Division of the High Court made by Mr. Justice Peterson on the twenty second day of March one thousand nine hundred and twenty one and made in the matter of one equal undivided third share of certain freeholds (including the hereditaments hereinafter described and assured) being settled land within the meaning of the Settled Land Act 1882 section 59 by reason of Ann Hughes Parry the person seized of or entitled to such share being an infant and in the matter of the Settled Land Acts 1882 to 1890 the Trustees were appointed and now are the Trustees of the Settlement deemed to be existing under the Settled Land Act 1882 of the share of the said infant for the purposes of the said Acts And whereas the said Margaret Jane Jones and Thomas Henry Hughes Vaughan each as to one undivided third part and the Trustees on behalf of the said Ann Hughes Parry as to the remaining third part have agreed with the Purchaser for the sale to him of the unincumbered fee simple in possession of the hereditaments hereinafter described at the price of two thousand seven hundred and fifty pounds And whereas the principal sum of one thousand pounds charged upon the said hereditaments and other property by the Will of the said Richard Hughes is still owing to the said Margaret Francis but all interest in respect thereof has been satisfied up to the date hereof (as she hereby acknowledges) and she has agreed upon receiving the sum of five hundred and ten pounds out of the said purchase money to join in these presents for the purpose of releasing the said hereditaments from the said principal sum in manner hereinafter appearing - And whereas it was further agreed that the said Margaret Francis should also join herein for the purpose of releasing the said hereditaments from her said right of dower it being arranged that she should retain her right of dower as against the said proceeds of sale in the hands of the recipients as a

substituted security therefore Now this Indenture
witnesseth that in consideration of the sum of
Two thousand seven hundred and fifty pounds
now paid by the Purchaser as to Five hundred
and ten pounds part thereof to the said Margaret
Francis by the direction (hereby testified) of the parties
hereto of the second third and fourth parts (the
receipt whereof the said Margaret Francis hereby
acknowledges) and as to Two thousand two hundred
and forty pounds balance thereof in equal third
parts of Seven hundred and forty six pounds
thirteen shillings and four pence each to the
said Margaret Jane Jones Thomas Henry Hughes
Vaughan and the Trustees with the consent of
the said Margaret Francis the receipt of which
sum in such shares as aforesaid the said Margaret
Jane Jones Thomas Henry Hughes Vaughan and the
Trustees hereby respectively acknowledge the said Margaret
Francis as to the entirety of the hereditaments hereinafter
described and assured and to the intent that the same
may be released and discharged as well from the said
sum of one thousand pounds and interest as from
all her estate and right to draw out of the said
hereditaments hereby releases and conveys and the said
Margaret Jane Jones as to one undivided third part
of and in the said hereditaments and as beneficial
owner thereof hereby conveys and the said Thomas
Henry Hughes Vaughan as to one other undivided
third part of and in the same hereditaments and as
beneficial owner thereof hereby conveys and the Trustees
as to the remaining undivided third part of and in the
same hereditaments in exercise of the powers conferred upon
them by section 60 of the Settled Land Act 1882 and
of all other powers (if any) then hereunto enabling
and as Trustees hereby convey unto the Purchaser
That farm with the messuage or farm house
farm and other outbuildings close or parcels of land
called Rhinogriafol situate in the parish of Darowen
in the County of Montgomery containing three hundred
and eighty acres two roods and twenty perches or
thereabouts together with the Sheepwalk belonging thereto

Boed cae tan ty	1803		9.387
cae tan ty	1802		24.183
cae ysgubor	1776		7.266
cae'r lloi	1901		3.087
boed cae'r lloi	1801		.461
boed odde ar ty	1800		1.442
Hleusa Ifalt ar ydolan coed yr ydolan	1776	1.309	
	1777	.381	1.690
Boed derw	1780		22.366
	1768		1.189
cae Lluast	1791		38.180
boed cae Lluast	1789		1.110
Tan cae lluast oddi ar y ffydd	1781		7.009
cae Graig Fach	1782		12.312
boed cwm nant ddu	1783		1.163
Fydd gamol	1784		17.708
Fydd uchaf	1786		5.624
Fedw isaf	1761		7.830
Fedw uchaf	1785		12.118
atto	1760		.609
Glyn Mynydd	1758		6.783
	1779		.546
			<u>380.631</u>

Signed
by the
Jones
to be
Signed
by the
kuno
of

Moo Sheepwall

Signed sealed and delivered
by the above named Margaret
Francis in the presence of

Margaret Francis

Thomas Robert

J. J. Jones

Signed sealed and delivered
by the above named Margaret

J. N. Vaughan

Jane Jones in the presence of

Thomas Robert

Signed sealed and delivered
by the above named Thomas

Henry Vaughan in the

presence of

Thomas Robert
Machynlleth



9.387
21.183
7.266
3.057
.461
1.442

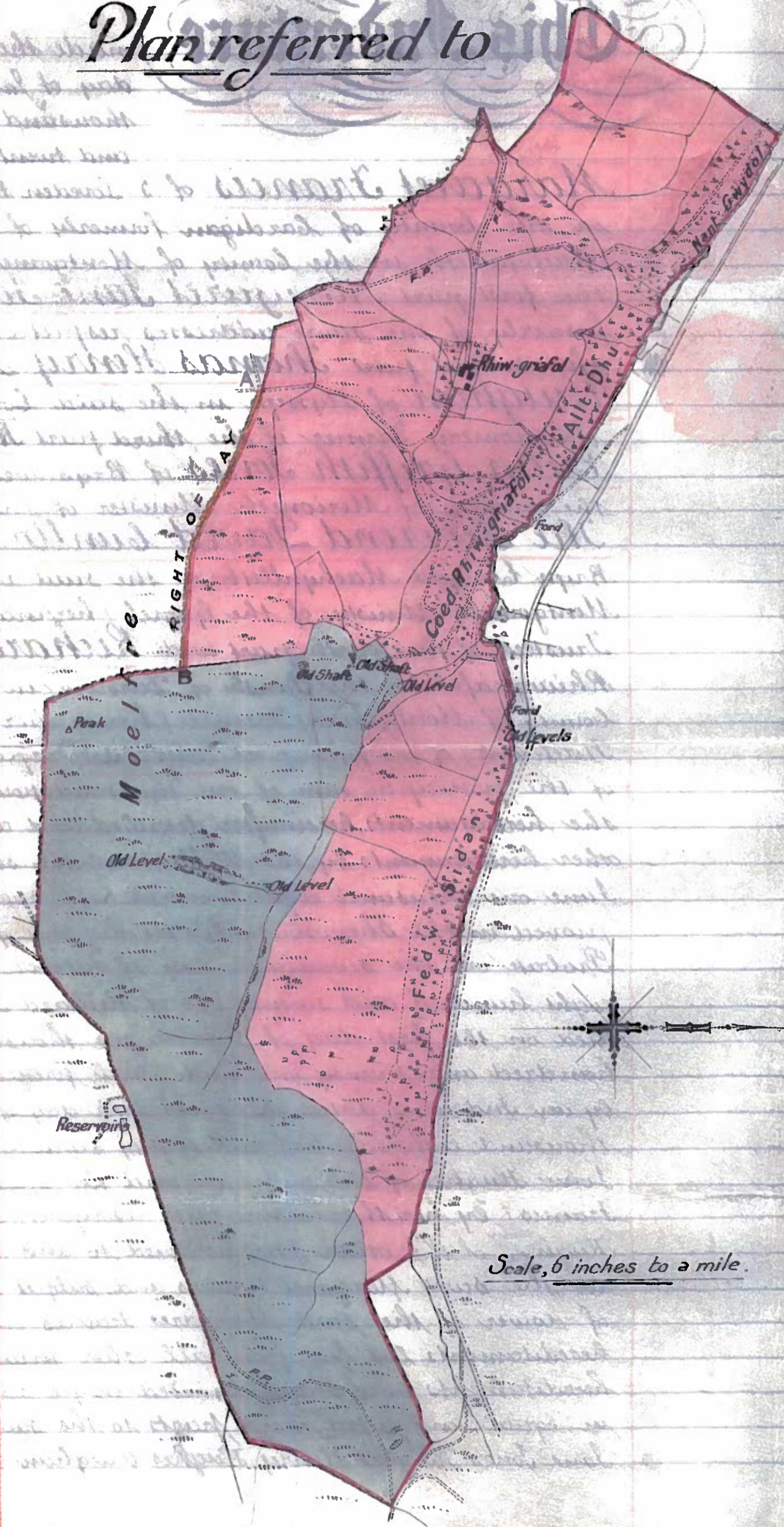
Signed sealed and delivered
by the said Evan Griffith
Jones in the presence of:
William G. Watkins
Blk with Mr W.P. Rowland.
Witness
Machyallath

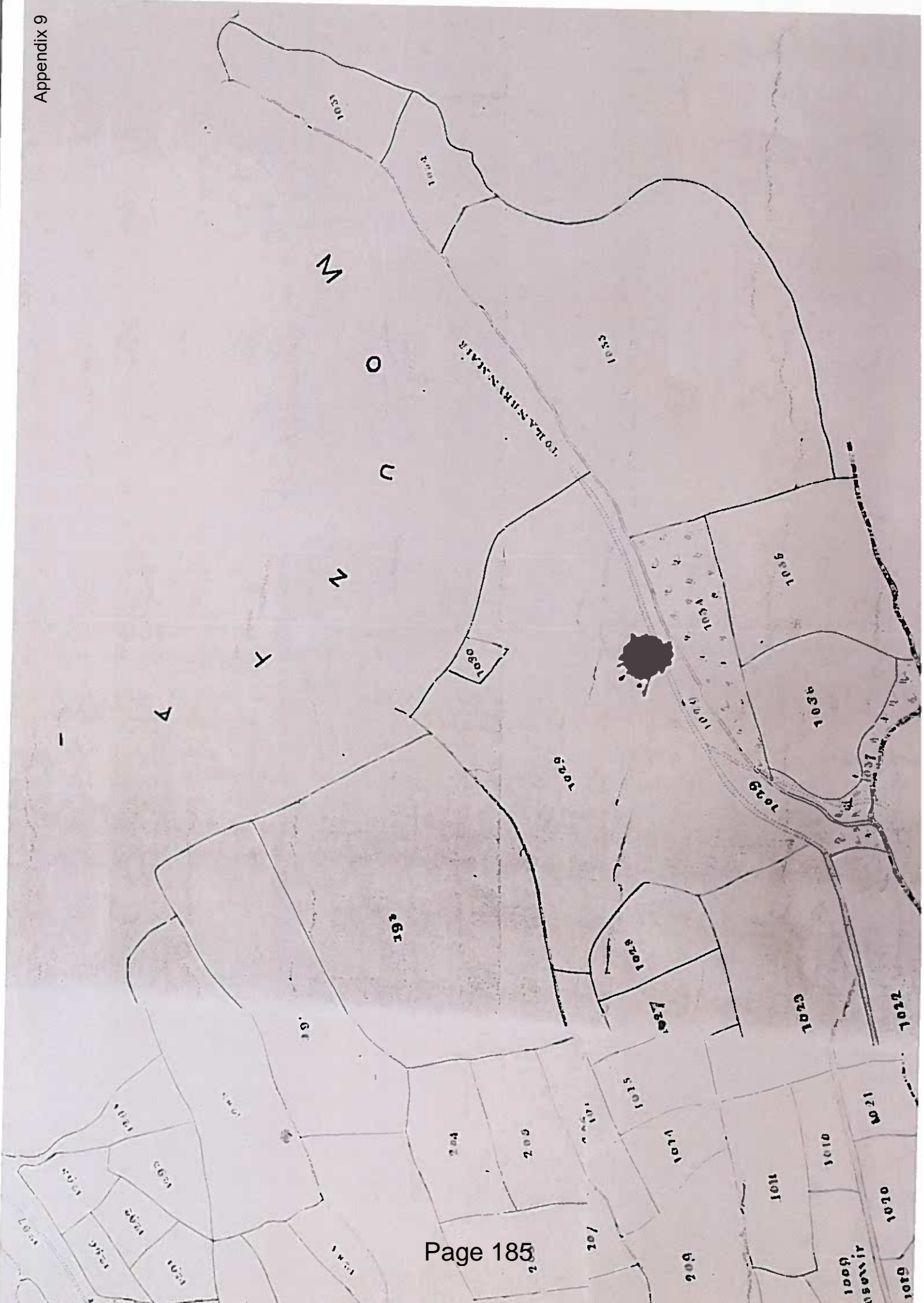
309
381
1.690
22.366
1.189
38.180
1.110
7.009
12.342
1.163
17.708
56.624
7.830
12.1181
.609
6.783
.546
380.631

Signed sealed and delivered
by the above named David
Linnell Davis in the presence
of:
[Redacted]
Solo
Machyallath



Plan referred to





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ETC 3169



THE COMMISSIONERS OF INLAND REVENUE.

DUTIES ON LAND VALUES.

(Finance (1909-10) Act, 1910.)

REFERENCE: to be quoted in all communications.

Darwen, Lancashire
AM. 1'0.

RETURN TO BE MADE BY AN OWNER OF LAND OR BY ANY PERSON RECEIVING RENT IN RESPECT OF LAND.

(Penalty for failure to make a due Return, not exceeding £50.)

Reference to the accompanying Sheet of Instructions (Form 2—Land).	Particulars extracted from the Rate books	Parish Number of Poor Rate Name of Occupier Description of Property Situation of Property Estimated extent Gross Estimated Rental (or Gross Value in Valuation List*) Rateable Value	This space is not for the use of the person making the Return. <i>Darwen</i> <i>12.</i> <i>Evau Jones</i> <i>House & Land</i> <i>Rhingriafol</i> Acres Roods £ <i>110</i> . <i>0</i> " <i>0</i> £ <i>98</i> " <i>19</i> " <i>0</i>
SEE INSTRUCTION 3		(* Applicable to the Metropolis only.)	

IMPORTANT.—As the Land is to be valued as on 30th April, 1909, the particulars should be furnished, so far as possible, with reference to the circumstances existing on that date.

I. Particulars required by the Commissioners, which must be furnished so far as it is in the power of the person making the Return to give them.

See Instruction 3		
See Instruction 4	(a) Parish or Parishes in which the Land is situated.	<i>Darwen and Penegoes</i>
	(b) Name of Occupier.	<i>Evau Jones</i>
See Instructions 1 and 2	(c) Christian Name and Surname and full postal address of the person making the Return.	<i>Margaret Francis</i> <i>Penegoes, Darwen</i> <i>Widley, Lancashire</i>
See Instruction 6	(d) Nature of Interest of the person making the Return in the Land:— (1) Whether Freehold, Copyhold, or Leasehold. (2) If Copyhold, name of the Manor. (3) If Leasehold, (i.) term of lease and date of commencement (including, where the lease contains a covenant for renewal, the period for which the lease may be renewed), and (ii.) name and address of lessor or his successor in title.	<i>1 Freehold</i> <i>2</i> <i>3 (i.)</i> <i>3 (ii.)</i>

Form 4—Land.

(25) (75149) Wt. 6597/1445 240000 5-10 W B & L

Reference to the accompanying Sheet of Instructions (Form 2—Land).

SEE INSTRUCTION 2

(e) Name, and precise situation of the Land.	<i>Phingrafol, Danwen</i>			
(f) Description of the Land, with particulars of the buildings and other structures (if any) thereon, and the purposes for which the property is used. (House, Stable, Shop, Farm, etc.)	<i>Farm, and usual outbuildings. The land is wholly agricultural.</i>			
(g) Extent of the Land, if known.	Acres	Roods	Perches	Yards
	<i>Not known</i>			
(h) If the Land is let by the person making the Return, state:— (i.) Whether let under Lease or Agreement, or (ii.) If there is no Lease or written Agreement, whether let by the Year, Quarter, Month, or Week. (iii.) If let under Lease or Agreement— (a) Term for which granted. (b) Date of commencement of term. (c) Whether granted for any consideration in money, paid or to be paid by the Tenant, in addition to the Rent reserved,* or (d) Upon any condition as to the Tenant laying out money in Building, Rebuilding, or Improvements.* (iv.) Amount of Yearly Rent receivable. (*If so give full particulars.)	(i.) <i>Agreement (verbal)</i> (ii.) <i>Let by the year</i> (iii.) (a) (b) (c) (d) (iv.) <i>£ 110</i>			
(i) If the person making the Return is also the Occupier, state the Annual Value; i.e., the Sum for which the Property is worth to be Let to a Yearly Tenant, the Owner keeping it in repair.	Annual Value <i>£ ✓</i>			
(k) Amount of Land Tax (if any) and by whom borne.	<i>£ Not known borne by tenant</i>			
(l) Amount of Tithe Rentcharge, or of any payment in lieu of Tithes, for the year 1909, and by whom borne.	<i>£ Not known borne by tenant</i>			
(m) Amount of Drainage, or Improvement Rate, or of any similar charge, and by whom borne.	<i>£ borne by ✓</i>			

See Instructions, page 1, footnote 1

See Instruction 5

<p>(n) Whether all usual Tenants' Rates and Taxes are borne by the Occupier, and, if not, by whom.</p>	<p><i>Tenant</i></p>
<p>(o) By whom is the cost of Repairs, Insurance, and other expenses necessary to maintain the Property, borne?</p>	<p><i>Owner</i></p>
<p>(p) Whether the Land is subject to any:—</p> <p>(i.) Fixed Charges (exclusive of Tithe Rentcharge entered in space (l)) and, if so, the Annual Amount thereof.</p> <p>(ii.) Public Rights of Way.</p> <p>(iii.) Public Rights of User.</p> <p>(iv.) Right of Common.</p> <p>(v.) Easements affecting the Land.</p> <p>(vi.) Covenant or Agreement restricting the use of the Land, and, if so, the date when such Covenant or Agreement was entered into or made.</p> <p>(Full particulars should be given in each case.)</p>	<p>Annual Amount £</p> <p>✓</p> <p>Date when made</p>
<p>(q) Particulars of the last sale (if any) of the Land within 20 years before 30 April, 1909, and of Expenditure since the date thereof:—</p> <p>(i.) Date of Sale.</p> <p>(ii.) Amount of Purchase-money and other consideration (if any).</p> <p>(iii.) Capital Expenditure upon the Land since date of Sale.</p>	<p>(i.)</p> <p>(ii.)</p> <p>(iii.)</p> <p>✓</p>
<p>(r) Observations, with description, extent, and precise situation of any part of the Land which the Owner requires to be separately valued.</p>	<p>✓</p>
<p>(s) If the person making the Return desires that communications should be sent to an Agent or Solicitor on his behalf, the name and full postal address of such Agent or Solicitor.</p>	<p><i>At Messrs. Roberts & Co. 11, Abchurch Lane, London E.C. 4.</i></p>

Reference to the accompanying Sheet of Instructions (Form 2—Land).

See Instruction 6

* (t) (i) Does the person making the Return own the minerals comprised in the Land?

(i.) Yes (if any)

(ii) If so, state:—

(a) Whether the minerals were, on 30 April, 1909, comprised in a mining lease or being worked by the proprietor.

(ii.) (a)

(b) Whether the minerals are now comprised in a mining lease or being worked by the proprietor.

(b)

(iii.) If not, state the name and address of the proprietor of the minerals.

(iii.)

(* Minerals not comprised in a mining lease or being worked, are to be treated as having no value as minerals unless the proprietor of the minerals fills up space (w) below.)

I hereby declare that the foregoing particulars are in every respect fully and truly stated to the best of my judgment and belief.

Dated this 16 day of Sept 1910..

Margaret Francis

(Signature of person making the Return.

Widow

(Rank, Title, or Description.

II. Additional particulars which may be given, if desired.

See Instructions 7, 8, and 9

(u) Value of the Land as defined in Instruction 7, and estimated by the Owner, with particulars how arrived at:—

(i.) Gross Value.

(i.) £

(ii.) Full Site Value.

(ii.) £

(iii.) Total Value.

(iii.) £

(iv.) Assessable Site Value.

(iv.) £

(v.) Particulars how Values arrived at.*

(v.)

(* May be given on a separate sheet of paper, if desired.)

See Instructions 7, 8, and 9

(v) If the Owner does not desire to furnish his estimate of the Value of the Land, but intends to claim a Site-value deduction under Instruction 7 (iv.), (a), (b), (c), or (d), or under instruction 9 (i.), (a), the intention should be stated. A form will then be sent in due course for particulars of the claim to be given.

See Instructions 6 and 10

(w) Nature, and estimate of the Capital Value of any minerals not comprised in a mining lease and not being worked, which have a value as minerals.

Nature

Capital Value £

Signature.

Date.



FINANCE (1909-10) ACT, 1910.
DUTIES ON LAND VALUES.

The name of the parish and number of the hereditament should be quoted in all communications.

PROVISIONAL VALUATION.

Darowen 170

Manor of Darowen

Description of Property _____

Situation _____ County MONTGOMERY, Parish **DAROWEN** No. of hereditament *170, 171, 172*

Name of Occupier *Evans Jones*

Extent Acres *614* Roods *3* Perches *22* Yards _____

The Commissioners of Inland Revenue have caused to be made the following Provisional Valuation of the land described above:—

ORIGINAL GROSS VALUE.....£		3239	
Deductions from Gross Value			
(a) To arrive at Full Site Value		(b) To arrive at Total Value	
Difference between Gross Value and Value of the Fee Simple of the Land divested of Buildings, Trees, &c.	775	Fee Farm Rent, Rent Seek, Quit Rent, Chief Rent, or Rent of Assize	15
		Other perpetual Rent or Annuity	
		Tithe or Tithe Rent Charge	224
		Burden or charge arising by operation of law, or imposed by Act of Parliament	
		If Copyhold, Cost of Enfranchisement	
		Public Rights of Way or User	
		Right of Common	
		Easements	
		Restrictions under Covenant or Agreement	
		Total Deductions	239
ORIGINAL FULL SITE VALUE, £	2464	ORIGINAL TOTAL VALUE.....£	3000

Deductions from Total Value to arrive at Assessable Site Value	
Deductions from Gross Value to arrive at Full Site Value (as above)	775
Works executed	
Capital Expenditure	
Appropriation of Land for streets, roads, open spaces, &c.	
Redemption of Land Tax or Fixed Charge	
	1775
Enfranchisement of Copyholds	
Release of Restrictive Covenants	
Goodwill or personal elements	
Cost of clearing Site	
Total Deductions	775
ORIGINAL ASSESSABLE SITE VALUE.....£	2225
Value of Agricultural Land for Agricultural purposes where different from Assessable Site Value.....£	2875

Given under my hand this _____ day of _____ 191 .

WELSHPOOL.

Valuer appointed by the
Commissioners of Inland Revenue,
District.

Form 37—Land.

[7328] 750m 3/14n G & S 374t 444F

A copy of the foregoing Provisional Valuation was served on the undermentioned persons on the dates and in the manner specified below:—

	Name and Address	When copy served	How copy served	Initials of the person serving the Notice
Owner	<i>Mrs. Mayl. Francis Purlyndorey Wachyulleth</i>			
Where a lessee is owner	Persons entitled to leasehold reversion exceeding 21 years			
	Person entitled to fee simple reversion			
	Persons interested in the land, who have applied for copy			

37—Land.



THE COMMISSIONERS OF INLAND REVENUE.

DUTIES ON LAND VALUES.

(Finance (1909-10) Act, 1910.)

REFERENCE: to be quoted in all communications.
Darwen
 1911

RETURN TO BE MADE BY AN OWNER OF LAND OR BY ANY PERSON RECEIVING RENT IN RESPECT OF LAND.

(Penalty for failure to make a due Return, not exceeding £50.)

Reference to the accompanying Sheet of Instructions (Form 2—Land).		<small>This space is not for the use of the person making the Return.</small>
SEE INSTRUCTION 2	Particulars extracted from the Rate books	Parish <i>Darwen</i> Number of Poor Rate ... Name of Occupier <i>Evan Jones</i> Description of Property ... <i>Woodlands</i> Situation of Property <i>Rhiwgrafol</i> Estimated extent..... Acres <i>11</i> Roods <i>1</i> Gross Estimated Rental (or Gross Value in Valuation List*) £ <i>11-5-0</i> Rateable Value £ <i>11-3-0</i> (* Applicable to the Metropolis only.)

IMPORTANT.—As the Land is to be valued as on 30th April, 1909, the particulars should be furnished, so far as possible, with reference to the circumstances existing on that date.

I. Particulars required by the Commissioners, which must be furnished so far as it is in the power of the person making the Return to give them.

See Instruction 3		
See Instruction 4	(a) Parish or Parishes in which the Land is situated.	<i>Presumably in the Parish of Darwen</i>
See Instructions 1 and 3	(b) Name of Occupier.	<i>Evan Jones</i>
See Instructions 1 and 3	(c) Christian Name and Surname and full postal address of the person making the Return.	<i>Margaret Francis Newbyn Dover xxx <i>Mashyulloth</i></i>
See Instruction 6	(d) Nature of Interest of the person making the Return in the Land:— (1) Whether Freehold, Copyhold, or Leasehold. (2) If Copyhold, name of the Manor. (3) If Leasehold, (i.) term of lease and date of commencement (including, where the lease contains a covenant for renewal, the period for which the lease may be renewed), and (ii.) name and address of lessor or his successor in title.	1 <i>Freehold</i> 2 ✓ 3 (i.) ✓ 3 (ii.) ✓

SEE INSTRUCTION 2

(e) Name, and precise situation of the Land.	✓																	
(f) Description of the Land, with particulars of the buildings and other structures (if any) thereon, and the purposes for which the property is used. (House, Stable, Shop, Farm, etc.)	Woodlands																	
(g) Extent of the Land, if known.	Acres	Roods	Perches	Yards														
(h) If the Land is let by the person making the Return, state:— (i.) Whether let under Lease or Agreement, or (ii.) If there is no Lease or written Agreement, whether let by the Year, Quarter, Month, or Week. (iii.) If let under Lease or Agreement— (a) Term for which granted. (b) Date of commencement of term. (c) Whether granted for any consideration in money, paid or to be paid by the Tenant, in addition to the Rent reserved,* or (d) Upon any condition as to the Tenant laying out money in Building, Rebuilding, or Improvements.* (iv.) Amount of Yearly Rent receivable. (*If so, give full particulars.)	<table border="0"> <tr> <td style="vertical-align: top;">(i.)</td> <td style="vertical-align: top;">Agreement</td> </tr> <tr> <td style="vertical-align: top;">(ii.)</td> <td></td> </tr> <tr> <td style="vertical-align: top;">(iii.) (a)</td> <td style="vertical-align: top;">Yearly tenancy</td> </tr> <tr> <td style="vertical-align: top;">(b)</td> <td style="vertical-align: top;">March 25th</td> </tr> <tr> <td style="vertical-align: top;">(c)</td> <td></td> </tr> <tr> <td style="vertical-align: top;">(d)</td> <td></td> </tr> <tr> <td style="vertical-align: top;">(iv.)</td> <td style="vertical-align: top;">£ Included in letting of Rhwyngroble £110 per an</td> </tr> </table>				(i.)	Agreement	(ii.)		(iii.) (a)	Yearly tenancy	(b)	March 25 th	(c)		(d)		(iv.)	£ Included in letting of Rhwyngroble £110 per an
(i.)	Agreement																	
(ii.)																		
(iii.) (a)	Yearly tenancy																	
(b)	March 25 th																	
(c)																		
(d)																		
(iv.)	£ Included in letting of Rhwyngroble £110 per an																	
(k) Amount of Land Tax (if any) and by whom borne.	£ borne by none paid																	
(l) Amount of Tithe Rentcharge, or of any payment in lieu of Tithes, for the year 1909, and by whom borne.	<table border="0"> <tr> <td style="vertical-align: top;">Newnes parish</td> <td style="vertical-align: top;">£ 14-14-10</td> </tr> <tr> <td style="vertical-align: top;">Dabowen do</td> <td style="vertical-align: top;">3-1-10</td> </tr> <tr> <td></td> <td style="border-top: 1px solid black; vertical-align: top;">7-16-5</td> </tr> </table> <p>borne by tenant. The proportion due in respect of woodlands is not known</p>				Newnes parish	£ 14-14-10	Dabowen do	3-1-10		7-16-5								
Newnes parish	£ 14-14-10																	
Dabowen do	3-1-10																	
	7-16-5																	
(m) Amount of Drainage, or Improvement Rate, or of any similar charge, and by whom borne.	£ borne by ✓																	

Reference to the accompanying Sheet of Instructions (Form 2 and)

See Instructions, page 1, footnote †

See Instruction 5

<p>(n) Whether all usual Tenants' Rates and Taxes are borne by the Occupier, and, if not, by whom.</p>	<p><i>Rates on woodlands borne by owner</i></p>
<p>(o) By whom is the cost of Repairs, Insurance, and other expenses necessary to maintain the Property, borne?</p>	<p><i>By Owner</i></p>
<p>(p) Whether the Land is subject to any:—</p> <p>(i.) Fixed Charges, (exclusive of Tithe Rentcharge entered in space (l)), and, if so, the Annual Amount thereof.</p> <p>(ii.) Public Rights of Way</p> <p>(iii.) Public Rights of User</p> <p>(iv.) Right of Common.....</p> <p>(v.) Easements affecting the Land</p> <p>(vi.) Covenant or Agreement restricting the use of the Land, and, if so, the date when such Covenant or Agreement was entered into or made.</p> <p>(Full particulars should be given in each case.)</p>	<p><i>nil</i></p> <p>Annual Amount £</p> <p><i>nil</i></p> <p>Date when made</p>
<p>(q) Particulars of the last sale (if any) of the Land within 20 years before 30 April, 1909, and of Expenditure since the date thereof:—</p> <p>(i.) Date of Sale.</p> <p>(ii.) Amount of Purchase-money and other consideration (if any).</p> <p>(iii.) Capital Expenditure upon the Land since date of Sale.</p>	<p>(i.)</p> <p>(ii.) <i>✓</i></p> <p>(iii.)</p>
<p>(r) Observations, with description, extent, and precise situation of any part of the Land which the Owner requires to be separately valued.</p>	<p><i>✓</i></p>
<p>(s) If the person making the Return desires that communications should be sent to an Agent or Solicitor on his behalf, the name and full postal address of such Agent or Solicitor.</p>	<p><i>✓</i></p>

See Instruction 8

- * (i) (i.) Does the person making the Return own the minerals comprised in the Land?
- (ii.) If so, state:—
 - (a) Whether the minerals were, on 30 April, 1909, comprised in a mining lease or being worked by the proprietor.
 - (b) Whether the minerals are now comprised in a mining lease or being worked by the proprietor.
- (iii.) If not, state the name and address of the proprietor of the minerals.

(i.) *Yes*

(ii.) (a) *✓*

(b) *✓*

(iii.)

(* Minerals not comprised in a mining lease or being worked, are to be treated as having no value as minerals, unless the proprietor of the minerals fills up space (w) below.)

I hereby declare that the foregoing particulars are in every respect fully and truly stated to the best of my judgment and belief.

Dated this *16th* day of *January* 19*13*.

Margaret Francis (Signature of person making the Return.)

draw on behalf of myself, Mrs Margaret Jones, Mrs Mary Agnes Parry and Thomas H. Cary have owners of the freehold (Rank, Title, or Description.)

II. Additional particulars which may be given, if desired.

See Instructions 7, 8, and 9

(u) Value of the Land as defined in Instruction 7, and estimated by the Owner, with particulars how arrived at:—

- (i.) Gross Value.
- (ii.) Full Site Value.
- (iii.) Total Value.
- (iv.) Assessable Site Value.
- (v.) Particulars how Values arrived at.*

(i.) £

(ii.) £

(iii.) £

(iv.) £

(v.)

(* May be given on a separate sheet of paper, if desired.)

See Instructions 7, 8, and 9

(v) If the Owner does not desire to furnish his estimate of the Value of the Land, but intends to claim a Site-value deduction under Instruction 7 (iv.), (a), (b), (c), or (d), or under Instruction 9 (i.), (a), the intention should be stated. A form will then be sent in due course for particulars of the claim to be given.

✓

See Instructions 8 and 10

(w) Nature, and estimate of the Capital Value of any minerals not comprised in a mining lease and not being worked, which have a value as minerals.

Nature *✓*

Capital Value £

Signature.

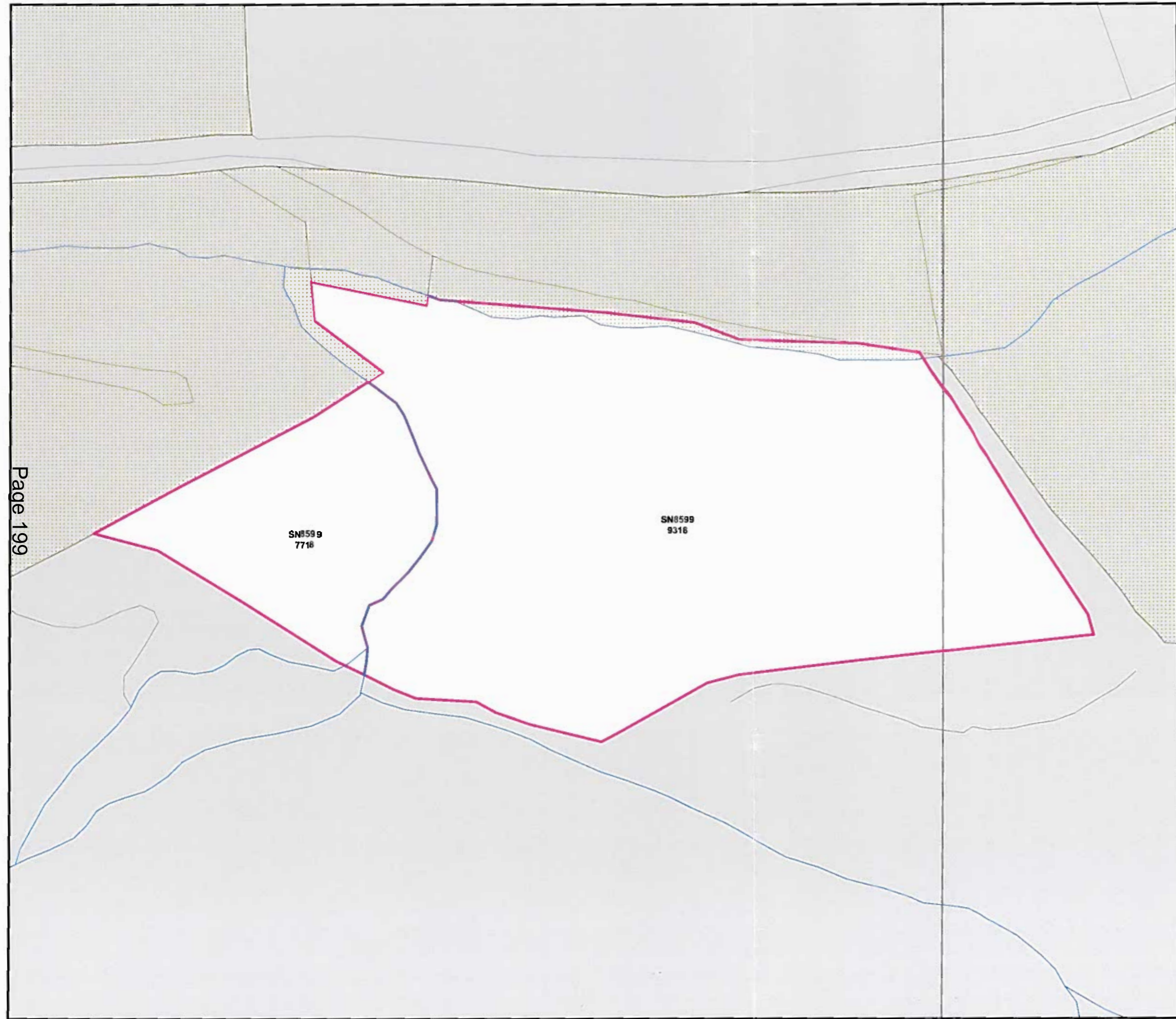
Date.



26116 Montgomery Land Valuation May 17th

6

286000



Page 199

Cronfa Amaethyddol Ewrop ar gyfer Datblygu Gwledig; Ewrop yn Buddsoddi mewn Ardaloedd Gwledig
The European Agricultural Fund for Rural Development; Europe Invests in Rural Areas

Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Mapiau Cais am Eifen Cymru Gyfan Glastir
Glastir All-Wales Element Application Maps

Cyn Diwedd aru'r Mapiau / Pre Mapping Update

Marc Diogelwch GWARCHOD / Security Marking PROTECT
Cyfeirnod y Cwsmer / Customer Reference Number

A0002873
Map 7 o 7 / Map 7 of 7

Allwedd / Legend

Ffiniau Parseli Glastir		Glastir Parcel Boundaries
Cyfeirnod y Ddaalen	SA1234	Sheet Reference
Rhif y Cae	6789	Field Number
Parseli ar Ddaalen Map Arall (Wedi'u Cynnwys)		Parcels on Another Map Sheet (Included)
Ardaloedd Cadwraeth Statudol		Statutory Conservation Areas
Gytundeb Rheoli Adran 15		S15 Management Agreement
Heneb Restredig		Scheduled Ancient Monument
Heneb Anrhestredig		Unscheduled Ancient Monument
Prif fap nodweddion dŵr yr OS		OS Mastermap water features
Rhesir Coedwigoedd Genedlaethol		National Forest Inventory (NFI)
Adeiladau ac Arwynebau Caled		Buildings and Hard Surfaces

N **Graddfa Fras / Approx. Scale 1:1,250**

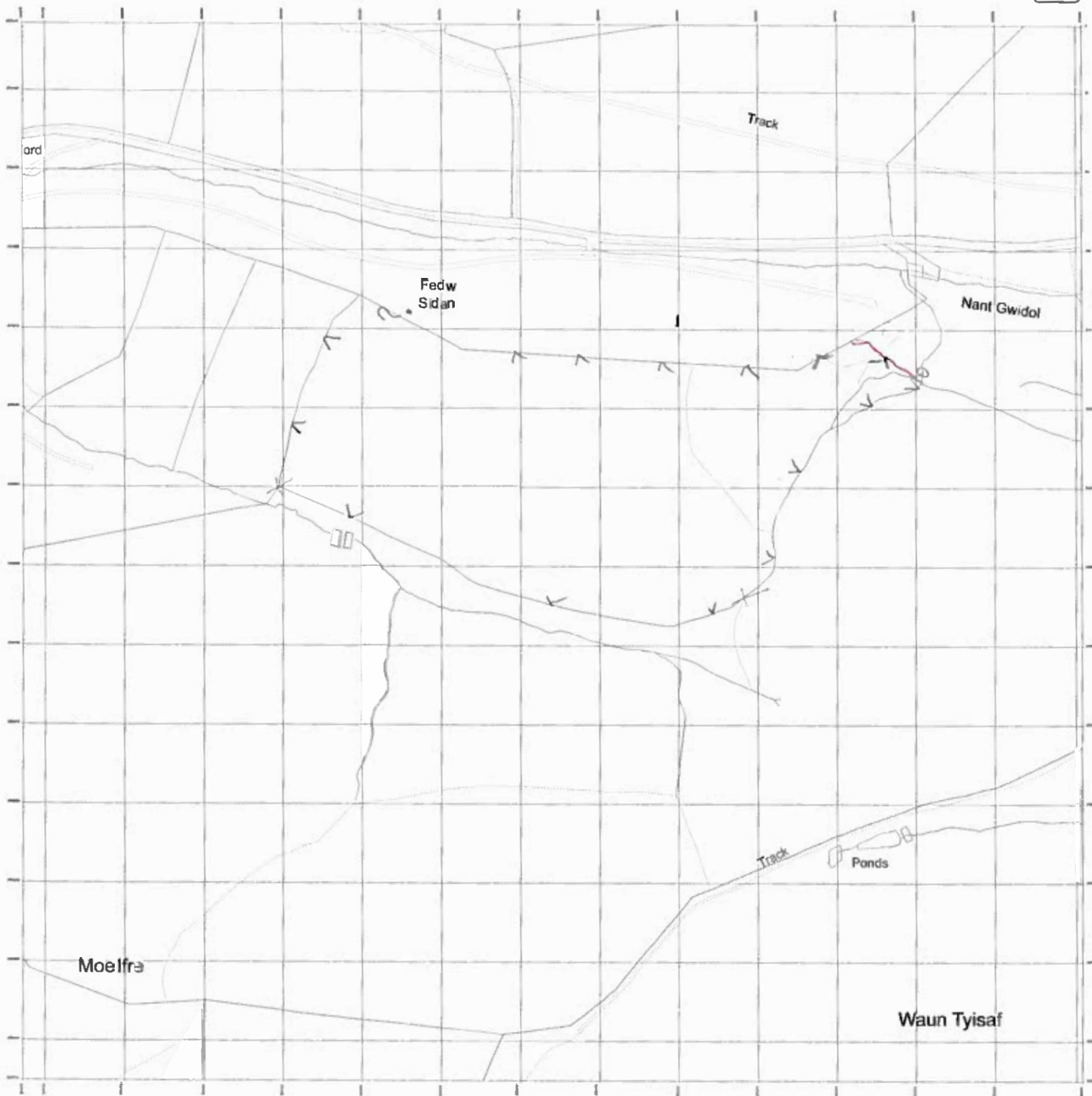
Argraffwyd ar / Printed on: 16/09/2010

Algyrth yr enw y map hwn o ddiwydd yr Arolwg Ordnans gyda charniatâd yr Arolwg Ordnans a'r Rhan Rheolaeth Llyfrfa a'r Mawrhydi © Hawlfraint y Goron. Mae atgynhychu heb ganiatâd y llofnod awlfrant y Goron a gall arwain at erlyniad neu achos sifil.
Llywodraeth Cynulliad Cymru, Rhif Trwydded GD 100017916, 2010

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286000

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Produced 16 Sep 2017 from the Ordnance Survey
MasterMap Topography Database and incorporating corrected
version numbers of 16th date
The representation of a road, track or path is for guidance
only and does not constitute an offer of a right of way. The representation of features on
this is an indication of property boundary

Metres
0 20 40 60 80 100
1:2500



Digitized by Azimuth 16 Sep 2017
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Ordnance Survey
Geoid coordinates: 50320 50470

Model 1.7 (Download) Azimuth 17

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GRAZER:- LAND EDGED RED.

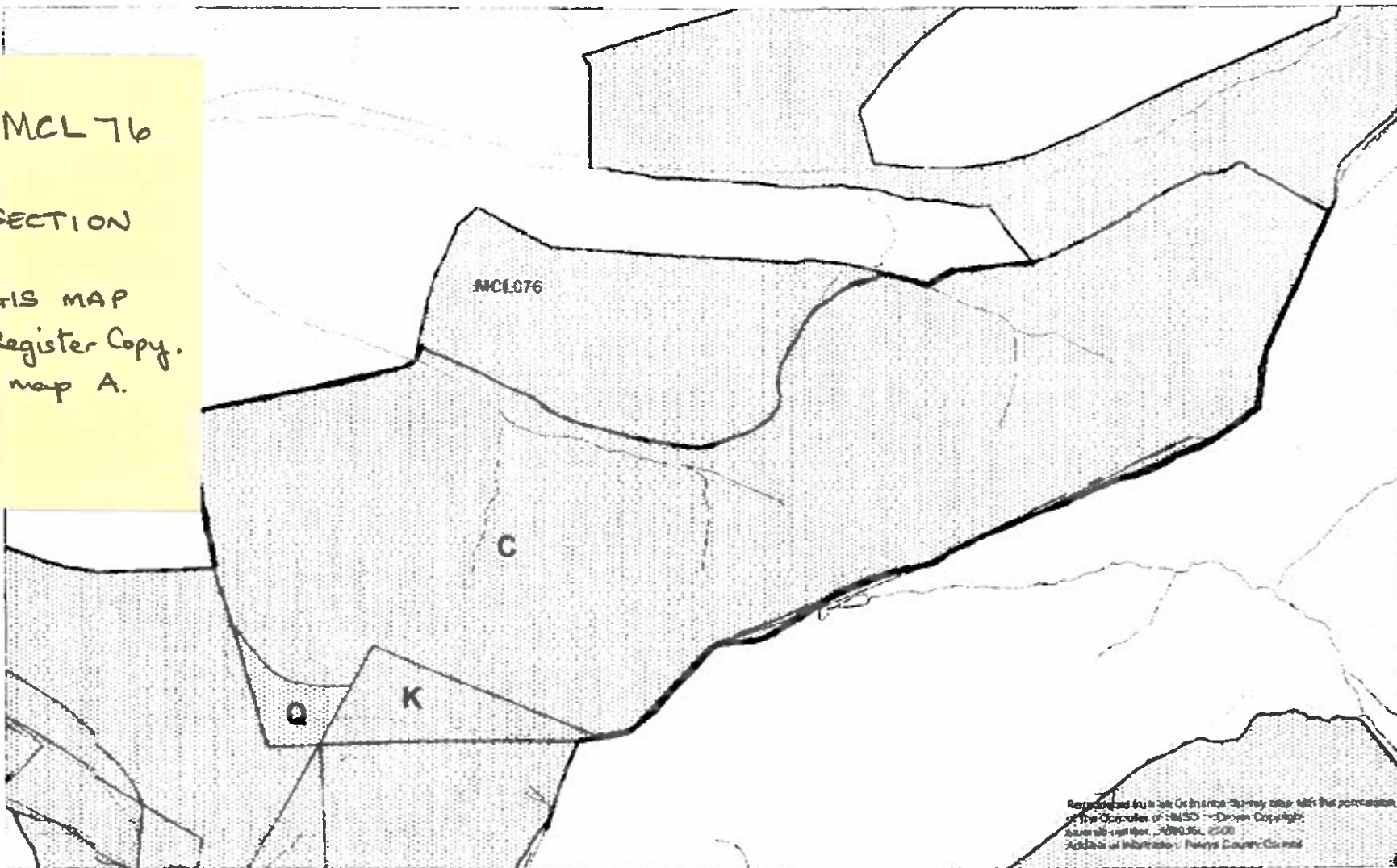
E.H.M.E. JONES

MCL 76

RIGHTS SECTION

- 1. ENTRY 3 - GIS MAP
- 2. ENTRY 3 - Register Copy.
- 3. Supplemental map A.

Page 203



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Highways, Transport & Property
Prifwydd, Trafforddiasth ac Eiddo
Group: Commons Registrar
John Owen, B. Sc., C. Eng., MICE, M.I.H.T.
Director of Highways, Transport & Property
Cyfarwyddwr Prifwydd, Trafforddiasth ac Eiddo
County Hall, Llandrinod Wells, Powys, LD1 5LG

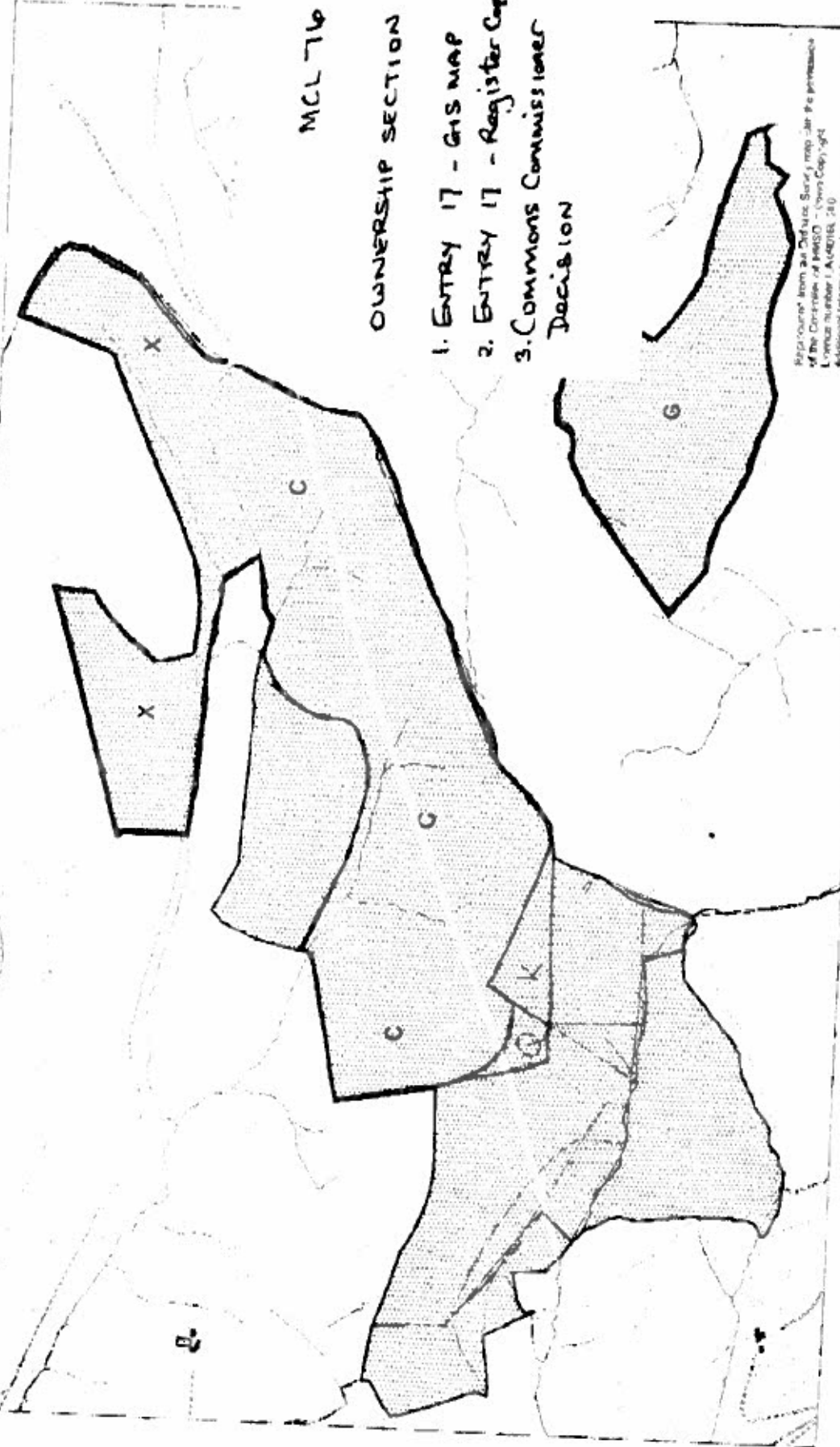
Registered Common Land - MCL 76
Rights Section of the Register - Entry No. 3 - C, K & Q
For Information Purposes Only

Compiled by
Mrs J Griffiths
Date
31 May 2001
Scale 1:9649

01-01-0002-1001-01

F-04

SECTION 9 - NO KNOWN OWNER - LOCAL AUTHORITY CARE.



Registered Common Land - MCL 76

Ownership Section of the Register - Entry No. 17 - C, G & X
For Information Purposes Only

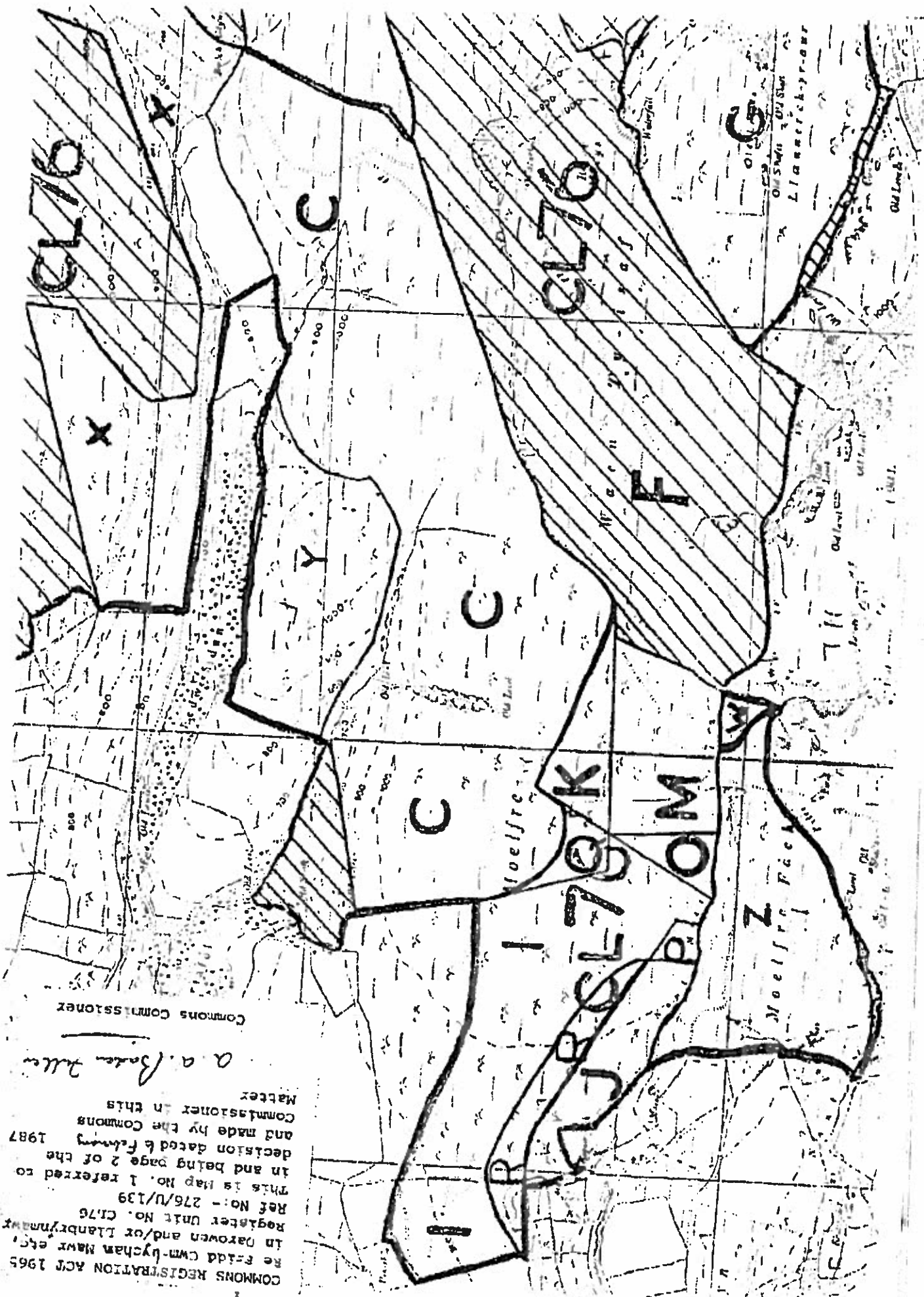
Highways, Transport & Property
Prifffyrdd, Trafnidiaeth ac Eiddo
Group: Commoners Registration

John Owen B. Sc., C. Eng., M.I.C.E., M.I.H.T.
Director of Highways, Transport & Property
Cyfarwyddwr Prifffyrdd, Trafnidiaeth ac Eiddo
Carnly Hall, Llandrindod Wells, Powys, LD1 5LG



Compiled by
Mrs J Griffiths
Date
June 2001

Scale 1:15097



COMMONS REGISTRATION ACT 1965
 Re ffridd cwm-lychan Nawr etc,
 in Darwen and/or Llanbrynmawr
 Register Unit No. C176
 Ref No: - 276/U/139
 This is map No. 1 referred to
 in and being page 2 of the
 decision dated 6 February 1987
 and made by the Commons
 Commissioner in this
 Matter
 A. A. Bowen Allen
 Commons Commissioner

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COMMONS REGISTRATION ACT 1965

Note: This section contains the registration of the land comprised in this register unit.

Registration authority

Powys

Register of Common Land

CWM EDNANT, RHIW GOCH, MOELFRE ETC.

Register unit No. MCL076

Edition No.

LAND SECTION - Sheet No. 1

No. and date of entry	Description of the land, reference to the register map, registration particulars etc.
1 04/11/1969	<p>THE TRACT OF LAND 775.914 HA (1917.732 ACRES) OR THEREABOUTS COMPRISING CWM EDNANT, RHIW GOCH, MOELFRE, WAEN TY-ISAFF, CWM WERN-FACH, FFRIDD DOLGADFAN, BWLCH GLYNMYNYDD, BANC BRONDERWGOED, BANC MELYN, MOELFRE FACH AND LLANERCH-YR-AUR IN THE PARISHES OF DAROWEN AND LLANBRYNMAIR, AS MARKED WITH A GREEN VERGE LINE INSIDE THE BOUNDARY ON SHEETS 76A, B, C OF THE REGISTER MAP AND DISTINGUISHED BY THE NUMBER OF THIS REGISTER UNIT. REGISTERED PURSUANT TO APPLICATION NO. 398 MADE 27TH OCTOBER 1969, BY THE RAMBLER'S ASSOCIATION OF 124 FINCHLEY ROAD, LONDON, NW3.</p> <p>Common Acreage: 1917.732</p> <p>Commons Commissioners Decision : THE REGISTRATION AT ENTRY NO. 1 ABOVE, BECAME FINAL ON THE 26TH JULY 1973, WITH THE FOLLOWING MODIFICATION:- A) THE AREA TO READ 404.804 HA (1000.505 ACRES) OR THEREABOUTS. B) THE LAND HATCHED BLACK COMPRISING AN AREA OF 371.110 HA (917.227 ACRES) HAS BEEN REMOVED FROM THE REGISTER.</p> <p>Registration Amendment :- 30/10/84 THE PART OF THE LAND, NAMELY FFRIDD CWM-BYCHAN-MAWR, COMPRISED IN THIS REGISTER UNIT, CEASED TO BE COMMON LAND ON 23RD OCTOBER 1984, AND IS REMOVED FROM THE REGISTER, PURSUANT TO APPLICATIONS MADE 23RD NOVEMBER 1983 AND 21ST AUGUST 1984 BY MESSRS E W PUGH AND MR/S J T JONES.</p>



Page 207

Extract from Commons Registration Map Register

Sheet No. SN 89 NE

Unit No. MCL 76

COMMONS REGISTRATION ACT, 1965
24 MAY 2004
POWYS COUNTY COUNCIL
REGISTRATION AUTHORITY



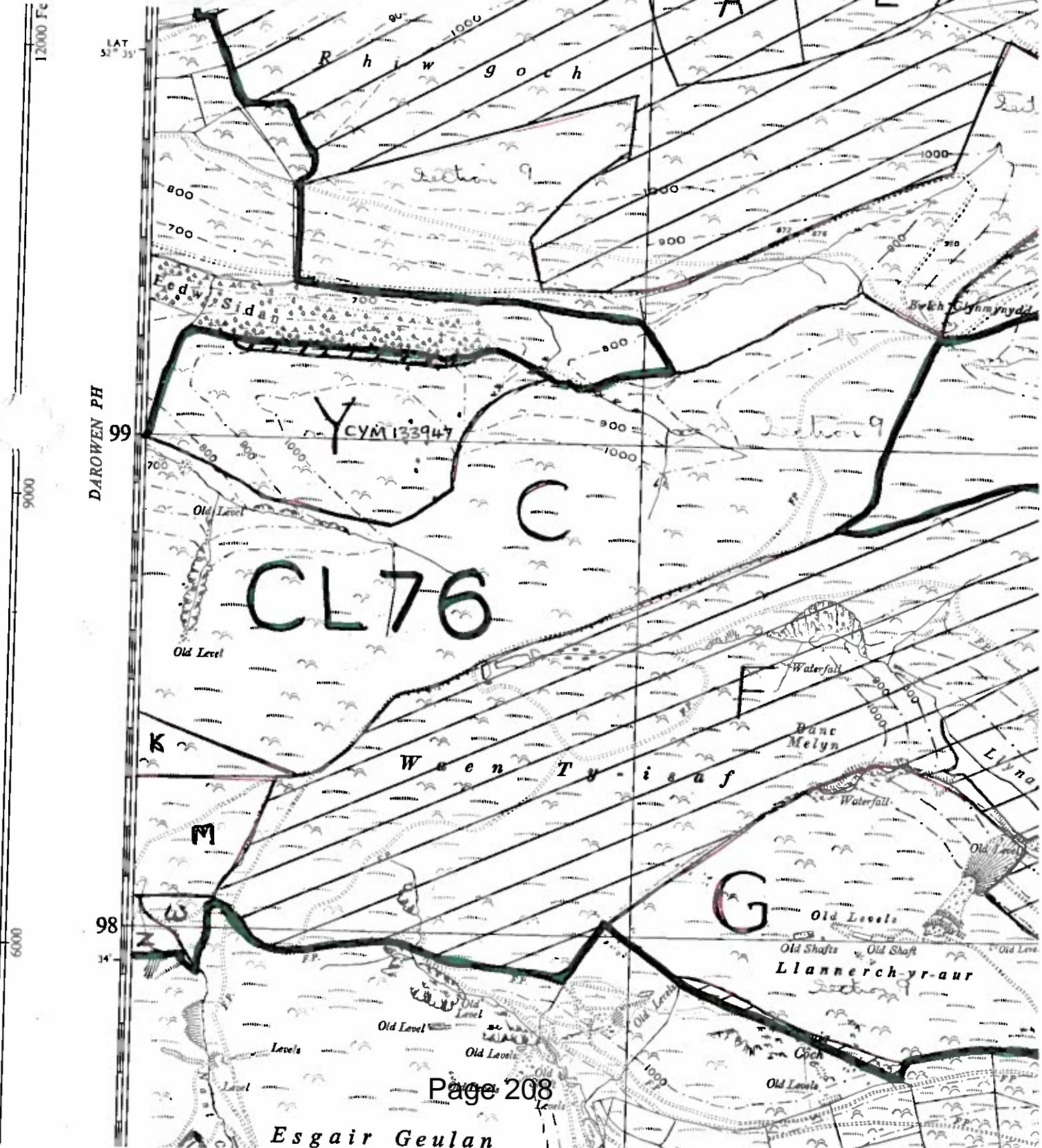
Land Removed from Registration



Common Land Boundary



Ownership or Grazier Boundary



COMMONS REGISTRATION ACT 1966

Register of Common Land

CWM EDNANT, RHIV GOCH, MOELFRE ETC.

OWNERSHIP SECTION - Sheet No.

Note: This section contains the registration of every person registered under the Act as owner of any of the land described in the land section of this register unit. It does not contain any registration in respect of land of which the freehold is registered under the Land Registration Acts 1925 and 1936, but the absence from this section of a registration in respect of any land described in the land section does not necessarily indicate that the freehold of that land is registered under those Acts.

Registration authority

Powys

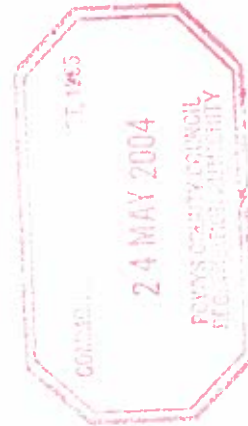
Register unit No. MCL076

Edition No.

1 No. and date of entry	2 No. and date of application	3 Name and Address of person registered as owner	4 Particulars of the land to which the registration applies
13 10/04/1987	0	LAND REGISTERED UNDER LAND REGISTRATION ACTS 1925 AND 1936 SEE NOTE OVERLEAF	THE PART OF THE LAND COMPRISED IN THIS REGISTER UNIT THE BOUNDARIES OF WHICH ARE SHOWN BY RED LINES ON THE REGISTER MAP AND MARKED THEREIN WITH THE LETTER 'Y'. OWNERSHIP REGISTRATION DELETED UNDER SECTION 12 OF THE ACT - 03/12/2003

Commoners Commission's Decision:

OWNERSHIP DETERMINED BY THE COMMONS COMMISSIONER AND STATED TO BE:-
EVAN HUGH JONES.



Note 1.

Notes

10/12/2003

Entry No 13.

Title No CYM 133947 - B52 Notice 03/12/2003.

In the Matter of an Application to the Powys County Council to deregister as Common Land, land registered as Common Land ^{being} ~~forming~~ part of Rhosgriaf, Talywern, New Machynlleth.


I GERAINT WIGLEY of Lleiniaw, Darowen, New Machynlleth DO SOLEMNLY AND SINCERELY DECLARE as follows.

1. I am now 71 years of age (born 24.11.1945). Apart from a period of 3 years when I was studying at Aberystwyth University (between 1964 and 1967) I have lived in the area of Talywern (Darowen) all my life. I was brought up on the Farm of Rhosdyrnog in Talywern which was owned by my father and which I took over from him in 1971 and which I have farmed since. Having retired in 2015 and moved with my wife to our current address, I still go to Rhosdyrnog to work most days.

2. The Farm of Rhosdyrnog is close to that of Rhosgriaf and I have been acquainted with it throughout my life. I am aware that the current owner Mrs Jane Margaret Wilkins is now applying to deregister as Common Land the area of land edged red and marked "Y" on the Plan attached hereto and marked "A" being part of Unit No. MCL 76 or Sheet No. SN89AE of the Common Registration Map. I can confirm that that land has for as long as I can remember formed part of Rhosgriaf and has never been regarded as a Down or Village Green (that I understand being an area of open space which it has been used by local inhabitants for the purpose of recreation or playing games) or any building erected on it which might be regarded as a Down or Village Hall used for similar purposes.

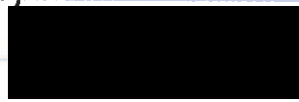
3. By my late father's account the land in question has been farmed in as part of Rhosgriaf since the early 20th century and that time it has been exclusively grazed by Rhosgriaf sheep flock. I am not aware of anyone else who has declared an interest in or challenged the right to graze livestock there.

4. I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act 1835.

DECLARED by me GERAINT WIGLEY |
at Machynlleth, Powys } 

this 5th day of October 2017)

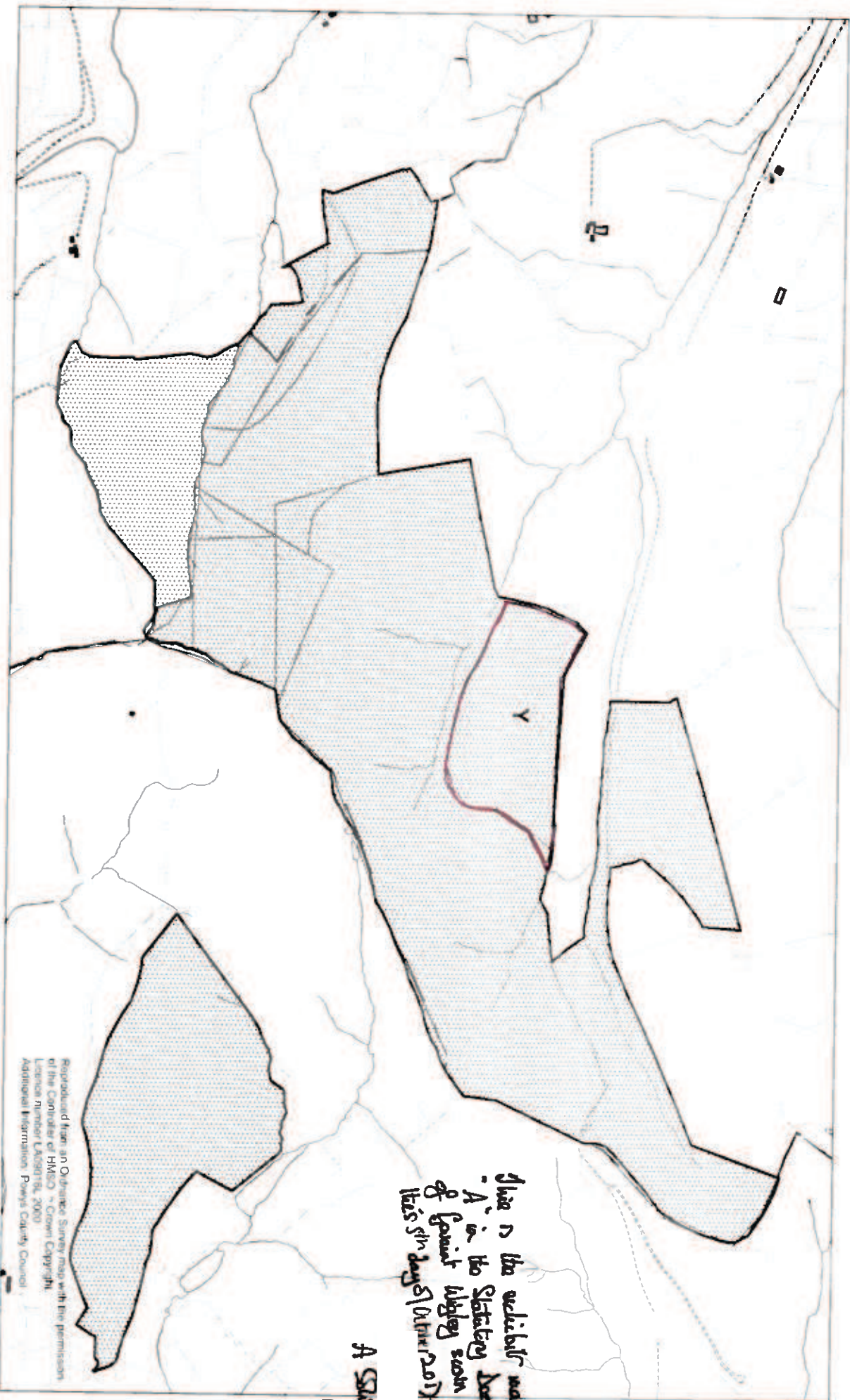
before me,



Justice

Affidavit.

EVAN HUGH JONES.



*This is the red line marked
 A in the Statutory Declaration
 of Evan's Wages from before the
 18th June 2001*

A Shaded

Reproduced from an Ordnance Survey map with the permission
 of the Controller of HMSO. Crown Copyright.
 License number LA30476L 2000
 Additional Information: Powys County Council



Highways, Transport & Property
Prifffyrdd, Trafnidiaeth ac Eiddo

Group : Commons Registration

John Owen, B. Sc., C. Eng., M.I.C.E., M.I.H.T.,
 Director of Highways, Transport & Property
 Cylfa Myddwr Prifffyrdd, Trafnidiaeth ac Eiddo
 County Hall, Llandrindod Wells, Powys, LD1 5LG

Registered Common Land - MCL 76

Ownership Section of the Register - Entry No. 13 - Y

For Information Purposes Only

Compiled by
Mrs J Griffiths

Date
1 June 2001

Scale 1:15908

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Rec 10/4/18

55, Chuck Road,
Witchuck,

Carroll, CF14 2BY.

09/04/2018.

Ms Claire Lewis.
The Council Department,
Pays County Council,
The Guild,
Ston Road,
Llandrindod Wells,
Pays, LD1 6AA.
Dear Ms Lewis,

Application No. 00XR received under the
Common Act 2006, Unit No. MCL76 "Y."

I spoke to Sian Jones on the telephone on Friday a she told me that you are writing to request from me evidence that my father (the late Mr E.H. Jones) was the owner of the land subject to my current Application at the time of the provisional registration of such land as Common Land. You already have a copy of the Conveyance when my grandfather acquired the Property in 1922. I am now enclosing :-

- (i) copy Grant of Probate to the estate of my grandfather Mr Richard Jones.
- (ii) copy Assent dated 12.12.1957 assenting the Property to my grandfather's Executors to my grandmother Mrs Hannah Jones.
- (iii) copy Grant of Letters of Administration to the estate of my grandmother Mrs Hannah Jones.
- (iv) copy Assent dated 2.1.1954 whereby my father, as the sole Administrator of his mother's estate was

the Property into his sole name.

This establishes my father as the sole owner of the Property at the time of registration.

I am also enclosing (in case you need it) a copy of a Conveyance dated 09.08.1985 when my father transferred the Property into the joint names of himself & my mother: they transferred the Property to me in 1997: I do not at present have a copy of the entries on the Land Registry evidencing my ownership: if you require a copy please let me know but my understanding is that what you require is evidence of my father's ownership at the time of Provisional Registration & this of course I now shall you now have.

So far as the matter of "estate of the man is concerned" as explained the property in question is part of the freehold land which my grandfather acquired in 1922 & passed to my father by virtue of the 1954 Act. He acquired the freehold. It was always regarded as part of the Farm & in the past had been fenced, although such fences/hedges had fallen into disrepair. I have previously said you if you require me to get a Statement from an independent person of that please let me know.

Yours sincerely,

[Redacted Signature]

3/3 (2)

In His Majesty's High Court of Justice.

The Principal Probate Registry

BE IT KNOWN that **RICHARD JONES** of *garreglwyd*
Penegees Machynlleth Montgomeryshire

died *there* on the *11th* day of *April* 19 *51*

AND BE IT FURTHER KNOWN that at the date hereunder written the last Will and Testament

(a copy whereof is hereunto annexed) of the said deceased was proved and registered in the Principal Probate Registry of His Majesty's High Court of Justice and that Administration of all the Estate which by law devolves to and vests in the personal representative of the said deceased was granted by the aforesaid Court to **EVAN HUGHES JONES** of

Rhwngriafol Darowen Montgomeryshire Farmer
son of deceased and **IVOR JONES** *of*
Llys Dybi Bemmaes Road Montgomeryshire
Registrar of Births Deaths and Marriages
the Executors named in the said Will

And it is hereby certified that an Affidavit for Inland Revenue has been delivered wherein it is shewn that the gross value of the said Estate in Great Britain

(exclusive of what the said deceased may have been possessed of or entitled to as a Trustee and not beneficially) amounts to
£ **3506-16-6**
and that the net value of the estate amounts to £ **3462-6-6**

And it is further certified that it appears by a Receipt signed by an Inland Revenue Officer on the said Affidavit that
£ **69-6-10.** on account of Estate Duty and interest on such duty has been paid.

Dated the *30th* day of *August* 19 *51*


Registrar.

12
Probate

Extracted by

H.M. Arthur
Machynlleth. mont.

IA

23

This is the last Will and Testament of me Richard Jones of Garreglwyd, Penegoes, Machynlleth, Retired Farmer. I give and bequeath all the shares which I hold in The National Provincial Bank Limited and, Lever Brothers and Unilever Limited to my son Evan Hughes Jones absolutely. I give devise and bequeath all the residue of my estate, both real and personal whatsoever and wheresoever to my wife Hannah Jones absolutely. I appoint my said son Evan Hughes Jones and Iwan Jones of Llys Dyfi, Cemmas Road Machynlleth to be joint & several executors of this my Will. In witness whereof I have hereunto set my hand this Sixth — day of August One thousand nine hundred and fortythree.

Signed by the said Richard Jones the Testator as and for his last Will and Testament in the presence of us present at the same time, who at his request, on his request, and in the presence of such others have hereunto subscribed our names as witnesses.



Llys Dyfi, Cemmas Road

Mary Hughes,
Garreg Lwyd Penegoes
Machynlleth.

(ii)

³
DATED 12th December 1951

In the estate of the late
RICHARD JONES deceased

ASSENT

relating to freehold farm and
lands known as REIWGRIAFOL
situate in the Parish of Darowen
in the County of Montgomery

H. M. ARTHUR
ESQUIRE

(ii)

WE EVAN HUGHES JONES of Rhiwgriafol Darowen in the County of Montgomery Farmer and IVOR JONES of Ilys Dyfi Cemmaes Road in the said County Registrar of Births Deaths and Marriages the personal representatives of Richard Jones late of Garreglwyd Penegoes in the said County Retired Farmer deceased who died on the eleventh day of April One thousand nine hundred and fiftyone and whose Will dated the Sixth day of August One thousand nine hundred and fortythree we duly proved on the Thirtieth day of August One thousand nine hundred and fiftyone in the Principal Probate Registry DO this *twelfth* day of *December* One thousand nine hundred and fiftyone as such personal representatives as aforesaid hereby ASSENT to the vesting in Hannah Jones of Garreglwyd aforesaid Widow of ALL THAT farm with the messuage or farmhouse farm and other outbuildings closes or parcels of land called RHIWGRAIAFOL situate in the Parish of Darowen in the County of Montgomery containing three hundred and eighty acres two roods and twenty perches or thereabouts together with the Sheepwalk belonging thereto as now in the occupation of the said Evan Hughes Jones as tenant thereof ALL which said premises are more particularly described in the Schedule to a Conveyance dated the Twentieth day of January One thousand nine hundred and twentytwo made between Margaret Francis of the first part Margaret Jane Jones of the second part Thomas Henry Vaughan of the third part The Reverend Evan Griffith Jones and the Reverend David Cunllo Davies of the fourth part and the said Richard Jones of the fifth part and are with the abuttals and boundaries thereof delineated and coloured as to the said farm and lands pink and as to the said Sheepwalk green on the plan drawn thereon which schedule and plan are intended for the purpose of identification only and not of limitation enlargement or restriction of the general description for an estate in fee simple TOGETHER with the hereditaments for a width of eight yards coloured yellow between the points marked "A" and "B" on the said plan for all the estate and interest of the said Richard Jones deceased therein at his death

[Handwritten signature]

AND we hereby acknowledge the right of the said Hannah Jones *production 9* to the said Probate of the Will of Richard Jones deceased and

to the delivery of copies thereof

AS WITNESS our hands

SIGNED by the said EVAN)
HUGHES JONES in the)
presence of :-)



*Ivor
Jones*

SIGNED by the said IVOR)
JONES in the presence of)



*Ivor Jones
Boris
Solomon's Clerk*

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MEMORANDUM that by an Assent under his hand dated the *Sixteenth* day of *March* 1954 the within-named Evan Hughes Jones assented to the vesting in himself of ALL THAT farm and lands known as RHIWGRIAFOL situate in the Parish of Darowen in the County of Montgomery containing 380a. 2r. 20p. or thereabouts TOGETHER with the Sheepwalk thereto and for purposes of identification only more particularly described in the Schedule to and with the abuttals and boundaries delineated on the plan on a Conveyance dated the 20th day of January 1920 within referred to for an estate in fee simple TOGETHER with the hereditaments for a width of 8 yards coloured yellow between the points marked "A" and "B" on the said plan for all the estate and interest of the within-named Hannah Jones therein at her death.

(117)

Dated 14th February, 1954

of Hannah Jones deceased, together, Remains in the County of Montgomery

of
of
of

H. M. ARTHUR,
SOLICITOR,
W. 304, N. 11, ST. ...

INLAND REVENUE.	
The true gross value of the said Estate is now shown to be	
3685-14-8	
3640-14-8	
Estate of <i>W L Jones</i>	
29 Apr 1954	

POST OFFICE SAVINGS DEPARTMENT (S.D. DIVN.)
RECEIVED 26-2-54
REGD. No. 11745/3420821A



FOR BARCLAYS BANK LIMITED
 MACHYNLLETH
W. H. Jones
 20 FEB 1954
 MANAGER

Her
In His Majesty's High Court of Justice.

The Principal Probate Registry.

BE IT KNOWN that *HANNAH JONES*

(iii)

*of Garreglwyd Penegoes Machynlleth
Montgomeryshire*

died *there* on the *7th* day of *August* 1953

Intestate *a widow*

AND BE IT FURTHER KNOWN that at the date hereunder written Letters of Administration of all the Estate which by law devolves to and vests in the personal representative of the said Intestate were granted by His Majesty's High Court of Justice at the Principal Probate Registry thereof to *EVAN HUGHES*

*JONES of Rhingriafol Iarowen
Montgomeryshire Farmer the lawful son
and only person entitled to the estate of the
said intestate*

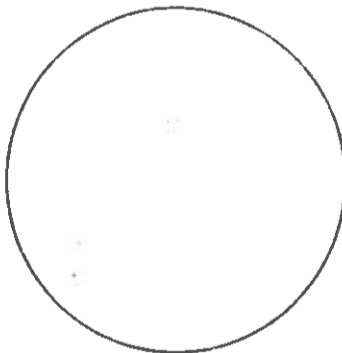
And it is hereby certified that an Affidavit for Inland Revenue has been delivered wherein it is shown that the gross value of the said Estate in Great Britain

not beneficially) amounts to £3635-14-8; (exclusive of what the said deceased may have been possessed of or entitled to as a Trustee and and that the net value of the estate amounts to £3590-14-8;

And it is further certified that it appears by a Receipt signed by an Inland Revenue Officer on the said Affidavit that £47-13-9 on account of Estate Duty and interest on such duty has been paid.

Dated the *17th* day of *February* 1954


Registrar.



72
16965/108
6/48

imon. Extracted by *H. M. Arthur Machynlleth*

6A

(12)

Dated 16th March 1954

In the estate of the
late HANNAH JONES
deceased

A S S E T

relating to freehold farm and
lands known as RHIWGRIAFOL
situate in the Parish of
Darowen in the County of
Montgomery

By a Conveyance dated the Twentyfifth day of
November 1955 the within named Ewan Hughes Jones conveyed
to the Minister of Agriculture Fisheries and Food 90.628
acres of allt Ddu Ceed Rhiwgriafol and Fedw Sidan part
of the property comprised within and an acknowledgement
of the right to production and copies of an Undertaking
for the safe custody of this asset were given

H.N. ARTHUR
MACHYNLETH

12/1/12

I EVAN HUGHES JONES of Rhiwgriafol Darowen in the County of Montgomery Farmer and Justice of the Peace the administrator of Hannah Jones late of Garreglwyd Penegoes in the said County of Montgomery widow deceased who died on the seventh day of August One thousand nine hundred and fiftythree intestate and Letters of Administration of whose estate were on the seventeenth day of February One thousand nine hundred and fiftyfour granted to me out of the Principal Probate Registry DO this *sixteenth* day of *March* One thousand nine hundred and fiftyfour hereby ASSENT to the vesting in myself the said Evan Hughes Jones of ALL THAT farm with the messuage or farmhouse farm and other outbuildings closes or parcels of land called RHIWGRIAFOL situate in the Parish of Darowen in the County of Montgomery containing 380 acres 2 roods and 20 perches or thereabouts together with the Sheepwalk belonging thereto as now in my occupation ALL which said premises are more particularly described in the Schedule to a Conveyance dated the twentieth day of January One thousand nine hundred and twentytwo and made between Margaret Francis of the first part Margaret Jane Jones of the second part Thomas Henry Vaughan of the third part The Reverend Evan Griffith Jones and The Reverend David Cunllo Davies of the fourth part and Richard Jones of the fifth part and are with the abuttals and boundaries thereof delineated and coloured as to the said farm and lands pink and as to the said sheepwalk green on the plan drawn thereon which schedule and plan are intended for the purpose of identification only and not of limitation enlargement or restriction of the general description for an estate in fee simple TOGETHER with the hereditaments for a width of eight yards coloured yellow between the points marked "A" and "B" on the said plan for all the estate and interest of the said Hannah Jones deceased therein

(N)

at her death _____
AS WITNESS my hand the day and year first above
written _____

SIGNED by the said EVAN)
HUGHES JONES in the)
presence of)

[Redacted]

[Redacted]

*Llynauwel,
Talybont,
Cardiganthesi
Bank Official.*

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(U)

DATED

9th August

1985

MR E H JONES

to

MR E H JONES & MRS M E JONES

C O N V E Y A N C E

of freehold farm and lands
known as Rhiwgriafol,
Darowen, Powys

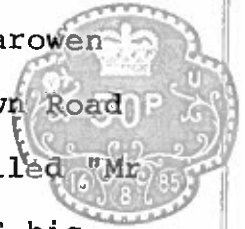
HUMPHREY ROBERTS & BOTT
JOSEPH DAVIES & SON
SOLICITORS, 1 ALFRED
PLACE, ABERYSTWYTH,
DYFED, SY23 2BS



CONVEYANCE is made the
ninth day of August



thousand nine hundred and eighty five BETWEEN
EVAN HUGHES JONES formerly of Rhiwgriafol Darowen
Montgomeryshire but now of "Croeslyn" Newtown Road
Machynlleth Powys SY20 8EY (hereinafter called "Mr.
Jones") of the one part and MARY ELUNED JONES his
wife of the same address (hereinafter called "Mrs
Jones") of the other part



WHEREAS Mr Jones is seised of the property
hereinafter described for his own sole benefit for a
legal estate in fee simple in possession subject as
hereinafter mentioned but otherwise free from
incumbrances and is desirous of conveying the same by
way of gift into the joint names of Mrs Jones and
himself

NOW THIS DEED WITNESSETH as follows:

1. In pursuance of such desire Mr Jones HEREBY
CONVEYS to himself and Mrs Jones ALL THAT farm with
the messuage or farmhouse farm and other outbuildings
closes or parcels of land called Rhiwgriafol situate
in the former parish of Darowen in the former County
of Montgomery but now the County of Powys All which
said property is with its appurtenant rights ease-
ments and privileges more fully described in a
Conveyance dated the Twentieth day of January One
thousand nine hundred and twenty two and made between
Margaret Francis (1) Margaret Jane Jones (2) Thomas

Henry Vaughan (3) Evan Griffith Jones and David Cunllo Davies (4) and Richard Jones (5) but not including the land subsequently conveyed by Mr Jones by Conveyance dated the Twenty fifth day of November One thousand nine hundred and fifty five to the Minister of Agriculture Fisheries and Food TO HOLD the same unto Mr Jones and Mrs Jones in fee simple Subject to but with the benefit of all matters contained in the said Conveyance dated the Twenty fifth day of November One thousand nine hundred and fifty five

2. Mr Jones HEREBY COVENANTS with Mr Jones and Mrs Jones in the terms set out in Part 1 Second Schedule Law of Property Act 1925

3. Mr Jones and Mrs Jones HEREBY AGREE and DECLARE that:-

- (a) they are in equity joint tenants beneficially
- (b) the trustees for sale for the time being of the property hereby conveyed shall have powers to deal with it equal to those of a sole beneficial owner

I N W I T N E S S whereof the parties hereto have hereunto set their hands and seals the day and year first before written

SIGNED SEALED AND)
DELIVERED by the said)
EVAN HUGHES JONES in)
the presence of:)



SIGNED SEALED AND)
DELIVERED by the said)
MARY ELUNED JONES in)
the presence of:)



55, Church Road,

Whitchurch,

Cardiff, CF14 2BY.

19.06.2018.

Received
Leisure and Recreation
Gwent Offices

21 JUN 2018

Ms Claire Lewis.

Assistant Common Registration & Definitive Map Officer,

The Common Department,

Powys County Council,

The Gwalia,

Gthon Road,

Llandrinon Wells

Powys, LD1 6AA.

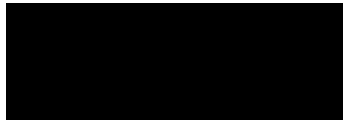
Dear Claire,

Rhysgriafol Farm, Sarsen, Madegallett,
Common Registration Application.

I write following my telephone conversation with you this morning & that with Sian last week when we discussed the need to establish that the land which Margaret is now seeking to have designated as Common land was not "waste of the manor" at the time of the "provisional registration". I am enclosing copies of the various deeds, as set out in the enclosed Schedule showing that when Margaret's grandfather acquired the Rhysgriafol in 1922 he acquired the freehold estate so that it could not then have been "waste of the manor": he died in 1951 when the Farm passed to his widow (Margaret's grandmother) who died in 1953 when the Farm passed to his father who owned it until 1985 when he transferred the Farm into the joint names of him & his wife & they transferred it to

Margaret. On each occasion it was the freshets which
were transferred so the land could not have been "waste of
the marsh." If you require any further information please
let me know.

Yours sincerely,



Mrs J M Wilkins.

Schedule of copy deeds relating to Rhingrafi, Darwen, Machynlleth.

- | | | |
|--------------------|--|---|
| 20th January 1922. | Conveyance | Margaret Francis (1) Margaret Jane Jones (2) Thomas Henry Hughes Vaughan (3) Reverend Evan Griffith Jones & David Cwillo Jones (4) & Richard Jones (5). |
| 30th August 1951 | Probate of the Will of Richard Jones (died 30.08.1951) | |
| 12th December 1951 | Assent | Evan Hughes Jones & David Jones (1) to Hannah Jones & |
| 17th February 1952 | Letters of Administration to estate of Hannah Jones (died 07.08.1953). | |
| 16th March 1954. | Assent | Evan Hughes Jones to self. |
| 9th August 1955. | Conveyance. | Evan Hughes Jones (1) to and Mary Elenor Jones (2) |
| 27th June 1957. | Conveyance. | Evan Hughes Jones & Mary Elenor Jones (1) & Margaret Wilkins (2). |

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Claire Lewis (CSP - Countryside Services)

From: Hugh Craddock · [REDACTED]
Sent: 10 January 2018 12:29
To: Commons Registration (CSP - Generic)
Subject: RE: Notice of application received under the Commons Act 2006

Hi Claire

Thank you very much for the scans of the supporting information, and for the clear way in which they were labelled — this has made handling the documents so much easier!

We wish to object to this application, but in doing so, we believe that clarification of and addition to the evidence may enable us to withdraw the objection. We therefore would welcome further comment. The society has no legal interest in the land.

Firstly, there is the question of whether the application land satisfies the test in para.7(2)(a)–(c) of Sch.2 to the 2006 Act. In the extract of the land section of the register (item N), it is stated: 'Commons Commissioners Decision: The registration at entry no.1 above, became final on the 26th July 1973, with the following modification:– [A as regards a correction of the area] B The land hatched black comprising an area of 371.110 ha (917.227 acres) has been removed from the register.' It is not clear whether those modifications were in fact the product of a referral to the Commissioner — in which case, application cannot now be made under para.7 — or whether they are merely the result of a withdrawal of an original application to provisionally register the land hatched black. We do not have a copy of the Commons Commissioner's decision into the registration of the land, but one may exist.

The application data contain some evidence that the application land was historically regarded as part of Rhiwgriafol farm, and not common land. However, it is difficult to see the whole picture, as there is no overall analysis of the evidence, its meaning, and the conclusions which may be drawn from it as a whole. I will comment on the evidence in turn, and using the same labels as you used; where there is no comment, it does not seem to offer any evidential value:

- A: Application form: it is stated (item 9) that the Ramblers 'applied to have the land registered as common land but subsequently agreed it was not'. However, no evidence is supplied of this agreement.
- C: OS plan identifying land.
- D: Land Registry title plan.
- E: SPS map.
- F: 1922 conveyance: this asserts the application land to be part of the holding vice the 'Sheepwalk' at the date of conveyance.
- G: Parish tithe map: this shows the application land to be assigned parcel 1033, but no evidence is adduced as to the stated use of the land in the apportionment.
- H/I: Finance (1909–1910) Act 1910: this shows that the owner of hereditaments 170 and 171 did not claim, nor was awarded, any deduction for the status of any part of the land as common land (item (p)(iv)). However...
- J: Finance Act map: ...as the map shows that hereditament 170 included much, if not all, of what was subsequently registered as register unit CL76, including land which was expressly recognised in the 1922 conveyance as 'Sheepwalk', it follows either than the owner did not wish to seek a deduction, or that the owner did not recognise any of that land as common land in 1913 (when the return was made). Either way, nothing can be deduced

from items H–J about the status of the application land. (The extent of hereditament 171 is not marked on the item J map.)

- K: Glastir map.
- L: Glastir survey map.
- M/N: Common land register extracts: these are not in colour, and it is difficult to infer what land is registered within common land register unit CL76. There are various annotations which do not explain themselves (*e.g.* 'Entry 3 — GIS Map'). There is no evidence as to what rights (if any) were registered as exercisable over the application land, and whether the right holders accede to the application.
- O: Statutory declaration by Geraint Wigley: this is helpful, but not sufficient.

In summary, we do not find the evidence, as presented, is sufficient to show that the statutory tests for deregistration set out in para.7(2)(d) of Sch.2 to the 2006 Act are satisfied as regards the application land. In particular, there is little information as to whether the land satisfied those tests at the date of provisional registration.

The statutory tests for deregistration under para.7 are intended to be challenging. There was no intention, in enacting the 2006 Act, that the registers should generally be reopened to enable any registration under the 1965 Act to be cancelled. It is not for objectors to provide evidence that the application land was properly registered, but for the applicant to supply evidence that the statutory tests are satisfied. At present, the application does not do that, and must be refused.

regards

Hugh

Hugh Craddock
Case Officer
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Email: !
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Please note that I work Mondays, Wednesdays and Thursdays
(Registered in England and Wales, limited company number 7846516
Registered charity number 1144840)

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From: Claire Lewis (CSP - Countryside Services) [mailto:claire.lewis@powys.gov.uk]

Sent: 05 December 2017 09:26

To: Hugh Craddock

Subject: RE: Notice of application received under the Commons Act 2006

Dear Hugh

Thank you for your email. A scan of application 17-001CA and supporting documents is attached. Please be aware that some of the plans supplied to us are rather large so only an extract has been scanned.

Kind Regards

Claire Lewis

Swyddog Cynorthwyol Cofrestru Tir Comin a Mapiau Diffiniol

Assistant Commons Registration and Definitive Map Officer

Ffon/Tel: 01597 827625 Ffacs/Fax: 01597 829062

Ebost/Email: claire.lewis@powys.gov.uk

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Claire Lewis (CSP - Countryside Services)

From: Hugh Craddock [REDACTED]
Sent: 15 January 2018 11:27
To: Commons Registration (CSP - Generic)
Subject: RE: Notice of application received under the Commons Act 2006

Hi Claire

Thank you for your email, and the copy of the land section of the register. We are happy with your assurance that the provisional registration of MCL076 was not referred to the Commons Commissioner.

Under r.5(3) of the 2017 Regulations, the applicant is not required to enclose with an application a copy of a document which is issued by the commons registration authority, or which is deposited with it. This will certainly exclude any requirement to submit a copy of the register itself, or of many of the documents contained in the authority's historic records archive. I do not know whether a tithe map and apportionment were specifically required to be deposited with the county council, and it may be that the council's copies were acquired by agreement from individual parish councils, rather than on statutory deposit.

Even if the applicant is, under r.5(3), not required to submit a copy, the application must cite the document and explain why it is relevant, else the document cannot be part of the application. In this case, I do not think that the applicant has demonstrated why the extract from the tithe map is relevant and how it helps the applicant's case, even if the relevant documents fall within the scope of r.5(3). The tithe apportionment does not appear in the list of supporting documents (item B among the scanned attachments), so it cannot form part of the application (as originally made).

If an applicant does rely on r.5(3), and does not submit a copy of document, but lists it, and explains its relevance, the implication must be that the commons registration authority will make a copy of the document available for inspection under r.13. Unfortunately, this is not quite the effect of r.13(1)(a), which requires the authority to make available 'copies of the application *and any accompanying documents*' (whereas a document omitted under r.5(3) will not 'accompany' the application as such). But we think that must be the intention, and it is a matter of natural justice that other parties can see the applicant's case and the documents on which the applicant relies — and without having to make separate, and time-consuming, enquiries to another part of the council's services.

We have no objection if part of the applicant's evidence relies on a document which is freely available on the web. But if it is, we would expect the document either to be copied as part of the application, or at the very least, a URL provided which downloads the document without significant further interaction. In practice, a reference merely to places.library.wales can be quite unhelpful, particularly for someone who is not computer literate, as identifying the relevant part of the relevant apportionment will inevitably be quite time consuming. Perhaps it is possible to give a URL to the relevant part of the parish apportionment? But just to reiterate our original point, so far as we are aware, the applicant has not yet sought to rely on the apportionment.

You might like to raise these issues with your colleagues in the Association of Commons Registration Authorities: you are welcome to copy our exchange to Martin or other directors if you wish.

regards

Hugh

Hugh Craddock

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From: Claire Lewis (CSP - Countryside Services) [mailto:claire.lewis@powys.gov.uk] **On Behalf Of** Commons Registration (CSP - Generic)
Sent: 12 January 2018 11:10
To: Hugh Craddock
Subject: Notice of application received under the Commons Act 2006

Dear Hugh

I acknowledge receipt of your email. Your objection to the proposal is noted, and your email will be forwarded to the applicant for comment. One point I would like to make clear is that the area concerned and known as 'Y' on MCL076 was not subject to a Land Section Commons Commissioner enquiry. The doubt has arisen due to an error within our working commons registration database. This has been rectified but only since the date of issue of the register copies included with the application. I attach a copy of the Land Section of the official register as confirmation. All the objections to the CL76 registration as listed in the notes section sheet were conceded by The Ramblers Association by letter dated 26th July 1973.

Given the above, I would welcome your thoughts over the supply of copies of register information. The documents put on deposit and sent to you were solely information provided to us by the applicant (albeit some were copies issued by the Registration Authority in the past). Should we, as the registration authority, be providing a copy of the register documents with the application on deposit for members of the public to consider along with the application?

Similarly, what would be the OSS view about information that is held on a public website? I.e. in this case, would the OSS have expected the applicant to have provided an extract from the text of the Tithe Map, given that it can be found on <https://places.library.wales/> or is it acceptable for the applicant to simply refer to what it says and then expect that the CRA or wider public confirm that via the website?

I appreciate your consideration of this so that we can advise applicants appropriately going forward.

Kind Regards

Claire Lewis
Swyddog Cynorthwyol Cofrestru Tir Comin a Mapiau Diffiniol

Assistant Commons Registration and Definitive Map Officer
Ffon/Tel: 01597 827625 Ffacs/Fax: 01597 829062
Eboost/Email: claire.lewis@powys.gov.uk

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Claire Lewis (CSP - Countryside Services)

From: Hugh Craddock [REDACTED]
Sent: 07 February 2018 14:58
To: Claire Lewis (CSP - Countryside Services)
Subject: RE: Application No. 001CR received under the Commons Act 2006, Unit No. MCL76 'Y'

Hi Claire

Thank you for the applicant's further statement.

I'm sure that Mrs Wilkins is trying to do her best, but I'm afraid we're not there yet.

The information regarding the tithe apportionment (*i.e.* the entries for each parcel of land identified by number on the tithe map) is relevant, but we have not seen a copy of the particular entries, only Mrs Wilkins' recital of them. We really should see this — or a link to where they can be seen online (and as previously stated, a bit more specific than a pointer to the national database).

I don't think the other comments take us much further forward. We commented on the Finance (1909–1910) Act 1910 evidence in the original objection.

While Mrs Wilkins' assertion that the land 'wasn't waste of the manor as far as I know' is no doubt sincerely made, it does not really amount to evidence (nor is it more than one might expect any applicant to assert).

There also appears to be some misunderstanding, because the final paragraph of the statement suggests that Mrs Wilkins wishes to be registered as the legal owner of the application land, and to have it registered in her name. This application will achieve neither (although I had assumed that Mrs Wilkins already was the owner).

regards

Hugh

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 Registered charity number 1144840)*

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our considered opinion, the law in these matters is complex and subject to differing interpretations. Such opinion is offered to help members, but does not constitute formal legal advice.

From: Claire Lewis (CSP - Countryside Services) [mailto:claire.lewis@powys.gov.uk]
Sent: 24 January 2018 16:37
To: Hugh Craddock
Subject: Application No. 001CR received under the Commons Act 2006, Unit No. MCL76 'Y'

Dear Hugh

Please find attached statement from the applicant in response to your emails of the 10th and 15th January.

Kind Regards

Claire Lewis
Swyddog Cynorthwyol Cofrestru Tir Comin a Mapiau Diffiniol
Assistant Commons Registration and Definitive Map Officer
Ffon/Tel: 01597 827625 Ffacs/Fax: 01597 829062
Ebost/Email: claire.lewis@powys.gov.uk

Claire Lewis (CSP - Countryside Services)

From: Hugh Craddock [REDACTED]
Sent: 05 March 2018 10:38
To: Claire Lewis (CSP - Countryside Services)
Subject: RE: Application No. 001CR received under Commons Act 2006, Unit No. MCL076 Area 'Y'

Hi Claire

Thank you for sight of Mrs Wilkins' further comments. I am a little confused by these: the covering letter dated 12 February is new, but the 'amended letter' appears to be a manuscript version of the email to you dated 24 January (which you have previously copied to me), now with amendments, also in manuscript. It is not entirely clear what are the amendments, but I note that there is a new sentence beginning, 'In the apportionment schedule of the farmland to go with the Valuation Map,... .' But I'm afraid I simply don't understand this new sentence: it refers to tithes and we are referred to (I assume) the online tithe documentation, but these have no connection with the valuation map, and precede it by around 70 years.

On the third page of the enclosed pdf (this follows the amended manuscript letter), there is a document labelled, 'Map of the inclosed land of the parish of darowen in the County of I', but the copy is not of a map, and the quality of the reproduction makes it impossible to read the text. It may be an illegible page from the relevant tithe apportionment.

I'm afraid this response doesn't take us any further forward. Again, we are happy to review further evidence, but it must be in a form which we can work with, and relate to what we have already seen. I can appreciate that Mrs Wilkins is struggling to make her case, but the Society's objectives generally are to oppose the deregistration of common land, and it is not unreasonable to expect that, where an application is made, the burden lies on the applicant to make her case, and not on the society, or any other objector, to assist the applicant to make it. I have no doubt that professional advice can be obtained if needs be.

regards

Hugh

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Case Officer
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From: Claire Lewis (CSP - Countryside Services) [mailto:claire.lewis@powys.gov.uk]
Sent: 15 February 2018 10:50
To: Hugh Craddock
Subject: Application No. 001CR received under Commons Act 2006, Unit No. MCL076 Area 'Y'

Dear Hugh

I attach a copy of the latest correspondence from Mrs Wilkins in response to your email of the 7th February.

Kind Regards

Claire Lewis
Swyddog Cynorthwyol Cofrestru Tir Comin a Mapiau Diffiniol
Assistant Commons Registration and Definitive Map Officer
Ffon/Tel: 01597 827625 Ffacs/Fax: 01597 829062
Ebost/Email: claire.lewis@powys.gov.uk

Claire Lewis (CSP - Countryside Services)

From: Hugh Craddock <[REDACTED]>
Sent: 04 April 2018 09:11
To: Claire Lewis (CSP - Countryside Services)
Subject: RE: Application No. 001CR received under the Commons Act 2006, Unit No. MCL76 'Y'

Hi Claire

Thank you for your email of 20 March, enclosing a new representation from the applicant and enclosures.

To my surprise, I was successfully able to transcribe the manuscript URL, and obtained the relevant extract from the tithe apportionment (the URL is [here](#), for the record). I agree that this tends to show that the land was not sheepwalk at the date of tithe commutation (about 1840). It provides good evidence of the status of the land at that time, although it cannot show that the land was not common land at the date of provisional registration — only that it rules out the possibility that the land was historically not common land. We also note evidence of the Ramblers' Association's subsequent resilement from the provisional registration made by it.

So far as I recall, we have had no evidence on the question of whether the land was manorial waste at the date of provisional registration, other than the applicant's assertion. However, it may be, as maps suggest, that the application land is enclosed from the common by fencing or walls, and the applicant can show that this was the case at the date of provisional registration.

We have no further comments.

regards

Hugh

*Hugh Craddock
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Claire Lewis (CSP - Countryside Services)

From: Hugh Craddock <[REDACTED]>
Sent: 16 April 2018 09:52
To: Claire Lewis (CSP - Countryside Services)
Subject: RE: Application No. 001CR received under the Commons Act 2006, Unit No. MCL76 'Y'

Hi Claire

Thank you for sight of the applicant's letter dated 9 April.

I am not sure of the relevance of the ownership information, as ownership is immaterial to a para.7 application — anyone can apply, provided that they can adduce the required evidence.

I note that the applicant cannot add any new evidence on the status of the application land as not being (or no longer being) waste of the manor, and we therefore cannot add to our comment in the third paragraph of our email dated 5 April (beginning, 'So far as I recall').

However, I note that there is a typo in the second paragraph of that email (beginning, 'To my surprise'). After the em dash, it should read, 'only that it rules out the possibility that the land was historically common land.' (At least, historically in the sense of the first half of the nineteenth century.)

regards

Hugh

*Hugh Craddock
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Tel: [REDACTED]

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From: Claire Lewis (CSP - Countryside Services) [mailto:claire.lewis@powys.gov.uk]
Sent: 13 April 2018 15:06
To: Hugh Craddock
Subject: RE: Application No. 001CR received under the Commons Act 2006, Unit No. MCL76 'Y'

Dear Hugh

For your information I am attaching a redacted copy of a letter and accompanying documents received from the applicant in response to the comments contained in the final paragraph of your email of 09.11 dated 4th April.

Kind Regards

Claire Lewis
Swyddog Cynorthwyol Cofrestru Tir Comin a Mapiau Diffiniol
Assistant Commons Registration and Definitive Map Officer
Ffon/Tel: 01597 827625 Ffacs/Fax: 01597 829062
Ebst/Email: claire.lewis@powys.gov.uk

Claire Lewis (CSP - Countryside Services)

From: Hugh Craddock [REDACTED]
Sent: 27 June 2018 10:57
To: Claire Lewis (CSP - Countryside Services)
Subject: RE: Application No. 001CR received under the Commons Act 2006, Unit No. MCL76
 'Y'

Hi Claire

Thank you for sight of the letter on behalf of the applicant. However, I don't think it quite addresses the point.

The Welsh Government's guidance, [Common land and greens: guidance on making corrections](#), is wholly inadequate in explaining the requirements of an application under para.7, but at page 5 (in the context of applications under para.4) it does state that—

'Waste land of a manor is land that fulfils all of the following:

- the land was at any point, or still is, part of a manor;
- the land is open, uncultivated and unoccupied...'

(the remaining text is relevant only to a para.4 application).

Let's assume that the land is manorial in origin (the applicant is welcome to demonstrate that it is not). Was the land 'open, uncultivated and unoccupied at the date of provisional registration? If the applicant can show it was not — that at least one of these three elements was not satisfied — that will meet one of the key criteria for a para.7 application. Were there walls enclosing the land, intended to keep stock on the land — if so, then the land was not 'open'? Was the land occupied in the sense of being used for some productive activity apart from extensive unimproved grazing? Very probably, as we have seen the conveyances, but the conveyances do not prove occupation in themselves, and some contemporary evidence of use and maintenance of the land by the farmer (rather than commoners) for grazing would be helpful.

I can see that we are in a position where it is tempting to draw inferences from the evidence that we have already seen, that the application land was, at the date of provisional registration, ordinary inbye land (is that 'ffridd' in Wales?), farmed as such land is and was usually farmed, and that it therefore cannot have been waste land of a manor. But the fact remains that the land was registered as common land, and the burden rests on the applicant to prove that the criteria are met, and it cannot be enough to rely on a circular assumption that a mistake was made in the original registration.

regards

Hugh

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From: Claire Lewis (CSP - Countryside Services) [mailto:claire.lewis@powys.gov.uk]
Sent: 26 June 2018 17:09
To: Hugh Craddock
Subject: RE: Application No. 001CR received under the Commons Act 2006, Unit No. MCL76 'Y'

Dear Hugh

For your information I am attaching a redacted copy of a letter and epitome of title received from the applicant in response to your comments (as contained in your email of 09.52 dated 16th April) relating to the status of the application land as not being waste land of the manor.

This matter is now set to be determined in August.

Kind Regards

Claire Lewis
Swyddog Cynorthwyol Cofrestru Tir Comin a Mapiau Diffiniol
Assistant Commons Registration and Definitive Map Officer
Ffon/Tel: 01597 827625 Ffacs/Fax: 01597 829062

Claire Lewis (CSP - Countryside Services)

From: michael wilkins < [REDACTED] >
Sent: 24 January 2018 10:45
To: Claire Lewis (CSP - Countryside Services
Subject: Application.No.001CR. Unit.No.MCL76.'Y'

Dear Claire,

Here is my statement:

In support of my application to de-register common land Y part of CL76(Montgomeryshire) I wish to clarify a few points:-

According to the 1846 Tithe Map,(earliest document) parcel nos.1033 and 1031 are shown as pastureland and there is no mention of them being common land or sheep walk.It was owned by a Richard Hughes of Cwmcarnedd Estate, Llanbrynmair and tenanted by a William Bebe who later emigrated to America.

My great grand-father,Evan Jones,took on the tenancy of Rhiwgriafol farm and was there at the time of the Valuation Map of 1910.This parcel of land numbered 1786 shows it as pastureland belonging to the Holding,not common land o r sheep walk.

It was in 1922 that my grand-fatherRichard Jones bought it.On the conveyance plan the freehold was marked red as opposed to the neighbouring sheepwalk marked green.The parcel of land in question was included in the red section- pastureland.It was probably enclosed because even to-day one can see remnants of earthbanks and hedging.The sheep walk was rougher pastureland and heathland.

The Land Registry map shows this parcel edged black (with two other parcels).It would be logical for this land to be freehold pastureland to gain access to fields 7718 and 9318.

In the Commons Registration Map of 2004 ,the owner of land Y was shown to be my father Evan Hughes Jones.It wasn't waste of the manor as far as I know or commonland or village green,as confirmed by the statutory declaration of Geraint Wigley dated October8 2017.

Therefore I should be recognised as the Legal owner of this parcel of land Y and it should now be re-registered in my name as the owner of Rhiwgriafol Farm.

Please let me know if this is sufficient.

Margaret Wilkins.

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55, Church Road,
Whitchurch,
Ceredigion, CF14 2DY.

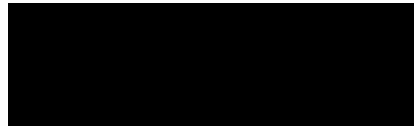
Leisure and Recreation
Gwalia Offices

14 FEB 2018

12.02.2018

Dear Claire,

I am also enclosing a further copy of the Plan attached to the 1922 Conveyance to my grandfather. (A copy of this was included with the original Application. The "Sheepwalk" is coloured green. I have edged in red ink & hatched with red ink the land which is subject to the current Application & ~~land~~ which was part of the freehold land conveyed to my grandfather by the 1922 Conveyance. Is this not sufficient to establish the land was not waste of the manor.



The amended letter is enclosed, instead of the one written previously.

Further to my application to de-register commonland 'Y' part of CL76 (Montgomeryshire) I clarify a few points.

According to the 1846 Title Map (earliest document) parcel no. 1033 is shown as pastureland between parcels 1034, 1035 and 1032 + 1031, with a mountain to the north and an unmarked mountain to the south. There is no mention of no. 1033 being commonland or a sheepwalk. It was owned by a Richard Hughes of Cwmcedd Estate and tenanted by a William Bebb who emigrated to America.

My great-grandfather Evan Jones then took on the tenancy and was there at the time of the Valuation Map 1910. This parcel of land (field no. 1786) shows it as pastureland belonging to the holding, not commonland or sheepwalk. In the apportionment schedule of the farmland to go with the Valuation Map, parcel 1786 is shown under Graigfach section area ~~56.624~~⁶⁷ acres, tithes paid $\frac{2}{3}$ 2.5-10 $\frac{1}{2}$ d + $\frac{1}{3}$ 1.18-10 $\frac{1}{2}$ d, as pastureland, see link 'places library wales' so it cannot have been commonland or waste of the manor or village green.

It was in 1922 that my grand-father, Richard Jones, bought it. On the conveyance plan the freehold was marked red as opposed to the neighbouring sheepwalk as green. The word 'sheepwalk' is added at the end of the apportionment schedule, with no acreage provided, whereas the piece in question is 56.624 acres, and pastureland. It was probably enclosed because even to-day there are remnants of earthbanks and hedging. The sheepwalk (Maelfre) was rougher pastureland and heathland. The land registry map shows this ^(fridd uchaf) parcel edged black (with 2 other parcels - graig fach, fridd gaud) It would be logical for this land to be freehold pastureland to gain access to fields 1032 + 1031.

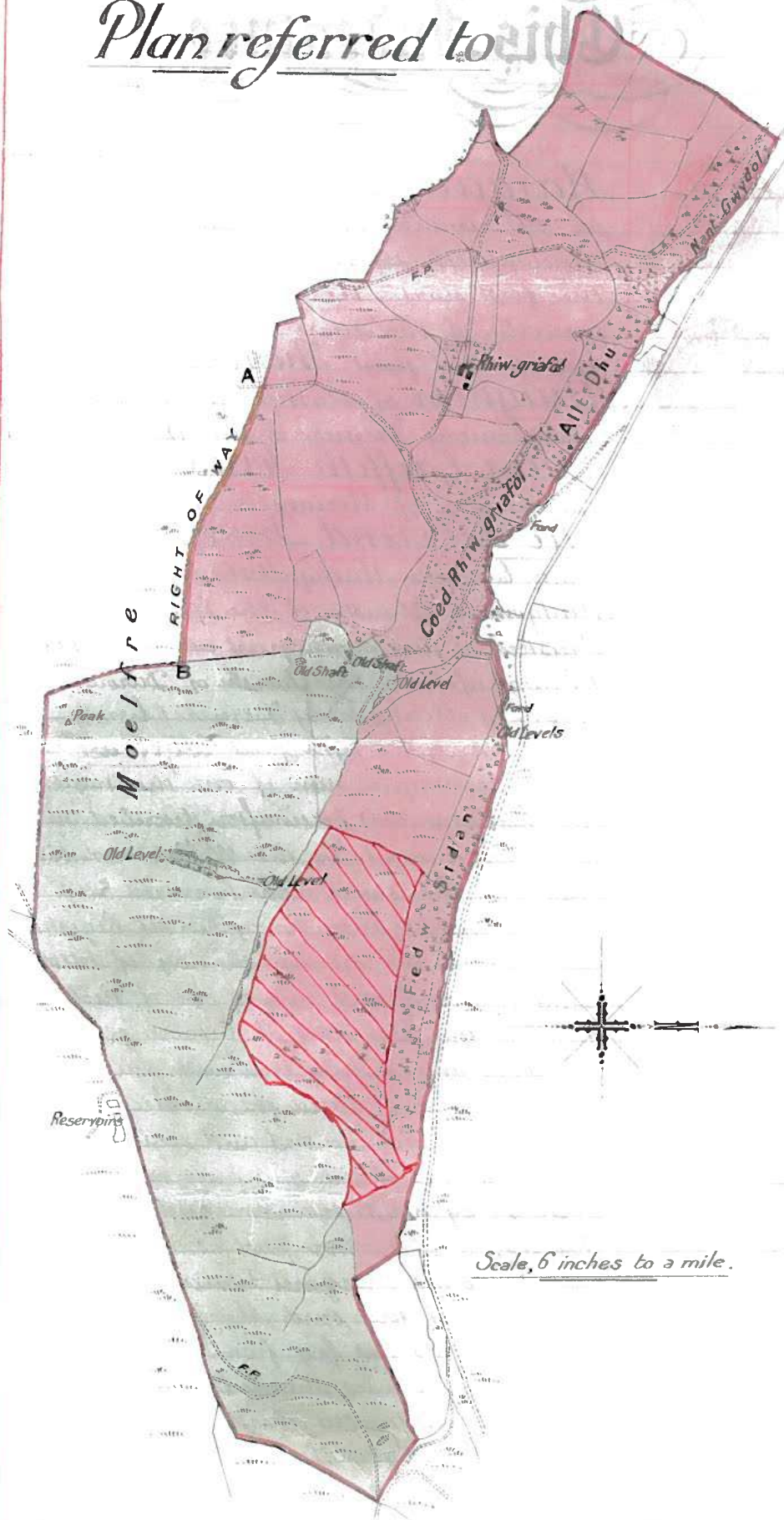
In the Commons Registration map of 2004, the owner of land 'Y' was shown as my father E.H. Jones. I took over ownership in 1997 and wish to de-register part 'Y' commonland.

Map of the inclosed land of the parish of darowen in the County of I

The image shows a historical land survey map of Darowen parish. The map is divided into several sections, each with a heading and a list of land parcels. The parcels are described with their names and acreages. A table at the bottom of the map provides a summary of the land parcels, including their names, acreages, and other details. The table is organized into columns and rows, with a total row at the bottom. The map is numbered '53-16' in the bottom left corner.

SECTION	SECTION	ACREAGE	NAME	ACREAGE	NAME	ACREAGE	NAME	ACREAGE
Section 1	Section 2	100	Section 3	100	Section 4	100	Section 5	100
Section 6	Section 7	100	Section 8	100	Section 9	100	Section 10	100
Section 11	Section 12	100	Section 13	100	Section 14	100	Section 15	100
Section 16	Section 17	100	Section 18	100	Section 19	100	Section 20	100
Section 21	Section 22	100	Section 23	100	Section 24	100	Section 25	100
Section 26	Section 27	100	Section 28	100	Section 29	100	Section 30	100
Section 31	Section 32	100	Section 33	100	Section 34	100	Section 35	100
Section 36	Section 37	100	Section 38	100	Section 39	100	Section 40	100
Section 41	Section 42	100	Section 43	100	Section 44	100	Section 45	100
Section 46	Section 47	100	Section 48	100	Section 49	100	Section 50	100
Section 51	Section 52	100	Section 53	100	Section 54	100	Section 55	100
Section 56	Section 57	100	Section 58	100	Section 59	100	Section 60	100
Section 61	Section 62	100	Section 63	100	Section 64	100	Section 65	100
Section 66	Section 67	100	Section 68	100	Section 69	100	Section 70	100
Section 71	Section 72	100	Section 73	100	Section 74	100	Section 75	100
Section 76	Section 77	100	Section 78	100	Section 79	100	Section 80	100
Section 81	Section 82	100	Section 83	100	Section 84	100	Section 85	100
Section 86	Section 87	100	Section 88	100	Section 89	100	Section 90	100
Section 91	Section 92	100	Section 93	100	Section 94	100	Section 95	100
Section 96	Section 97	100	Section 98	100	Section 99	100	Section 100	100

Plan referred to



Dear Claire,

Thank you for being so helpful and patient but I'm afraid I'm not as knowledgeable as Mr Craddock about common land and even professional people don't seem to ^{be} either. I acknowledge I made a mistake over the title map of 1840 and the valuation map of 1910, and I enclose ~~of~~ an extract of the schedule apportionment to go with the 1910 map - Graigfach, parcel 1033, 67 acres, pasturage, with payments to the local clergy (not tithes for the title map of 1840) As you know, the land in question can be viewed at

<https://places.library.wales/viewer/4547150#?cv=38&h=1033&C=0&m=0&s=0&x=ywh=221%2C583%2C4776%2C2508>.

I feel I have provided plenty of proof for this piece 'Y' to be deregistered as common land, as it was not subject immediately prior to its provisional registration (see schedule 2 of the Commons Act 2006 Section 7(2)d)

- (i) land subject to rights of common
- (ii) waste of the manor
- (iii) a town or village green
- (iv) land of a description specified in section 11 of the Inclosure Act 1845.

The 1922 conveyance of Rhinogfach to my grandfather Richard Jones includes a plan of the land acquired by him under the Deed (which has already been sent) that conveyance distinguishes between the sheepwalk coloured green and the other lands coloured red, such lands being conveyed "in fee simple" i.e. freehold. It is clear that he (my grandfather) was acquiring the freehold of the land coloured red and there is no suggestion that anyone else had any rights to it. The land was not therefore Common land, waste of the Manor or village green then, or at anytime since. The Deed is evidence of ownership and no one has claimed any rights to that land (the Ramblers Association tried but withdrew their application (see letter)) My father E.H. Jones was recognised as the owner of it (possessory rights) but it appears the solicitor acting for him didn't apply for the provisional registration to be removed (for absolute rights - see letters)

I understand there have been no objections received to the notices published of my application locally, only the Open Spaces Society. I hope this further satisfies the criteria needed.

As you know neither my husband or I are adept at computing/technology, hence the manuscript which I hope is readable.



Ramblers' Association

To encourage rambling and mountaineering, to foster a greater knowledge, love and care for the countryside and to work for the preservation of natural beauty, the protection of footpaths and the provision of access to open country.

Registered Charity Number 306089

Your ref. WHH/JTR/EH JONES

1/5 Wandsworth Road,
London SW8 2XX

Messrs Humphrey Roberts & Bott
Joseph Davies & Son
1 Alfred Place
Aberystwyth
SY23 2BS

7th April 1987


Dear Sirs,

Re: **Mr E H Jones - Common Land at "Rhiwgriafol"**
Darowen Machynlleth Powys

I am writing to acknowledge your letter of February 19th.

We have carefully studied the papers and maps sent with your letter and I can inform you that the Ramblers' Association is agreeable to the course of action outlined in the final paragraph of your letter.

Yours faithfully,


Alan Mattingly
Director

re MR & MRS E H JONES
"RHIWGRIAFOL" DAROWEN MACHYNLLETH POWYS
REIGSTER UNIT CL76 Part 'Y'

We are now seeking to remove the Piece of Land hatched Yellow from the Commons Register in so far as it was obviously registered in error

We have been in touch with the Ramblers Association who, as we mentioned, originally made the Application in relation to this Piece of Land and they have written and confirmed that as far as they are concerned they agree that presumably the Area was registered in error and are agreeable to the Land being taken out of the Commons Register

In the circumstances, therefore, we think that the best course of action would be for Mr & Mrs Jones to complete Form 17 [Application for Removal of Land from the Register]. In the light of the fact that no Rights are registered on this Piece of Land we would have thought that this would have been sufficient to enable the appropriate removal to take place

However, you may consider it prudent to obtain formal confirmation from the Ramblers Association that they have no Objection to its Removal in so far as they made the original Application. However we will leave this to you to consider if it is necessary

Perhaps you could confirm that the above Action is acceptable and let us have the necessary Forms

Yours faithfully
HUMPHREY ROBERTS & BOTT JOSEPH DAVIES & SON



ENCLOSURES

Map & part 'Y' hatched yellow.

Our ref: WHH/BJB/79

13 February 1989

Mr E H Jones
Croeslyn
Newtown Road
MACHYNLLETH
Powys SY20 8EY

Dear Mr Jones

RE: RHIWGRIAFOL

I refer to previous correspondence with regard to the above matter, and apologise for not having contacted you sooner, but I have been in correspondence with the solicitor for Powys County Council with regard to removal of the small portion of land at Rhiwgriafol from the Commons Register.

I wrote to the Ramblers Association and they accepted that the registration might have been a mistake, and they were quite agreeable for this piece of land to be removed from the Commons Register.

However, Powys County Council have indicated that they are not prepared to remove the land from the Commons Register.

There have been a number of cases on this matter. The basis of their argument is that the land as a result of the Commons Registration Act provisions is conclusively presumed to be common land (irrespective as to whether this was registered in error or not) and for it to cease to be common land for the purpose of the Commons Registration Act 1965, there must be some event resulting in the ceasing taking place.

As it appears that there are no rights of common over the land, the Council take the view that it would be extremely difficult to say what events might take place which would enable the Council to consider whether the land had ceased to be common land.

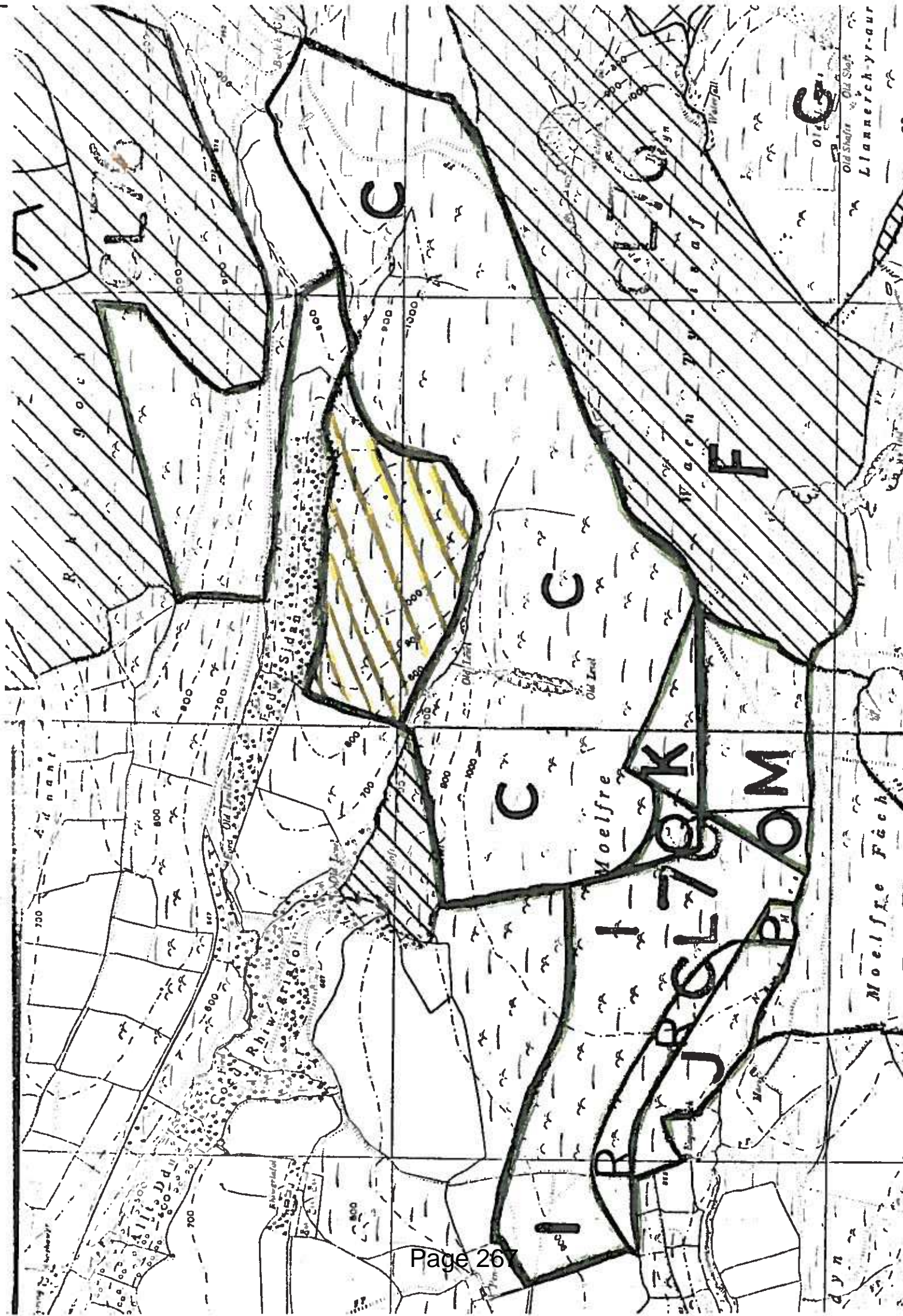
There is a lot of discussion going on with regard to the effect of the Commons Registration Act, and there seems to be no logic at all in the piece of land being parts of the Commons Register, but it does look as if there is very little that can be done further to remove the entry without possibly having to take the matter to the High Court, which would obviously be totally uneconomical bearing in mind the value of the piece of land in question.

It does I fear seem rather ridiculous that there is a piece of land which is in your name and which has no rights of grazing over it is still deemed to be common land. Nevertheless, as I mentioned, there seems little that we can do to remedy the situation.

Obviously from a practical point of view it makes little difference, and it seems to have a "nuisance value" more than anything else.

Obviously if you require any further assistance or advice, please do not hesitate to contact me.

[Redacted] (Solicitor - Humphrey Roberts + Bell)



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55 Church Road,
Whitchurch,
Cardiff CF14 2DY.

28.4.18

Dear Claire,

Thank you for your e-mail updating me on my application for de-registering land 'Y' from the Commonland Registry.

As you know I have exhausted my evidence. Over the past 20 years I have tried several avenues to ~~ascertain~~ ^{confirm} ownership of this piece of land and the sheepwalk meeting Jenny Griffiths, with my father in the late 1990s to look at old maps. It was then that she told us that we had possessory rights but not absolute rights to land 'Y' and as it was before the 2006 Act, there was no provision to de-register it. My father gave me about 30 old documents relating to the farm going back to the 17th which I have recently deposited at the Mont. Archives for safe keeping, but they were mainly indentures relating to wills and bits of land added to the property over the years and no mention of actual fields. They were almost impossible to read! I contacted the Sir W. Williams Wynne archives but they could find no mention of Rhinogwafel or the Moelfre. I visited the National Library and the Mont. archives and found the 1845 and 1910 maps with piece 'Y' numbered, wedged between 2 other pieces also numbered, but no mention of the Cwm.arnedd estate.

As I have explained previously, my grand-father had acquired the freehold of Rhingrafel (of which 'Y' is part) in 1922 and at the time of the Provisional Registration my father was the owner of the freehold, so it could not have been 'waste of the manor'.

I enclose a cheque for [REDACTED] towards the cost of this application. Many thanks for your patience and all the work you and Sarah Barnes have done, and continue to do, to bring this to a satisfactory end for me.

With our best wishes

[REDACTED]

Received
30/4/18

Register of

COMMON LAND

Register unit No. C.L.76

Edition No. 1.

See Overleaf
for Notes




LAND SECTION—Sheet No. 1.

No. and date of entry	Description of the land, reference to the register map, registration particulars etc.
1. 4th Nov. 1969	The tract of land 775.914 h.a. (1917.732 acres) or thereabouts comprising Ffridd Cwm-bychan-Mawr , Cwm Ednant, <u>Rhiw Goch</u> , <u>Moelfre</u> , Waen Ty-isaf, Cwm Wern-Fach, Ffridd Dolgadfan, <u>Bwlch Glynmynydd</u> , Banc Bronderwgoed, Banc Melyn, <u>Moelfre Fach</u> and <u>Llanerchyr Aur</u> in the parishes of Darowen and Llanbrynmair, as marked with a green verge line inside the boundary on sheets 76A, B and C of the register map and distinguished by the number of this register unit. Registered pursuant to application No.398 made 27th October, 1969 by The Ramblers' Association of 124, Finchley Road, London, N.W.3. (Registration Provisional)
2. 26th July 1973	The registration at entry No.1 above, which was disputed became final on the 26th July, 1973, with the following modification , (a) the area to read 404.804 h.a. (1000.505 acres) or thereabouts. (b) the land hatched black comprising an area of 371.110 h.a. (917.227 acres) has been removed from the register.
3. 30th Oct. 1984	Registration Amendment:- The part of the land, namely Ffridd Cwm-Bychan-Mawr, comprised in this register unit ceased to be common land on 23rd October 1984, and is removed from the register pursuant to applications made 23rd November 1983 and 21st August 1984 by Messrs. E.W. Pughe and Mr. & Mrs. J.T. Jones.

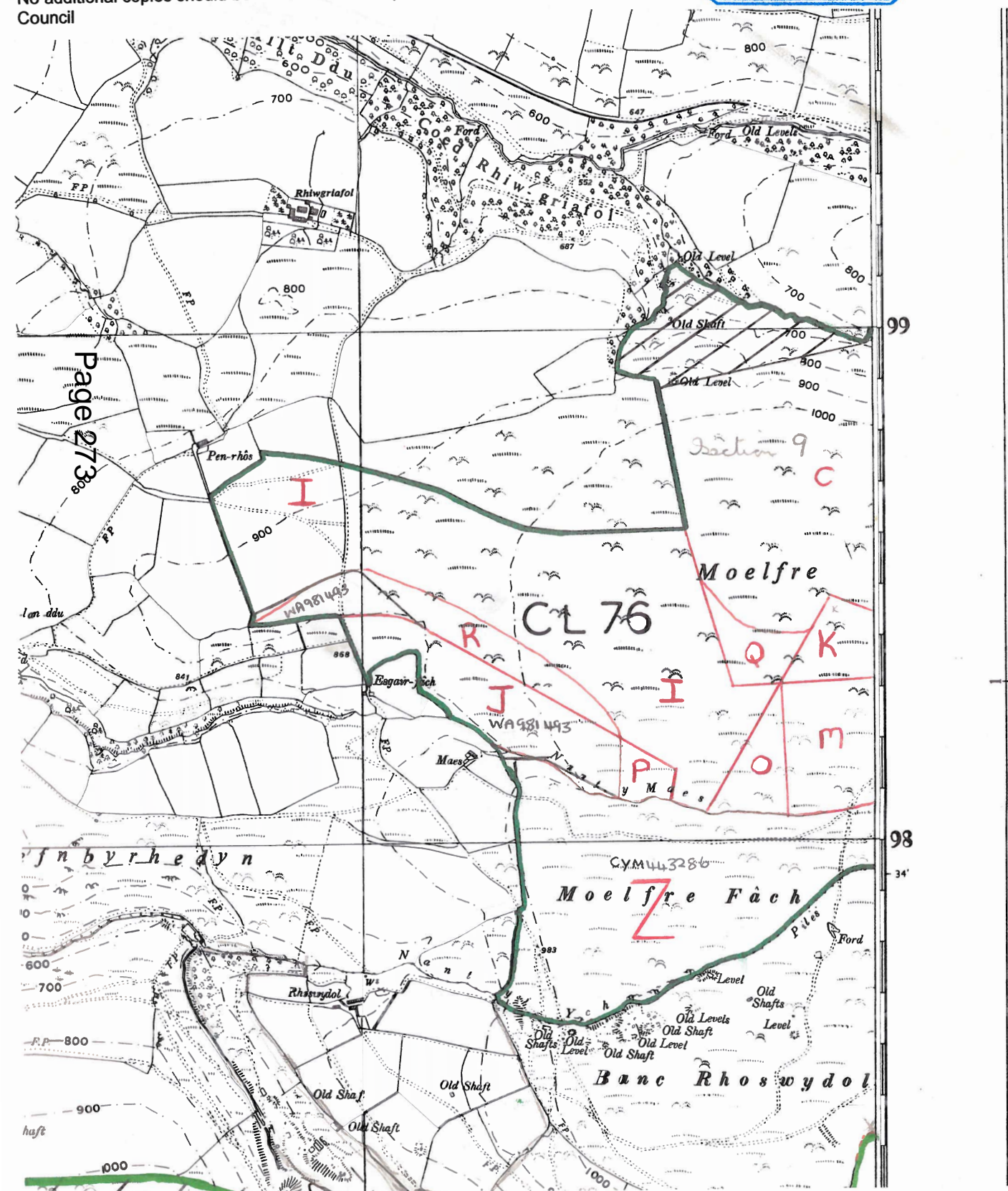
No. and date of note	Notes	No. and date of note	Notes	No. and date of note	Notes		
1. 31st Dec. 1969	The application of Edward Lewis and Eirwen Ann Lewis of Plas Penant, Llanbrynmair, No.529 made 31st December, 1969 is noted in respect of the registration at entry No.1.						
Objections to registrations in this section							
2. 6th Oct 1970	No. and date of objection 13 18 August 1970	No. of Entry objected to 1	Name and address of objector J. M. Blainey, Wenallt, Darowen, Machynlleth				
3. 5th May 1971	191 11th March 1971	1	P. L. W. Owen, Q.C., 1, Brick Court, Temple, London, E.C.4.				
4. 16th Aug 1972	183 31st July, 1972	1	David Thomas Jarman, Tylisaf, Llanbrynmair.				
5. 16th Aug 1972	230 21st July 1972	1	David Iorweth Wigley, Rhosdyrnog, Talywern, Machynlleth				
6 16th Aug 1972	191 27th July 1972	1	Emyr Wigley Arwyd and Hywel Hughes Arwyd, Belgadfan, Llanbrynmair				
				7 16th Aug 1972	237 27th July 1972	1	John Maurice Ryder, Maeamachreth, Cemmaes Road, Machynlleth.
				8. 16th Aug 1972	209 27th July 1972	1	J. H. James, Conservator of Forests for North Wales, for Secretary of State for Wales, Forestry Commission, Victoria House, Victoria Terrace, Aberystwyth.
				9. 26th July 1973	The objection Nos 13, 151, 183, 230, 191, 237 and 209 at entries Nos. 2 - 8 inclusive were conceded to on 26th July, 1973 and have therefore been cancelled.		

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-  Land Removed from Registration
-  Common Land Boundary
-  Ownership or Grazier Boundary

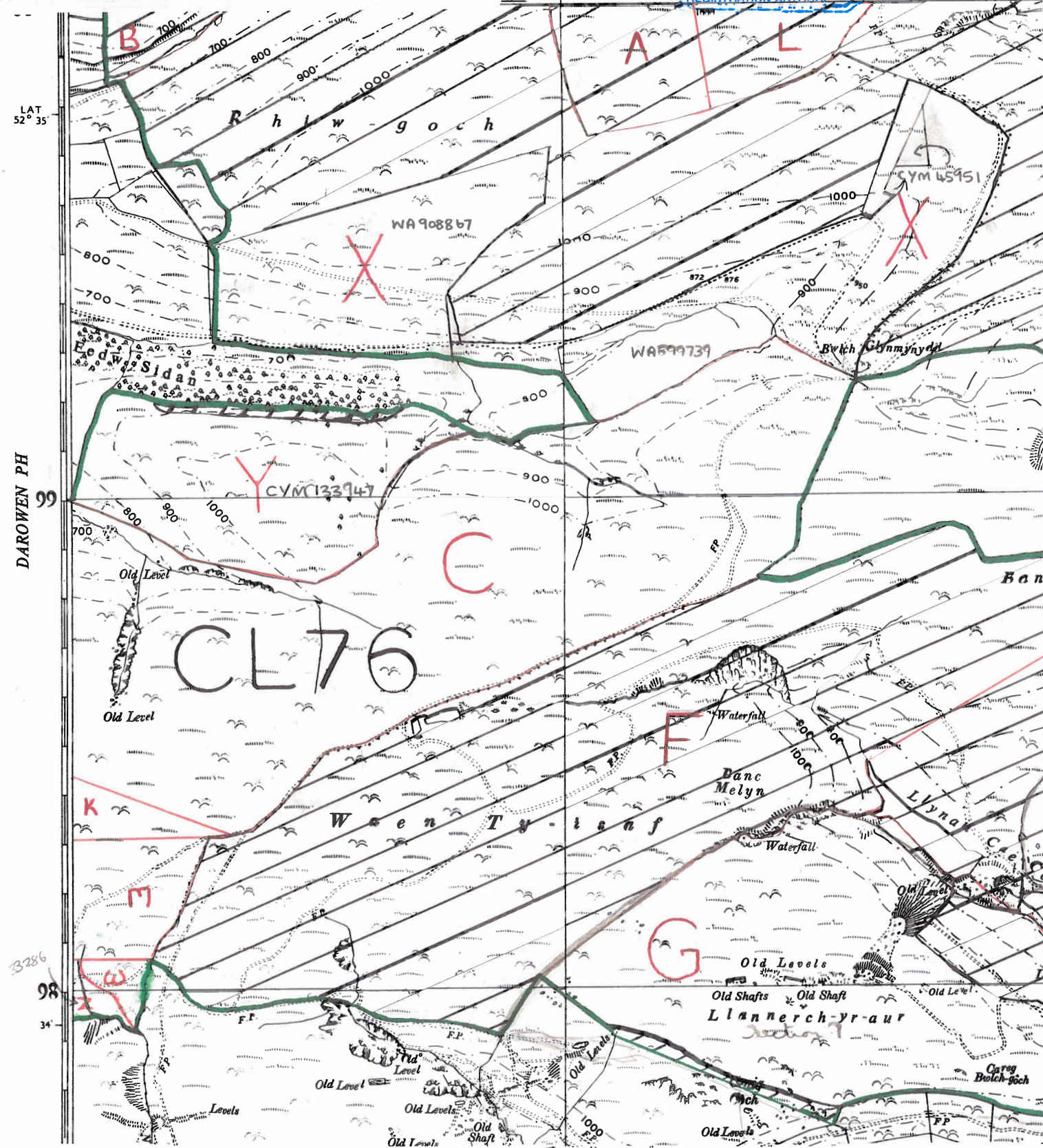
COMMONS REGISTRATION ACT 1965
25 JUL 2018
POWYS COUNTY COUNCIL
REGISTRATION AUTHORITY






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Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y
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COMMONS REGISTRATION ACT 1965
25 JUL 2018
POWYS COUNTY COUNCIL
REGISTRATION AUTHORITY



-  Land Removed from Registration
-  Common Land Boundary
-  Ownership or Grazier Boundary

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CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE

2nd August 2018**REPORT BY: HEAD OF LEISURE AND RECREATION****SUBJECT: Opposed Diversion Order 2017: Abandonment and making of a new public path Order**

REPORT FOR: DECISION

**Footpaths C15 and C18, Wernllwyd (Community of Welshpool.)
Proposed abandonment of diversion Order 2017 and making of a new
diversion Order under section 119 of the Highways Act 1980****Background:**

1. An application was made by Mr DM Jones on 3rd February 2010, to divert parts of footpaths C15 and C18 at Wernllwyd. Initially, this application was made to move the paths out of the working farmyard and so it was placed on file to await processing.
2. However, in 2014, a planning application (P/2014/0352) was made to construct an agricultural building; the proposed location was on the line of footpath C18. Given that, the applicant was advised that the path would need to be formally diverted before they could implement the development. The applicant was asked to undertake the pre-Order consultations.
3. Mr F Jones took over as the applicant for the diversion at that time, although the land affected remains in the ownership of his father, Mr DM Jones.

Consultation:

4. Pre-Order consultation was carried out in 2016, by the agent to the applicant (Mr R Corbett of Roger Parry and Partners.) The following parties were consulted:
 - a. Welshpool Town Council;
 - b. The local member at the time, being Cllr P Pritchard and also Cllr S Hayes, as the site is very close to the boundary with the neighbouring ward.
 - c. Path user groups, including the Rambler's Association, Open Spaces Society and Byways and Bridleways Trust;
 - d. Natural Resources Wales;
 - e. North and Mid Wales Trunk Road Agency;
 - f. The Council's Planning Service, Highways, Transport and Recycling service and Cycling officer;
 - g. Utility companies.

5. No objections were received, so a diversion Order was made in July 2017. A copy of the Order can be found at appendix A.

Objections:

6. One objection to the Order was received, from Mr Peter Newman of the Open Spaces Society. His letter can be found at appendix B.
7. Some of Mr Newman's objections related to the planning process. The points relevant to the legal criteria for this diversion are that:
 - He felt that the proposed diversion exceeded what was required to allow for the development to be carried out, as the diversion extends beyond the 'red line' area identified on the planning application.
 - The diverted path would follow a lengthy route around the perimeter of several small fields and this would appear to be designed to allow the path to be fenced in. His concern was that the path width was set out at 2 metres in the Order and that if the path directly abutted the hedgerow, this could then leave a width of only 1-1.5 metres available to the public.
 - There is no connection proposed between point J and the canal towpath, which would mean that walkers approaching the canal towpath from the south would need to unnecessarily detour over 200m.
 - That he felt that the work to install the new gates should be specified in the Order, rather than the gates being authorised separately under section 147 of the Highways Act 1980.
 - That the diversion of the section of path to between point B and the main road would result in more road walking for those seeking to access the paths from Welshpool.
8. The points made in response to Mr Newman are in the email of 19th October 2017 (appendix C.) In summary, these were:
 - That part of footpath C15 was included in the diversion because it is an important connecting route with footpath C18. There is a need to ensure that the road crossing between footpaths C15 and C18 is as direct and safe as possible, given that this is a busy trunk road. Leaving this section of footpath C15 in place would result in a staggered crossing, which the North and Mid Wales Trunk Road Agency would not support.
 - Keeping the path close to this development site may be the shortest route, but it would mean taking a route that is close to regular movement of heavy vehicles and machinery and through enclosed areas with intensive farming activity. The proposed route keeps the public away from the busiest and most industrialised areas of the farm by using the adjoining pasture land.
 - The proposed route of footpath C18 has been drawn onto the Order plan with the centre line being a minimum of 4 metres from the centre of the field boundary. That effectively means that there is a strip of at least a metre wide between the edge of the path and field boundary, even without specifying a width greater than 2 metres for the path itself.
 - The Canal and River Trust were initially approached about diverting the path via point J and over the towpath, but did not give consent for that.

- The form of words for a diversion Order under section 257 of the Town and Country Planning Act 1990 does not allow for limitations and conditions (i.e. structures such as gates) to be specified at all. If gates are needed for livestock control, they must be authorised separately.

Options and further consultations:

9. By the time the response was sent to Mr Newman, officers had visited the site. It was apparent that the new building subject of the planning consent had already been constructed. As such, it is no longer possible to confirm the diversion Order that was made in 2017, under section 257 of the Town and Country Planning Act 1990. Under this legislation, a public path Order cannot be confirmed if the development for which it is needed is already substantially complete.
10. Given this, the applicant was advised that a new Order would need to be made, under section 119 of the Highways Act 1980 and that they would be expected to meet the costs of doing so.
11. Subsequent to that, Mr Newman contacted the Canal and River Trust himself, to find out whether they would consent to a short linking spur footpath, between point J and the canal towpath. There is a gate in place at this location already. The Canal and River Trust advised that they felt that this was a good idea in principle, but would not consent to a public path being created over the towpath. The emails are at appendix D.
12. The liability created by such a link would be shared between the landowner and the Council, with the landowner being responsible for the gate in the boundary near point J, adjoining the towpath. The new path would be entirely over land in the ownership of Mr Jones; his agent has advised that he would be willing to create this linking path.
13. There is no option to continue with the 2017 Order, given that the building is already in place. Given that, the options are:
 - a. To abandon the 2017 Order and make a new one, under section 119 of the Highways Act 1980 for the same routes as the 2017 Order, as per the plan at appendix E;
 - b. To add a creation agreement to the diversion, for a footpath link between the towpath and point J as per the plan at appendix F;
 - c. Or to abandon the 2017 Order and either seek and consult on completely different routes, or take alternative action to reopen the footpaths.
14. The routes subject of the 2017 Order have broad agreement, other than the points raised by Mr Newman. Mr Newman's concerns could be addressed by adding a linking path from point J. As the applicant would be meeting the cost of making a new Order, it is proposed that the 2017 Order be abandoned and that a new Order be made for the same diversion routes, but with an added linking path between point J and the canal towpath.

RECOMMENDATIONS:

1. That the diversion Order made in 2017 for footpaths C15 and C18 under section 257 of the Town and Country Planning Act 1990, as at Appendix A, be formally abandoned, as it cannot be confirmed; and
2. That a new diversion Order be made in replacement, under section 119 of the Highways Act 1980 for the routes shown on the plan at appendix E; and
3. That the Council enters into a creation agreement with the landowner, to create a linking section of path between point J and the canal towpath, as per the plan at appendix F. This would come into effect only if the new diversion Order can be confirmed.

Appendices:

Appendix:	Description:
A	Diversion Order 2017, footpaths C15 and C18 Welshpool
B	Objection letter from Mr Newman, 22 nd August 2017
C	Email from Countryside Services to Mr Newman, 19 th October 2017
D	Emails from Mr Newman to Canal and Rivers Trust, December 2017
E	Plan of diversion routes for proposed new Order
F	Plan of suggested additional linking footpath

**PUBLIC PATH DIVERSION ORDER UNDER THE TOWN AND COUNTRY
PLANNING ACT 1990 SECTION 257
POWYS COUNTY COUNCIL**

**THE POWYS COUNTY COUNCIL (DIVERSION OF PARTS OF PUBLIC
FOOTPATHS C15 AND C18 IN THE COMMUNITY OF WELSHPOOL) PUBLIC
PATH DIVERSION ORDER 2017**

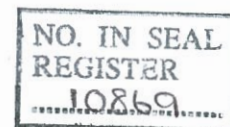
This Order is made by Powys County Council ("the Authority") under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpaths to which this Order relates in order to enable the development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely P/2014/0352 being erection of an agricultural building, together with formation of hardstanding and all other associated works Wernllwyd Berriew Welshpool.

BY THIS ORDER:

1. The footpaths over the land at Wernllwyd shown by bold black lines on the attached map and described in Part 1 of the Schedule to the order ("the Schedule") shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of Powys County Council alternative highways for use as a replacement for the said footpaths as provided in Part 2 of the Schedule and shown by black bold dashes on the attached map.
3. The diversion of the footpaths shall have effect on the confirmation of this order.
4. Where immediately before the date on which the footpaths are diverted there is apparatus under in over along or across it belonging to the statutory undertakers for the purpose of carrying on their undertaking the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

THE COMMON SEAL of)
POWYS COUNTY COUNCIL)
was hereunto affixed this 7th)
day of July 2017)
in the presence of:-)

R. O'Rourke
Solicitor to the Council



SCHEDULE

PART 1

Description of site of existing path or way

<u>Section of Path or Way as indicated on map</u>	<u>Position</u>	<u>Width</u>
Footpath C15 Points A-B	<p>The section of footpath C15 to be diverted commences on the eastern side of county road A483 opposite the entrance to the farmyard at Wernllwyd at OS Grid Reference SJ 2050,0276 (point A.) It follows a generally east-south-easterly direction along an enclosed track for approximately 49 metres and ends beside a field gate on the southern side of the track at OS Grid Reference SJ 2055,0273 (point B.)</p> <p>The total distance is approximately 49 metres.</p>	Undefined in the Statement
Footpath C18 Points C-D	<p>The section of footpath C18 to be diverted commences on the western side of county road A483 at the entrance to the farmyard at Wernllwyd at OS Grid Reference SJ 2049,0276 (point C.) It follows a generally north-westerly direction for approximately 255 metres through the farmyard and buildings and across an open field to end just inside the field on the ramp that leads to the Montgomery Canal at OS Grid Reference SJ 2033,0294 (point D.)</p> <p>The total distance is approximately 255 metres.</p>	Undefined in the Statement

PART 2

Description of site of alternative highway

<u>Section of Path or Way as indicated on map</u>	<u>Position</u>	<u>Width</u>
Footpath C15 Points E-B	<p>The proposed new route of footpath C15 commences at a junction with footpath C16 beside the field boundary at OS Grid Reference SJ 2049,0268 (point E.) It follows a generally north-north-easterly and then more east-north-easterly direction for approximately 83 metres running parallel with the field boundary. It passes through a gateway and ends on the enclosed access track at OS Grid reference at OS Grid Reference SJ 2055,0273 (point B.)</p> <p>The total distance is approximately 83 metres.</p>	2 metres

Footpath C18 Points F-G-H-I-J-K-D	<p>The proposed new route of footpath C18 commences on the western side of county road A483 opposite the junction of footpath C16 with the county road at OS Grid Reference SJ 2045,0270 (point F.) It passes through a gateway into the field to the west and then follows a generally south-westerly and then more west-south-westerly direction parallel with the field boundary for approximately 78 metres. At the corner of the field beside a small copse at OS Grid Reference SJ 2039,0266 (point G) the path turns to continue parallel with the field boundary in a generally north-westerly direction for approximately 45 metres. At the field boundary at OS Grid Reference SJ 2036,0269 (point H) the path passes through a gateway and continues parallel with the field boundary in a generally north-north-westerly direction for approximately 80 metres. At OS Grid Reference SJ 2032,0275 (point I) the proposed new route of the path turns to follow a more west-north-westerly direction alongside the field boundary for approximately 101 metres to the corner of the field at OS Grid Reference SJ 2024,0281 (point J.) The path then turns to follow a generally north-north-easterly direction parallel with the hedge boundary separating the field from the Montgomery Canal for approximately 151 metres to the base of a ramped embankment at OS Grid Reference SJ 2032,0293 (point K.) It then turns to run in a generally easterly and then more north-north-easterly direction along the base of the embankment and then turning to ascend a gentle slope onto the ramp for a total of 18 metres. It ends just inside the field on the ramp that leads to the Montgomery Canal at OS Grid Reference SJ 2033,0294 (point D.)</p> <p>The total distance is approximately 473 metres.</p>	2 metres
---	---	----------

This correspondence is from:
 Peter Newman
 The Old Vicarage
 Dolau
 Powys LD15TH



Email: [REDACTED]

TEL [REDACTED]
 EMAIL [REDACTED]
 WEB www.oss.org.uk

Solicitor to the Council
 c/o Mrs V Julian
 Principal Legal Assistant
 Powys County Council
 County Hall
 Llandrindod Wells
 Powys LD1 5LG

August 22, 2017

Dear Sir,

PROPOSED DIVERSION OF FOOTPATHS C15 AND C18 WELSHPOOL

We hereby object to the above proposal currently being advertised on the following grounds:

- We note that the diversion of the footpath was not addressed by the planning officer in his decision: he merely states that: "Although [the objection of the rights of way team and a member of the public] are acknowledged and noted, development management would not be in a position to refuse the application only on this basis, due to the ability of the applicant to apply for a diversion of the said footpath subsequently after receiving planning permission". It is clear therefore that the impact of the development on the footpath has not been taken into account, contrary to the guidance in Defra Circular 1/09:
- Para.7.2: "The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered." The effect of the development on the footpath was not considered in granting planning permission — indeed, the question of effect was expressly set aside.
- We also note that the diversion of the footpath far exceeds what is required in order to facilitate the development. In the location plan submitted with the planning application in accordance with art.7(2)(c)(i) of the 2015 Order, the 'red-lined' development site extends slightly outside the footprint of the proposed shed. But the diversion extends so far beyond the red-lined area that its extent barely fits onto the location plan. (We note that the location plan includes some planting works outside the development site, but these were not referred to in the planning application, and form no part of the works for which permission has been given.) The diversion also resolves an obstruction of the footpath posed by an existing barn to the south of the development site, but as the development of this barn is complete, it is not eligible for diversion under s.257 of the Town and Country Planning Act 1990 (para.7.21 of Circular 1/09). This diversion order should not be used to facilitate the diversion of a path across a

completed development site 'through the back door'. An order may be made under s.257 (and the order confirmed by the Secretary of State) if the planning authority is, "satisfied that it is necessary to do so in order to enable development to be carried out—(a) in accordance with planning permission". But this order is not necessary to enable the construction of the shed: it goes far beyond what is necessary. The Secretary of State should refuse to confirm the order, on the grounds that it is not necessary, or propose to amend it to confine the diversion to the perimeter of the development site.

- If, notwithstanding our legal submission, the Secretary of State is minded to consider the merits of the diversion as contained in the order, we make the following additional 'without prejudice' observations.
- The diverted path would follow a lengthy route around the perimeter of several small fields outside the farm yard and house. The diverted route appears to be designed to allow the path to be fenced in, else there would be little purpose in following a perimetral route — and indeed, if the path is not fenced in, users will inevitably cut off the corners from F to H and from H to K (detouring around the outside of the existing shed). But the path is set out at a minimal width of 2m. Given that the path will be fenced in to a distance of 2m from the root of the existing hedge, this will leave perhaps 1–1.5m initially, and in time, a completely inadequate width, for public use, noting that this is a rural footpath, one of thousands in Powys, which will be seldom if ever cut by the highway authority, and inaccessible to be cut by mechanical means by the landowner. A width of at least 3m should therefore be specified. Alternatively, the path should be laid out in a desire line from F to H to K, and retained at the present width.
- We note that, although the diverted path runs south from K to J alongside the canal towpath, there is no connection proposed at J to the towpath, so that walkers approaching along the canal towpath from the south unnecessarily detour over 200m to the north and back again. We propose that, if the existing alignment is retained, the order is modified to provide for a connection at J. NB There is a set of wooden rails at this point. There should also be a legal connection with the towpath through the existing gate adjacent to point D.
- We also wish to see the order modified to provide for works, comprising the installation of a gate at each crossing of a boundary feature at B, F and H, authorised under s.257(2)(b) of the 1990 Act, as we see no reason why such works should be authorised subsequently under s.147, outside the scope of public scrutiny. The gates should be compliant with the British Standard 5709:2006.

Finally, we also object to the extinguishment of the footpath between B and the main road. While the majority of walkers will wish to continue straight across the road between the existing footpaths, there is no plausible reason to stop up the 40m of this footpath along a minor farm track between the turning to the south to connect with footpath C16, and the road. For those who walk along the road from Welshpool, it will reduce 70m of road walking. But we would also emphasise that there is no power to stop up this section of footpath — it has nothing remotely to do with the development. In *Westley and others v Secretary of State for the Environment and another*, the court appeared to support the stopping up of part of the existing way which was not itself on the development site, but which was rendered redundant by the diversion as a whole. But here, the path is not rendered redundant, but will continue to serve highways at either end of its short alignment.

Yours Sincerely,

[Redacted signature]

Peter Newman
Open Spaces Society Local Correspondent



From: [Sian Barnes \(CSP - Countryside Services\)](#)
To: [Newman, Peter](#)
Cc: [Martin Davies \(CSP - Countryside Services\)](#); [Calum Carr \(CSP - Countryside Services\)](#)
Subject: Proposed diversion of footpaths C15 and C18, Welshpool
Date: 19 October 2017 17:55:00
Attachments: [img-823144156-0001.pdf](#)

Dear Mr Newman,

First, I am writing to formally acknowledge receipt of your attached letter 22nd August 2017. On discussion with our Legal Services department, I realise that you may not have received written acknowledgement until now, so many apologies for that. Further to our conversation about this a few weeks ago, I have now been out on site and would like to respond to the points in your letter.

The planning process takes into account many factors, of which public rights of way is one consideration. In this case, the Planning Officer has acknowledged the existence of the public footpaths at Wernllwyd, but has also noted that there is a separate legal process for seeking to divert them. The detail of the planning process is outside my area of expertise and so it would not be appropriate for me to comment on the legal criteria in relation to that. However, the fact is that planning consent was granted for development affecting the public rights of way. In considering a diversion proposal under those circumstances, we can only consider the merits of the proposed changes to the public rights of way; we cannot reopen the planning process or re-examine the merits of any planning permission given, and neither can a Planning Inspector. The planning and diversion processes are separate legally, each with their own means to appeal.

In this case, the diversion put forward does include a short section of footpath C15, because this is clearly an important connecting route with C18. The reason for proposing to divert part of footpath C15 is to ensure that the road crossing between the two paths is as direct and safe as possible, given that this is a busy trunk road. The Mid Wales Trunk Road Agency has advised that if changes are being made, a staggered crossing is not acceptable from its point of view; we are concerned that leaving the section of footpath C15 from point B to the road would encourage use of a staggered crossing.

We do try to ensure that as well as moving the sections of a path that are directly affected by proposed development, we also look to find the most enjoyable and convenient route possible for the public. Keeping the path close to this development site may be the shortest route, but we are concerned that it would not provide path users with a very enjoyable experience; it would mean taking a route that is close to regular movement of heavy vehicles and machinery and through enclosed areas with intensive farming activity. The proposed route keeps the public away from the busiest and most industrialised areas of the farm by using the adjoining pasture land.

The proposed route of footpath C18 has been drawn onto the Order plan with the centre line being a minimum of 4 metres from the centre of the field boundary. That effectively means that there is a strip of at least a metre wide between the edge of the path and field boundary, even without specifying a width greater than 2 metres for the path itself. We did contact the Canal and River Trust to seek a connection with the towpath in the location that you have suggested, but they have not given consent for that.

Having visited the site, it has become apparent that the developer has, regrettably, already constructed the new building over the line of footpath C18. As such, we will not be able to confirm the diversion Order made under the Town and Country Planning Act 1990. It is clear that the paths cannot remain as they are, so I will need to seek the view of the Planning, Taxi Licensing and Rights of Way Committee about making and advertising a new Order under the Highways Act 1980. That would then allow for the gates to be included in the legal Order.

Regards,
Sian

Sian Barnes
Definitive Map and Commons Registration Officer
Gwasanaethau Cefn Gwlad / Countryside Services
Cyngor Sir Powys / Powys County Council
Ffon / Tel: 01597 827595

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From: Peter Newman
To: [Susan Higton](#); [Sian Barnes \(CSP - Countryside Services\)](#)
Subject: Re: Montgomery canal - footpath diversion
Date: 11 December 2017 14:48:42

Thank you for your email.

We were not expecting you to dedicate the towpath as a public right of way, only to allow the diverted path to connect with it.

The status of the towpath would remain as it is currently.

Our contact at Powys County Council is Sian Barnes - sian.barnes@powys.gov.uk

Peter Newman
 Open Spaces Society Local Correspondent
 The Old Vicarage
 DOLAU
 POWYS LD15TH

On 08/12/2017 12:03, Susan Higton wrote:

> Dear Mr. Newman,

>

> You recently wrote to Wendy Capelle regarding the proposed diversion of
 > a footpath at Wemllwyd, next to the Montgomery canal.

>

> Looking at Powys County Council's plan, they intend to divert the
 > footpath within the field so that it connects with the existing path at
 > the canal bridge, as currently. We would have no objections to this
 > proposal as it has no direct impact on the canal.

>

> The principle of providing new links to the towpath is a good one but we
 > would need to consider the legal and maintenance implications carefully.
 > In the past we have been advised not to agree to towpaths becoming
 > designated as public footpaths as this affects our rights to close the
 > towpath for our own works. We would also need to consider
 > liability/ownership of the access point(s) and funding implications for
 > ongoing maintenance of the accesses and path.

>

> In addition, any works to provide an additional connection to the
 > towpath or make any alterations to the existing access point would need
 > to fulfil the requirements of the "Code of Practice for Works Affecting
 > the Canal and River Trust" and this link will give you access to the
 > code

> <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>

>

>

> Would you mind letting me have the details of your contact at Powys
 > County Council so that I can discuss the proposal further with them?
 > Thank you.

>

> Kind regards,

>

> */Sue Higton /*//

>

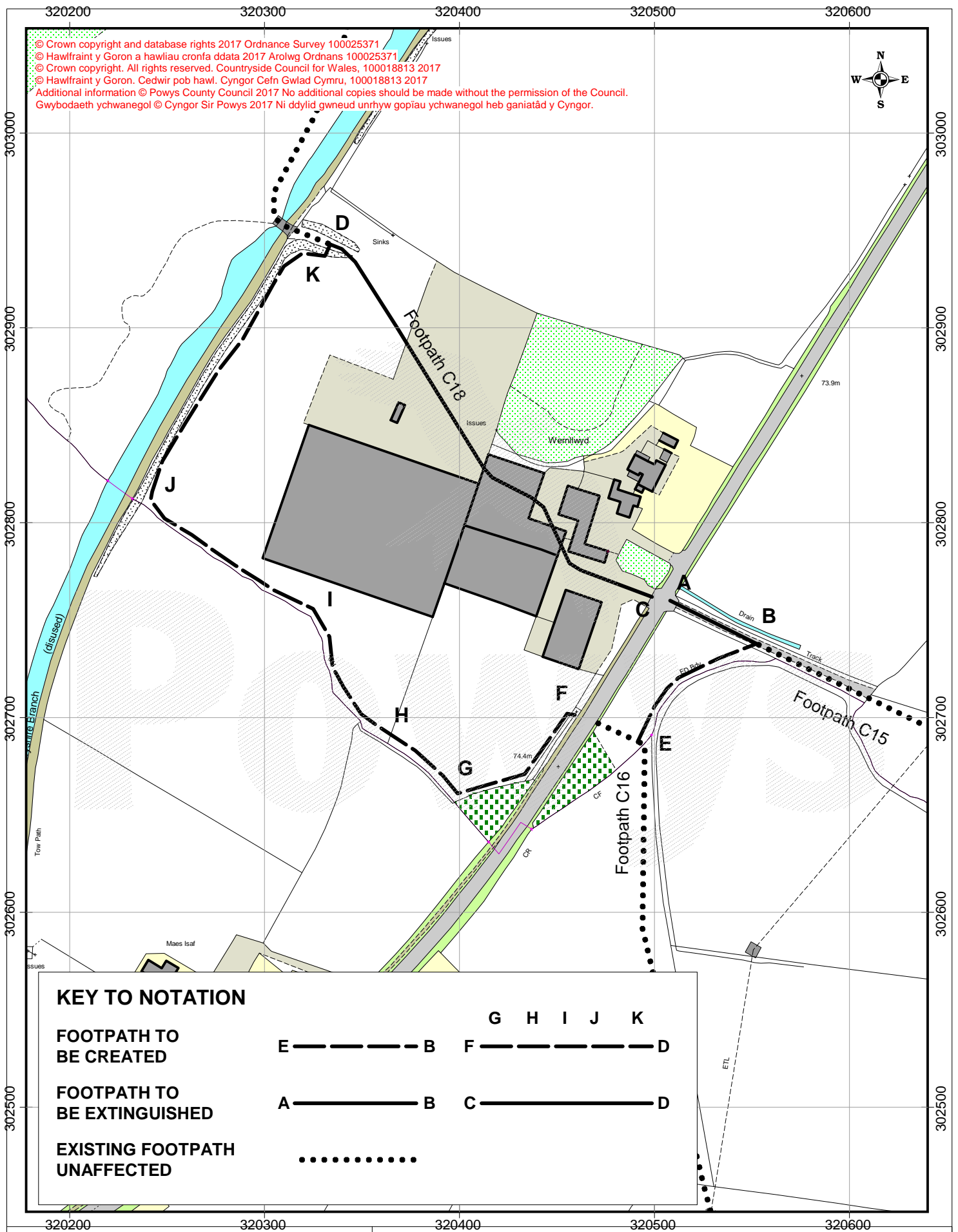
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> Lawton, Stoke-on-Trent, ST7 3AP
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> Tel: [REDACTED]
>
> Email [REDACTED]
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> _____
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> please follow this link -
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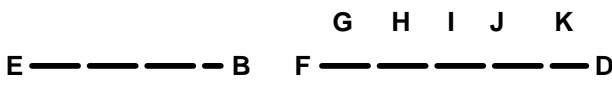


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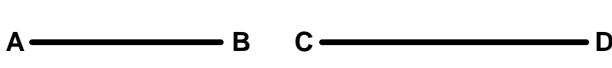


KEY TO NOTATION

FOOTPATH TO BE CREATED



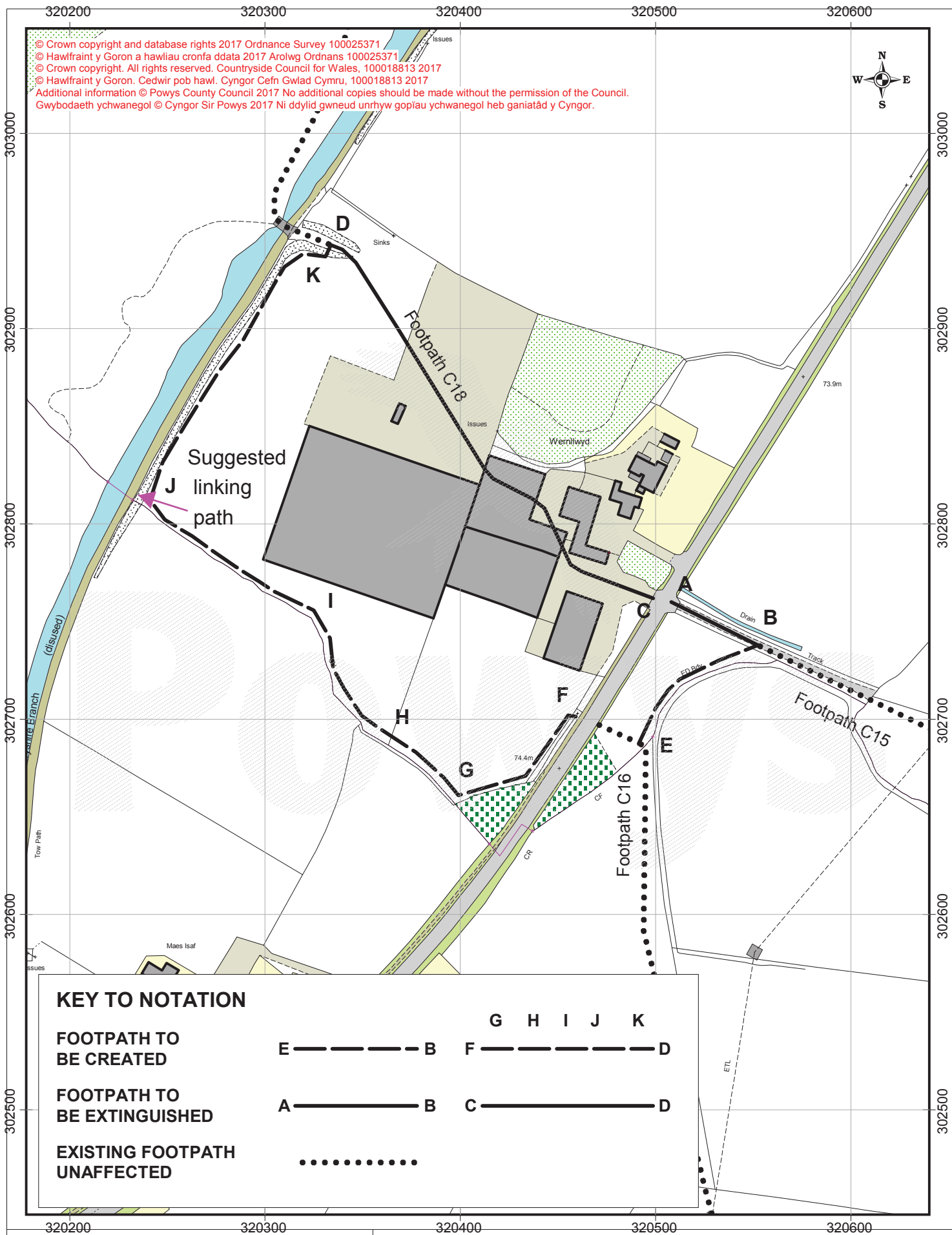
FOOTPATH TO BE EXTINGUISHED



EXISTING FOOTPATH UNAFFECTED



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**MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT
COUNCIL CHAMBER - NEUADD MALDWYN, WELSHPOOL, POWYS ON
TUESDAY, 1 MAY 2018**

PRESENT

County Councillor L George (Chair)

County Councillors H. Hulme and K Lewis

1.	RESOLUTION TO EXCLUDE THE PUBLIC AND THE PRESS
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RESOLVED that in accordance with Section 100(a)(4) of the Local Government Act 1972 the public and press were excluded from the meeting on the grounds that there would be disclosure to them of exempt information under Paragraphs 12 and 18 of Schedule 12a Part 7 of the above Act in respect of the following item[s].

2.	REVIEW OF A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
-----------	---

2.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

2.2. Review of a licence

Licence holder – M.R.E.

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

The Children's Manager for north Powys attended the meeting and explained that the disclosure of inappropriate behavior was made by a vulnerable 16 year old to her case work support officers.

The Licensing Officer explained that MREs licence had been suspended based on allegations concerning the above matter and previous convictions. The Licensing Officer referred to the recommendations in a Safeguarding Report of a Professional Strategy Meeting held on the 13th April 2018. The Sub-Committee also considered written representations from MRE and three references supplied by him.

The Sub-Committee withdrew to consider, in private, the review and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
To revoke the Hackney Carriage and Private Hire Driver's Licence held by M.R.E.	That he is not a fit and proper person to hold a hackney Carriage and Private Hire Driver's Licence.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending.

3. THE SUB-COMMITTEE TO AGREE TO MOVE INTO OPEN SESSION
--

The Sub-Committee agreed to move into public session for the remainder of the meeting.

4. APPLICATION FOR A PLATE EXEMPTION ON PRIVATE HIRE LICENSED VEHICLE
--

4.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

4.2. Application for a plate exemption

Applicant – Silver Service

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

All parties confirmed that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
To grant Silver Service its application for a licence plate exemption (including for a replacement vehicle of a similar or improved standard as the vehicle being replaced).	The applicant has made out a justifiable business case for claiming the exemption and such an exemption would not be detrimental to public safety.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending.

5.	APPLICATION FOR A PLATE EXEMPTION ON PRIVATE HIRE LICENSED VEHICLES
-----------	--

5.1. Sub-Committee's procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

5.2. Application for a plate exemption

Applicant – Mid Wales Limousines

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

All parties confirmed that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
To grant Mid Wales Limousines its application for a licence plate exemption.	The applicant has made out a justifiable business case for claiming the exemption and such an exemption would not be detrimental to public safety.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending.

6.	APPLICATION FOR A PLATE EXEMPTION ON PRIVATE HIRE LICENSED VEHICLES
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6.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Solicitor to the Council explained the procedures to be followed by the Sub-Committee.

6.2. Application for plate exemption

Applicant – Tiny’s Limo

The Licensing Officer presented the licensing authority’s position as outlined in the report [copy filed with the signed minutes].

All parties confirmed that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
To grant Tiny’s Limo its application for a licence plate exemption.	The applicant has made out a justifiable business case for claiming the exemption and such an exemption would not be detrimental to public safety.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending.

County Councillor L George (Chair)