

## Planning, Taxi Licensing & Rights of Way Committee

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

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Meeting Date  
**Thursday, 21 March 2019**

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Meeting Time  
**10.00 am**

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County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

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

14 March, 2019

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Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod, a bydd gwasanaeth cyfieithu ar y pryd ar gael.  
You are welcome to speak Welsh or English in the meeting, and a simultaneous translation service will be provided.

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### AGENDA

1.	<b>APOLOGIES</b>
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To receive apologies for absence.

2.	<b>MINUTES OF THE PREVIOUS MEETING</b>
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 28 February, 2019 as a correct record.

(To Follow)

<b>Planning</b>
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3.	<b>DECLARATIONS OF INTEREST</b>
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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.

<b>4.</b>	<b>PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE</b>
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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. 19/0021/FUL Land East of Ithon Road, Ithon Road, Llandrindod, Powys, LD1 6AS**

(Pages 9 - 60)

**4.3. 18/1070/REM Nant Helen Surface Mine, Coelbren, Neath**

(Pages 61 - 92)

**4.4. 18/1035/FUL Ynys-Y-Bont, U0300 from Junction with C50 Aberbran by Council Houses Via Ynys-Y-Bont to Jct R, Aberbran, Brecon, LD3 9NL**

(Pages 93 - 132)

**4.5. P/2018/0150 Land Adj To Lllys Cynon, Tregynon, Newtown, Powys, SY16 3EJ**

(Pages 133 - 166)

**4.6. 18/0922/RES Land Adjacent to Southeast of Village Hall, Sarn, Newtown, Powys, SY16 4HQ**

(Pages 167 - 180)

- 4.7. **18/1065/DIS Land Adjacent to Southeast of Village Hall, Sarn, Newtown, Powys, SY16 4HQ**

(Pages 181 - 186)

- 4.8. **19/0302/DEM The Old School House, Former Smithfield Depot Building, Gorn Road, Llanidloes, SY18 6BJ**

(Pages 187 - 194)

- 4.9. **18/1115/FUL 5 Y Ffrydd, Newtown, Powys, SY16 2JY**

(Pages 195 - 204)

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

(Pages 205 - 220)

### **Planning Protocol & Constitution**

<b>6.</b>	<b>PLANNING PROTOCOL AND SECTION 13 RESPONSIBILITIES FOR FUNCTIONS</b>
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To consider changes to the Planning Protocol and Section 13 Responsibilities for Functions of the Constitution.

(Pages 221 - 302)

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**Planning, Taxi Licensing and Rights of Way Committee**  
**21<sup>st</sup> March 2019**

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:  
 Community:  
 O.S. Grid Reference:  
 Date Received:

Nature of Development:  
 Location of Development:  
 Applicant:  
 Recommendation of Head of Planning:

<b>19/0021/FUL</b>  Llandrindod Wells Community  E: 305498 N: 292001  04.01.2019	Full: Residential development comprising of 55 units  Land East of Ithon Road, Ithon Road, Llandrindod, Powys, LD1 6AS  Mr Steve Griffiths  <b>Recommendation:</b> Conditional Consent
<b>18/1070/REM</b>  Tawe Uchaf Community  E: 283050 N: 211312  03.12.2018	Variation of Condition: Variation of condition 2 of planning approval P/2011/0217 to allow an extension of time to allow extraction of all the coal and completion of restoration.  Nant Helen Surface Mine, Colbren, Neath  Celtic Energy Ltd  <b>Recommendation:</b> Conditional Consent - subject to a S106

<p><b>18/1035/FUL</b></p> <p>Trallong Community</p> <p>E: 297981 N: 230202</p> <p>29.11.2018</p>	<p>Full: Construction of 2 no. falcon breeding buildings, 1 no. imprint building, 1 no. ancillary building, 1 no. plant room and associated works</p> <p>Ynys-Y-Bont, U0300 from Junction with C50 Aberbran by Council Houses Via Ynys-Y-Bont to Jct R, Aberbran, Brecon, LD3 9NL</p> <p>Mohammed Hillal bin Tarraf Almansorri</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>P/2018/0150</b></p> <p>Tregynon Community</p> <p>E: 309407 N: 298493</p> <p>02.02.2018</p>	<p>Outline: Erection of 2 No. affordable dwellings and access arrangements (all matters reserved)</p> <p>Land Adj To Llys Cynon, Tregynon, Newtown, Powys, SY16 3EJ</p> <p>Mr Martin Hough</p> <p><b>Recommendation:</b> Conditional Consent</p>
<p><b>18/0922/RES</b></p> <p>Newtown Community</p> <p>16.11.2018</p>	<p>Reserved Matters: Reserved matters for details of access, appearance, landscaping, layout and scale in connection with proposed development of 7 no. affordable dwellings and all associated works</p> <p>Land Adjacent to Southeast of Village Hall, Sarn, Newtown, Powys, SY16 4HQ</p> <p>Powys County Council</p> <p><b>Recommendation:</b> Conditional Consent</p>

<p><b>18/1065/DIS</b></p> <p>Kerry Community</p> <p>E: 320376 N: 290839</p> <p>05.12.2018</p>	<p>Discharge of Condition: Discharge of condition 8 of planning approval P/2017/1489 in relation to affordable housing details</p> <p>Discharge of condition 8 of planning approval P/2017/1489 in relation to affordable housing details</p> <p>Powys County Council</p> <p><b>Recommendation:</b> Approve the discharge of condition 8</p>
<p><b>19/0302/DEM</b></p> <p>Llanidloes</p> <p>E: 295603 N: 284274</p> <p>27.02.2019</p>	<p>Demolition Notification: Application for prior notification of proposed demolition</p> <p>The Old School House, Former Smithfield Depot Building, Gorn Road, Llanidloes, SY18 6BJ</p> <p>Powys County Council</p> <p><b>Recommendation:</b> Prior Approval is not required</p>
<p><b>18/1115/FUL</b></p> <p>Newtown and Llanwchaiarn</p> <p>E: 311233 N:291907</p> <p>19.12.2018</p>	<p>Full: Excavation of existing footway and construction of additional parking bays together with realignment of existing kerb</p> <p>5 Y Ffrydd, Newtown, Powys, SY16 2JY</p> <p>Powys County Council</p> <p><b>Recommendation:</b> Conditional Consent</p>

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## 4.2

### Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 19/0021/FUL

**Grid Ref:** E: 305498  
N: 262001

**Community Council:** Llandrindod Wells  
Community

**Valid Date:** 04.01.2019

**Applicant:** Mr Steve Griffiths

**Location:** Land East of Ithon Road, Ithon Road, Llandrindod, Powys, LD1 6AS

**Proposal:** Residential development comprising of 55 units

**Application Type:** Full Application

#### The reason for Committee determination

The application has been called in by the Head of Service.

#### Consultee Responses

##### Consultee

##### Received

**Community Council**

**20th Feb 2019**

The above application was placed before my Council at its meeting held on 19th February 2019.

The Council wish to object to this application on the following grounds:

1. No formal notification was given to local residents
2. Late publication of site notices
3. The scale of the development is not proportionate to the specific needs of the town

4. The mix of development does not meet the needs in providing further social housing
5. Serious concerns over the two exits proposed onto the main road on highways safety grounds
6. Lack of infrastructure to support the development i.e. schools, health and associated services etc.
7. Concerns about the hydraulic overload relating to the strip of land between the boundary fences of Holcombe Drive and the proposed site boundary which has a current easement on it. There is no mitigation to indicate that the new development will not increase the existing ongoing issues. It is also unclear about the ownership and future maintenance of this area.

My Council wish to request that these objections are considered prior to making a decision on this application.

**PCC-Building Control**

**16th Jan 2019**

Planning application 19/0021/FUL will require a building regulations application, should you require any further information please do not hesitate to contact me.

**Wales & West Utilities - Plant  
Protection Team**

**23rd Jan 2019**

Wales & West Utilities have been made aware of a planning application on 14.01.2019 , advising us of the proposals

at:

Ithon Road, LLANDRINDOD WELLS, Powys, LD1 6AS

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.

**Welsh Water**

**6th Mar 2019**

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

Firstly, we express concerns that Dwr Cymru Welsh Water (DCWW) have not been consulted on this planning application (Ref: 19/0021/FUL) which relates to a residential development, as per Schedule 4 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, and was only drawn to our attention by review of the Council's weekly list. Nonetheless, we can confirm that DCWW have been previously informed of this development by way of statutory Pre-Application Consultation (PAC), in accordance with Schedule 1C Article 2D of the DMPO 2016.

#### SEWERAGE

As part of our Article 2D response, we were able to advise the applicant that adequate capacity exists within the public combined sewer located south of the development site in order to receive the foul only flows from the proposed development site. We acknowledge

a connection to this location is shown on the submitted drainage layout plan (drawing ref: S.7632 - 07) and therefore confirm we have no objections to this. We also acknowledge from the same drawing that surface water is to be discharged to a watercourse of which we also have no objections to.

## SEWERAGE TREATMENT

We were also able to previously advise the applicant that capacity does not currently exist at the Wastewater Treatment Works in order to receive the foul only flows from the proposed development. However, we can confirm that as part of our current capital investment programme, improvements are scheduled for completion by 31st March 2020 which will overcome the issues at the Treatment Works and create capacity for the foul flows only deriving from the application site.

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

### Conditions

No buildings on the application site shall be brought into use earlier than 31st March 2020, unless the upgrading of the Waste Water Treatment Works, into which the development shall drain has been completed and written confirmation of this has been issued to the Local Planning Authority by Dwr Cymru Welsh Water.

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

No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

### Advisory Notes

The proposed development site is crossed by a public rising main with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public



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

## **WATER SUPPLY**

Dwr Cymru Welsh Water has no objection to the proposed development

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

## **PCC-(M) Highways**

**19th Feb 2019**

### **Existing and Proposed Trip Generation & Existing Road Network**

This proposal is supported by the submission of a Transport Statement which considers the existing highway network characteristics in the vicinity of the site, including provision for cyclists, pedestrians and public transport, and the potential impacts on the network post-development. The projected vehicular movements generated by this proposal, the distribution of that traffic and the effects of such on the existing network is projected to have a "marginal impact" on the existing network during the more critical peak hour periods. The Highway Authority is satisfied that the conclusions contained within the Transport

Statement are robust and that the potential impacts the site may have on the surrounding highway infrastructure is likely to be marginal. As such it raises no concerns in this regard.

### Site Access

The internal site layout includes proposals for a central pedestrianised play area/green space which effectively prohibits the free passage of motor vehicles across the site as a whole. As a result, the proposals include the provision of two separate access points off the A4081. Whilst it is noted that highway safety concerns have been raised by the Town Council on this point, the two access points are designed to have a separation distance of 95metres, which given the setting, the recorded 85% speeds and the most up to date guidance contained within sections 9.2.1- 9.2.2 of Manual for Streets 2, is considered to be acceptable. As both internal roads serving the site are to incorporate a 20 mph Zone, a new 40mph "buffer zone" will need to be installed along Ithon Road which will extend to cover the new access points. The newly developed frontage and introduction of the 40mph buffer should promote a street frontage which should further help reduce speeds at this location. Both proposed access points afford suitable levels of visibility along the A4081.

### Active Travel

The PCC Active Travel Officer has been consulted on the proposals to assess their compliance with the Active Travel (Wales) Act 2013. Whilst the officer would favour the provision of a pedestrian link in the north eastern corner of the site, which would provide a more direct link to the existing residential area of Holcombe Drive, it is acknowledged that the land required is under third party ownership. The required land is not therefore within the application site and as a result, the provision of such a link cannot reasonably be sought or conditioned.

An existing PROW (Footpath CF22) currently runs through the development area; this will be directly affected by the proposed development. The applicant has acknowledged that the footpath needs to be diverted in order to accommodate the development, and has been speaking to Countryside Services on this matter. It is proposed that the link be diverted through the new site, before being extended through land to the south of the site, at which point it will be widened to form a shared pedestrian/cycle route. The combined route is proposed to link with an existing footway which joins Holcombe Drive. Internally there are two proposed links onto Ithon Road to the north and south and, continuous 2m footways are proposed throughout the site. Suitable internal pedestrian crossing facilities will be

secured as part of any future engineering submission. Similarly, the existing footway provision along Ithon Road will be maintained with suitable pedestrian crossing facilities again secured as part of any future engineering submission.

### Internal layout

The following detail has been submitted to demonstrate the appropriateness of the proposed internal highway layout, in terms of gradients, turning provision and geometry.

- o Detailed longitudinal drawings.
- o General layout drawing.

The submitted information demonstrates that the proposed development incorporates suitable highway alignment and turning provision. Whilst the internal road gradients are generally acceptable, the initial 10m length of Road 3 will need to be revised slightly to ensure that a 1:30 gradient is achieved from Ithon Road. Road gradients generally follow the existing contours of the field so no large "cut or fill" operations are likely to be required.

### Car Parking Arrangements

Concerns have previously been raised by the Highway Authority regarding the proposed level of parking allocation for the dwellings. It has been acknowledged by the applicant that 1no. three bedroom dwelling has 2 spaces rather than 3 spaces as required by CSS Wales. This is due to a relatively late revision in which a link was made from the site to the proposed new cycle path which resulted in the loss of a parking area between Plots 27-28 with insufficient space available to allocate a full 3 spaces elsewhere.

However, the remaining 54 units are all provided with parking in direct accord with CSS Wales and the house in question is located at the southern end of the site in closest proximity to the new cycle path which links to the High School, Tesco and the town centre. On this basis, the Highways Authority accepts that this minor shortfall in parking is acceptable.

Concerns have also been raised regarding the absence of visitor parking bays for the development, however the internal site layout has been designed to 5.5m width with 2m

footway on both sides. This is generally in line with CSS Wales and a 5.5m carriageway width does cater for on street visitor parking (See 8.3.21 MfS 1). There are numerous places within the site layout where visitors can park on-street. On this basis, it has been decided that the provision of visitor parking on-street is acceptable.

### Highway Surface Water Drainage

The surface water drainage strategy for the roads within the site is duly noted. The suitability or otherwise of the scheme is a matter that needs to be determined by PCC Land Drainage Department before this application is determined. The applicant is advised that a suitable surface water adoption agreement must be in place before a road adoption agreement can be secured.

### Recommendation

It is recommended the following highway conditions be included within the decision notice should this application be approved.

- o No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- o No other development shall commence until each access has been 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 160 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.
- o Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of

250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

- o The gradient of each access shall be constructed so as not to exceed 1 in 30 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.

- o Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved Tony King Architects Drawing A112 revision K. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

- o A Traffic Regulation Order shall be secured by the developer to introduce a reduced speed 40 mph speed limit along the A4081 county highway. The order must be implemented together with any associated work required by the Order prior to the first occupation of any of the dwellings hereby permitted.

- o No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling and to the junction with the existing county highway.

- o No dwelling hereby approved shall be occupied until the vehicular access serving the respective dwelling is finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. The area will be maintained to this standard for as long as the development remains in existence.

- o The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

- o The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

- o Each private drive shall be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained as such for as long as the development remains in existence.
- o Notwithstanding the submitted details, within 10 days from the commencement of the development' detailed highway engineering drawings covering the highway works within the site, including the provision of a 20mph Zone, traffic calming measures and appropriate signing, shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.

**PCC Highways**

**14th March 2019**

Regarding the above application, please could highways condition number 4, relating to the gradient of the access roads be amended from 'the first 15m' to 'the first 10m'.

**PCC-Rights Of Way Senior Manager**

**4th Feb 2019**

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

Footpath CF22 runs through the development area and will be directly affected by the proposed development. The applicant has acknowledged that the footpath needs to be diverted in order to accommodate the development, and has been speaking to Countryside Services on this matter.

The applicant needs to understand that a public path diversion is a separate legal process to planning permission, and this will have to be processed and confirmed before any development on the definitive line can take place.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better.

If the safety of the public cannot be guaranteed at all times during construction, consideration should be given to applying for a temporary closure of the public right of way. This is a separate procedure for which a fee applies. The process can take a couple of

months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required.

We would therefore advise that advice is sought from Countryside Services before any development begins.

**PCC-Affordable Housing Officer**

**18th Jan 2019**

Housing is fully supportive of this scheme which will be grant funded at least in part.

**PCC-Contaminated Land Officer**

The following document has been submitted in support of planning application 19/0021/FUL:

o Terra Firma (Wales) Ltd 'Geotechnical & Geo-environmental Site Investigation Report: Land off Ithon Road, Llandrindod Wells' (ref: 14411) December 2017.

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

Advice

1. Under section 2.3.2 'Radon', of the report (ref: 14411), it is stated: "[...] no radon protection is required for new dwellings at the investigation site." Development Control should consult with Building Control to confirm the requirements for radon protection in the proposed dwellings.

2. Section 6.2.1 'Human Receptors', of the report (ref: 14411), states: "No substances were encountered at concentrations above their respective human health threshold levels [...] Therefore, it is considered that there is no risk to human receptors at the site."

Furthermore, under section 6.3.1 'Human Health', of the report (ref: 14411), it is stated: "If during development works any unexpected ground conditions or evidence of additional contamination is found, inspection by a geo-environmental engineer should be made, and any required testing or investigation carried out prior to continuation of works."

If during the course of the development any contamination is found that was not identified by the intrusive site investigation, presented in the submitted report (ref: 14411), immediate contact must be made with the local planning authority. An investigation and risk assessment must be undertaken and where remediation is required a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

3. Section 6.3.2 'Aquatic Environment', of the report (ref: 14411), provides proposals to prevent any adverse effects to the aquatic environment during development works. The proposed measures should be implemented during the development works.

## Summary

Based on the information provided, and in consideration of the sensitivity of the proposed development (residential), it is recommended that the following condition and note, to the applicant, are attached to any permission granted for planning application 19/0021/FUL:

### 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.

### **Environmental Health**

Environmental Protection has the following comment to make.

Due to the residential setting of the proposed development it is recommended that before any development commences a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust during the landscaping and construction phases.

In addition it is recommended that the landscaping and construction period working hours and delivery times be restricted as follows:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

## PCC-Schools Service

Please find attached the calculations for the S106 contribution based on the adopted LPG guidance from which you will note the requested contribution has increased from £61,802 to £73,070 in line with updated multiplier and calculation.

The rationale for requesting the contribution remains the same as stated in the e-mail from Rosie Davies dated 6<sup>th</sup> April 2018.

Planning application - Outline application for 55 units on land alongside Ithon Road, Llandrindod Wells

Number of dwellings

22

No of Potential Pupils (NB 100% social housing including 18 one bedroom flats and 15 bungalows)

Primary (Number of dwelling x Average School Age Person per Dwelling from Table E1)

=

0.2

4.4

Current Numbers	Trefonnen Primary School	Cefnlllys Primary School
R	29	29
Y1	31	38
Y2	34	39
Y3	24	30
Y4	27	27
Y5	25	29
Y6	28	33
<b>Total</b>	<b>198</b>	<b>225</b>
<b>Published Admission No</b>	<b>28</b>	<b>37</b>
<b>Current capacity</b>	<b>210</b>	<b>276</b>
<b>Projected no on roll - Jan 2022</b>	<b>185</b>	<b>272</b>

	Number of Pupils	Generic Building cost multiplier 2018/19 £	Powys 2018/19 (x0.95)	
Early years & primary education contribution per dwelling	4.4	17481	0.95	<b>£73,070.58</b>

**Natural  
Resources  
Wales  
(North)  
DPAS**

**29th Jan**

Land off Ithon Road, Llandrindod Wells

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 12/01/2019.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement and you attach the conditions listed below. Otherwise, we would object to this planning application.

Summary of Requirements and Conditions:

Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

Condition 1: EPS: Conservation measures as described in section 6 of the ecological submission are implemented

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

Protected Sites

The proposed development is in the vicinity of:

- River Ithon Special Area of Conservation (SAC)
- River Ithon Site of Special Scientific Interest (SSSI)
- Crabtree Green Meadow Site of Special Scientific Interest (SSSI)

We note the proposal is near the River Ithon SSSI & SAC, and that the surface water will be drained into this main river. The development proposes the installation of attenuation ponds as described in the Planning Statement.

The following requirement will need to be met before allowing the proposed development to proceed. We would object to the planning application if the requirement is not met.

Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

NRW have identified potential impact pathways to features of this site:

#### 1. Pollution

There aren't any details regarding the discharge outfall of the attenuation infrastructure. In particular, no reference has been made regarding silt traps or oil interceptor. As the attenuation chamber is discharging into a SAC & SSSI (River Ithon) we would require further information to show the pollution prevention measures which are proposed to be implemented.

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

#### Protected Species

We note that the bat report submitted in support of the above application (Dusk to dawn Ecology Ltd dated 20/03/2017) has identified that bats are not present at the application site.

From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

We advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided the condition below will be attached to any planning permission for this scheme:

Condition 1: EPS: Conservation measures as described in section 6 of the ecological submission are implemented

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a

development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation.

3

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the proposed development is unlikely to give rise to the need for a licence application. Therefore, we do not object to the proposal, subject to the measures described in Section 6 of the ecological report being set out and secured through the inclusion of suitable planning condition.

#### - 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.

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

We therefore advise that any future 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; and (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.

#### Geoscience

We have no objection on Geological grounds regarding the documents submitted with this application.

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the advice under Position Statement G13 (Sustainable drainage systems) which applies to this development.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

4

Advice for the Developer:

- Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

- Works near Watercourse / Construction or Demolition sites

Due to the proximity of the site to watercourses, 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 are available on the following website:  
<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

- Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:

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

- Environmental Management

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

5

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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.

**C P A T**

**15th Jan 2019**

Thank you for the consultation on this application.

I can confirm that there are no archaeological implications for the proposed development at this location and this has been confirmed by three prior stages of archaeological evaluation (geophysics, watching brief on test pits, evaluation trench).

We would therefore have no objection to this development.

**Natural Resources Wales (North)**  
**DPAS**

**22nd Feb 2019**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which was received on 13/02/2019. Further to our previous letter referenced CAS-75949-M0C4 dated 28/01/2019, we have the following advice to provide.

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

Condition 1: EPS: Conservation measures as described in section 6 of the ecological submission are implemented

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

#### Protected Sites

We have reviewed the Pollution Prevention Plan ('Pollution Prevention Plan - Land at Ithon Road, Llandrindod Wells' by Asbri Planning dated February 2018) submitted in support of this proposal.

The plan recognises the presence of protected sites which are hydrologically connected to the development site, and outlines measures of avoiding impacts to these sites.

The pollution prevention measures outlined in the report must be implemented.

We confirm Requirement 1 of our previous letter has been met.

From the information provided, NRW consider that the proposals may affect the following protected sites:



- River Ithon Special Area of Conservation (SAC)
- River Ithon Site of Special Scientific Interests (SSSI)
- Crabtree Green Meadow SSSI

NRW have identified potential impact pathways to features of this site:

1. pollution

The above pathways may not result in a likely significant effect if the following measures are adhered to/ implemented:

1. Developer adheres to their pollution prevention plan.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has been undertaken by your authority or it has not be forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

#### Protected Species

We note that the bat report submitted in support of the above application (Dusk to dawn Ecology Ltd dated 20/03/2017) has identified that bats are not present at the application site.

From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

We advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided the condition below will be attached to any planning permission for this scheme:

Condition 1: EPS: Conservation measures as described in section 6 of the ecological submission are implemented

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the proposed development is unlikely to give rise to the need for a licence application. Therefore, we do not object to the proposal, subject to the measures described in Section 6 of the ecological report being set out and secured through the inclusion of suitable planning condition.

#### - 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.

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

We therefore advise that any future 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 (i) appropriate measures to control any INNS on site; 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.

#### Geoscience

We have no objection on Geological grounds regarding the documents submitted with this application.

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. The developer should be aware of the advice under Position Statement G13 (Sustainable drainage systems) which applies to this development.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are included on our consultation topics list (September 2018) which is published on our website:

(<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

Advice for the developer:

Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Works near watercourses/construction or demolition sites

Due to the proximity of the site to watercourses, 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 are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

#### Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:

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

#### Environmental Management

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site. 5

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated during the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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.

Powys Ecology

11th March 2019

Thank you for consulting me with regards to planning application 19/0021/FUL which concerns an application for a residential development comprising of 55 units at Land East Of Ithon Road Ithon Road Llandrindod Powys.

I have reviewed the submitted information including the Extended Phase 1 Survey Report produced by Dusk to Dawn Ecology Ltd dated 20<sup>th</sup> October 2017, Arboricultural Report produced by ArbTS dated 19<sup>th</sup> October 2018, Pollution Prevention Plan produced by Asbri dated February 2018 as well as the consultation responses provided by NRW regarding the application dated 22<sup>nd</sup> February 2019 and 28<sup>th</sup> January 2019.

Given the proposed development is located within 163m of the River Wye SAC consideration has been given to the need for a Habitats Regulations Assessment to be undertaken. Having reviewed the proposed development, it was determined that there was potential for the proposed development to impact the SAC and/or its associated features. I have undertaken a HRA Screening of the proposed development for the River Wye SAC and its associated features. The Screening concluded that the proposed development would not result in Likely Significant Effects to the SAC and/or its associated features in light of the identified features and nature and scale of the proposed development. I have attached a copy of the Screening Assessment for the River Wye SAC for your records.

Having reviewed the submitted information it is considered that the survey effort employed was in accordance with current guidelines and standards, I agree with the conclusion provided by NRW in their consultation response that subject to inclusion of appropriately worded planning conditions the proposed development would not result in negative impacts to or loss of biodiversity.

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

*The development shall be carried out strictly in accordance with the mitigation measures identified in Section 6 of the Extended Phase 1 Survey Report produced by Dusk to Dawn Ecology Ltd dated 20th October 2017. The measures identified shall be adhered to and implemented in full and maintained thereafter.*

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

*No development shall take place (including ground works and vegetation clearance) until a detailed Tree Protection Plan and Tree Protection Method Statement in accordance with BS:5837:2012 and incorporating the findings of the Arboricultural Report produced by ArbTS dated 19<sup>th</sup> October 2017 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.*

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

*No development shall take place (including ground works and vegetation clearance) until a detailed Biosecurity Risk Assessment with regards to Invasive Non-native species shall be submitted for approval to the Local Planning Authority. The submitted Risk Assessment shall include but not be limited to the following:*

- 1. appropriate measures to control any INNS on site;*
- 2. measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.*

*The approved Biosecurity Risk Assessment shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.*

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and 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

*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 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition, I recommend inclusion of the following informatives:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the

case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

#### 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.

#### Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the



Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

<b>Natura 2000 Site for consideration</b>	River Wye (Code UK0012642)	
<b>Plan or Project Name</b>	19/0021/FUL	
<b>Brief description of project or plan</b>		
Residential development comprising of 55 units at Land East Of Ithon Road Ithon Road Llandrindod Powys.		
<b>Is the project or plan directly connected with or necessary to the management of the site?</b>	No	

<b>Description of the Natura 2000 site:</b>
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The River Wye, on the border of England and Wales, is a large river representative of sub-type 2. It has a geologically mixed catchment, including shales and sandstones, and there is a clear transition between the upland reaches, with characteristic bryophyte-dominated vegetation, and the lower reaches, with extensive *Ranunculus* beds. There is a varied water-crowfoot *Ranunculus* flora; stream water-crowfoot *R. penicillatus* ssp. *pseudofluitans* is abundant, with other *Ranunculus* species – including the uncommon river water-crowfoot *R. fluitans* – found locally. Other species characteristic of sub-type 2 include flowering-rush *Butomus umbellatus*, lesser water-parsnip *Berula erecta* and curled pondweed *Potamogeton crispus*. There is an exceptional range of aquatic flora in the catchment including river jelly-lichen *Collema dichotum*. The river channel is largely unmodified and includes some excellent gorges, as well as significant areas of associated woodland.

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

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

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

- Transition mires and quaking bogs

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

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

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

- Allis shad

## Representations

The application was advertised through the erection of a site notice and press advertisement. 22 objections have been received and are summarised below;

- Location of the development is too close to existing dwellings
- Lack of public transport and services in the area
- Concerns regarding increase in traffic and highway safety
- Concerns regarding impact on neighbouring properties in terms of amenity and privacy
- Overdevelopment of the site
- Concerns raised regarding potential impacts on ecology and biodiversity
- The development is not in keeping with the character and appearance of the area
- Location of the new footpath is unacceptable
- The development doesn't provide parking for the cemetery

- Concerns regarding impact on Crabtree Green SSSI and Radnor Floodplain grassland area
- The development should all be single storey
- Foul drainage problems already exist at adjacent properties
- Lack of employment opportunities in the area
- Concerns regarding flooding

### Planning History

App Ref	Description	Decision	Date
No relevant planning history			

### Principal Planning Constraints

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN12	Design		National Policy
TAN15	Development and Flood Risk		National Policy
TAN16	Sport, Recreation and Open Space		National Policy
TAN18	Transport		National Policy

SP1	Housing Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H2	Housing Sites	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
DM1	Planning Obligations	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026

DM13 Design and Resources

Local Development  
Plan 2011-2026

T1 Travel, Traffic and  
Transport Infrastructure

Local Development  
Plan 2011-2026

### **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**

#### Site Location and Description

The application site lies wholly within the development boundary and community of Llandrindod Wels as defined by the Powys Local Development Plan 2018. The application site is bound to the north by the adjoining cemetery, to the east by existing residential dwellings (Holcombe Drive), to the south by an existing agricultural field and to the west by the adjoining highway, the A4081 known as Ithon Road.

The application site forms part of a large allocation for housing, P28 HA3 which is allocated for 122 dwellings. The application currently being considered seeks full planning permission for the construction of 55 dwellings. The dwellings are proposed to all be affordable and are of the following mix;

- 18 No. One bedroom flats
- 18 No. Two bedroom houses
- 11 No. Two bedroom bungalows
- 4 No. Two bedroom adapted bungalows
- 4 No. Three bedroom houses

The dwellings are all to be completed in either red or buff brick finished with blue/grey concrete roof tiles and white upvc windows. The boundary treatments will be in the form of 1.8 m and 2.1 m feather lapped fencing, 1.2 m painted ball top railings and native hedgerow planting.

#### Principle of Development

LDP policy H1 seeks to ensure that housing development is appropriately located and suitable in scale and type to meet strategic policies SP1, SP3, SP5 and SP6. Housing

development proposals are only permitted in defined towns and large villages where they are located on sites allocated for housing or on other suitable sites within the development boundary.

Llandrindod Wells is defined as a town within policy SP5. The application site falls wholly within the LDP allocation P28 HA3 and entirely within the development boundary of Llandrindod Wells.

It is therefore considered that the principle of the proposed development complies with policies H1 and H2 of the adopted Powys Local Development Plan.

#### Scale and nature of development

Policies H3 and H4 of the development plan seek to ensure that developments are designed to make the best use of land and are of a scale that is appropriate to the location.

The application is supported by a Planning Statement and Design and Access Statement (inclusive of Development Brief). It is acknowledged that the application site forms part of a larger allocation however has demonstrated that the remainder of the site can still be brought forward. The development provides the necessary contribution to open space and, as is submitted by an RSL (Newydd Housing) will be providing the required affordable housing provision.

The application site is approximately 2 hectares, and therefore provides 27.5 dwelling per hectare, in accordance with the requirements set out in policy H4 for towns and large villages.

As stated above, the application is part of an allocation for housing, and as such, with the densities provided, it is considered that the development is in accordance with policies H3 and H4 of the Powys Local Development Plan.

#### Design

All development proposals are required to demonstrate a good quality of design which will complement or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing.

The development is in respect of 55 dwellings that are a mix of house types including bungalows as well as 2 and 3 bedroom two storey houses and one bedroom flats. The plans detail red and buff brick facades with blue/grey concrete roof tiles. The dwellings range in scale with the smallest bungalow measuring 7.6 metres in width, 9.5 metres in depth with a maximum height of 5.8 metres falling to 2.2 metres at the eaves and a 3 bedroom dwelling measuring 5.8 metres in width, 9.2 metres in depth with a maximum height of 8.6 metres falling to 5 metres at the eaves.

The design is generally in keeping with development in Llandrindod Wells, with the adjoining Holcombe Drive being predominantly of buff and red brick construction. Holcombe Drive is primarily single storey dwellings with dormer and two storey dwellings in red and buff brick construction on adjacent roads to Holcombe Drive. The site generally rises to the east with the adjoining Holcombe Drive being located at a higher level than the development site.

It is considered that the dwellings are in keeping with the character and appearance of the area. The use of materials that are common within the area will ensure that the development will be in keeping with its surroundings.

With regards to boundary treatment, between all the dwellings and to the rear of the properties neighbouring Holcombe Drive will be the provision of a 1.8 metres feather lapped fence. To the front of the properties, within the internal highway layout of the development, will be 1.2 metre painted ball top railings providing boundary treatments between properties. Where the site fronts on to Ithon Road a 2.1 metres high fence will be provided to the rear of properties, however in order to soften this additional native hedgerow planting will also be provided.

The parking areas are to be finished in block paving, with the highways and pavements finished in tarmac to an adoptable standard. The existing hedgerow which runs along the northern, eastern and southern boundary will be retained. A section of the hedgerow in the southern boundary will be removed in order to allow for a footpath link to the new cycle/footpath which is being provided as part of the development. An area of open space is provided within the centre of the development, linking both section of the scheme together.

In light of the use of matching materials and the boundary treatment to be used, it is considered that the proposed development is in keeping with the character and appearance of the area and is therefore in accordance with policy DM13 of the Powys Local Development Plan.

### Landscape

Policy DM4 seeks to ensure that new developments do not have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape. The characteristics and qualities of the Powys landscape are recorded in LANDMAP, the strategic evidence base to support landscape based decision making in Wales. Development boundaries distinguish the towns and large villages from the open countryside which surrounds them.

With regards to Visual and Sensory, LANDMAP defined the area as being located within the Llandrindod Wells aspect area and is given a moderate evaluation. The justification for the evaluation is given as 'although potentially of high value the present condition and decline of the town centre, and the sprawling periphery, reduces the value to moderate.'

The application site lies wholly within the development boundary of Llandrindod Wells, however will be a highly visible development on your approach into the settlement from the west. However, the application site is allocated for housing and will be seen against the backdrop of the existing housing in Llandrindod Wells.

Therefore, having taken into account the nature and scale of development together with the information contained within LANDMAP, it is considered that the development will satisfactorily integrate into the landscape in accordance with policy DM4 of the Powys Local Development Plan.

### Residential Amenity

Policy DM13 of the Powys Local Development Plan states that the amenities enjoyed by occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

Environmental Health were consulted on the application and offered no comment on the application objection to the proposed development. However due to the proximity of the scheme to residential properties they considered that should consent be granted that a condition be imposed restricting the hours of construction.

A number of objections have been received relating to the proximity of the proposed development to the existing dwellings along Holcombe Drive. Concern has also been expressed regarding the construction of two dwellings to the rear of 36 Holcombe Drive when the remaining proposed dwellings along the boundary are single storey.

The Powys Residential Design Guide Provides guidance on ensuring that developments do not have a detrimental impact on the amenity and privacy of neighbouring properties. The guidance states that 20 metres should be maintained between rear habitable windows of the existing and proposed dwelling and 10 metres should be provided between the proposed dwelling and the boundary with the neighbouring property. Upon reviewing the plans the distances between the rear of the proposed dwellings and the boundary with the neighbouring properties to the east (Holcombe Drive) range from 15 to 23 metres. The distance between the rear wall of the proposed dwellings and the dwellings to the east (Holcombe Drive) range from 25 to 41 metres. As such, whilst the concern of third parties is acknowledged, it is considered that adequate distance is maintained between properties to ensure that there is no detrimental impact on neighbour amenity.

With regards to the two storey dwelling located to the rear of 36 Holcombe Drive, this property would be approximately 40 metres from the two storey dwellings and taking into consideration the lower level of the land it is considered that this would not have a detrimental impact on neighbour amenity.



Whilst the concerns raised regarding the loss of a view are acknowledged, this is not a material planning consideration and therefore cannot be considered.

In light of the above, it is considered that the proposed development is in accordance with policy DM13 of the Powys Local Development Plan and the Powys Residential Design Guide.

### Highway safety

Policy T1 and Part 10 of the Local Development Plan policy DM13 requires development proposals to meet all highway access requirements, vehicular parking standards and demonstrate that the highway network can absorb the traffic impacts of the development.

The proposed development will provide two accesses to the proposed development. An area of open space in the centre of the development prohibits movement between the two sections by vehicles, although allows for pedestrian and cyclist movement.

A number of objections have been received regarding the impact of the proposed development on highway safety and the increase in traffic numbers and the Town Council have raised concerns.

The application is supported by a detail layout, highways detail and Transport Statement. The Highways Authority were consulted on the application and advised that the projected vehicular movements generated by the development would have a marginal impact on the existing network.

With regards to the proposed accesses, these will be new accesses from the A4081 with a separation distance of 95 metres. The Highways Authority have reviewed the submitted information along with the speed surveys and advise that the development is in accordance with Manual for Streets and is considered to be acceptable.

It is noted that the parking requirements for the site are not wholly in line with the CSS Parking Standards Wales as the three bedroom dwellings only benefit from two parking spaces. This area of parking was originally provided however was removed in order to allow for a pedestrian and cycle path to be provided. Due to the proximity of the site to the school, supermarket and town centre on this occasion the Highways Authority consider the minor shortfall in parking to be acceptable.

In light of the above, the Highways Authority have offered no objection to the scheme subject to conditions being applied to any grant of consent.

### Flood Risk

Concerns have been raised by third parties regarding the potential impact of the development on flooding. The Development Advice Maps produced by Natural Resources Wales demonstrate that the site does not lie within either a C1 or C2 flood zone.

Natural Resources Wales were consulted on the application and offered no objection to the proposed development with regards to flood risk.

demonstrate that the site does not lie within either a C1 or C2 flood zone.

Natural Resources Wales were consulted on the application and offered no objection to the proposed development with regards to flood risk.

### Surface and Foul Water

Concerns have been raised by third parties regarding the impact of the proposed development on the existing sewer system.

Following consultation with Welsh Water they confirm that adequate capacity exists within the public combined sewer to accommodate the development and offer no objection on this ground. The development proposed to collect all surface water and distribute to a dedicated Welsh Water surface water sewer in the road before crossing Ithon Road and outfalling into a new attenuation pond. The attenuation pond has been designed to connect with existing surface water lines that cross the field to the watercourse. Welsh Water note that surface water is to be discharged to a watercourse and offer no objection to this.

With regards to sewerage treatment, Welsh Water have advised that capacity does not currently exist at the Waste Water Treatment Works in order to receive foul flows from the development. Welsh Water have however confirmed that the improvements to the Treatment Works are planned and scheduled for completion by 31st March 2020 whilst will overcome the issues and create capacity for the development. Welsh Water have requested a condition ensuring that no dwellings will be brought into use prior to 31st March 2020, unless the upgrade works have been completed prior to this.

As such, no objection is raised regarding the impact of the development on foul and surface water and whilst the concerns from third parties are acknowledged, it is considered the proposal is in accordance with policy DM6 and DM13 of the Powys Local Development Plan.

### Contaminated Land

Contaminated land can present risk to human health, property and the environment, and long term limitations on the use of soils. Policy DM 10 of the Local Development Plan seeks to ensure that the extent of land contamination on development is investigated and remediated. Responsibility for determining the extent and effects of contamination lies with the developer who must ensure that the land is suitable for the development proposed.

The planning application has been supported by a Geo-technical and Geo-environmental Site Investigation Report. These documents have been reviewed by the Council's Contaminated Land Officer who advise that they have no objection to the proposed development subject to conditions relating to remedial works and unsuspected contamination.

As such it is considered that the proposed development is in accordance with DM10 of the Powys Local Development Plan.

### The Natural Environment

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, including locally important site designations, or the habitat of any protected species.

### *SSSIs and SAC*

The development is located on a greenfield site that is currently used as agricultural grazing land. The application site is located within the vicinity of the following sites;

- River Ithon Special Area of Conservation (SAC)
- River Ithon Site of Special Scientific Interest (SSSI)
- Crabtree Green Meadow Site of Special Scientific Interest (SSSI)

Following initial consultation with NRW a pollution prevention plan was submitted. NRW have assessed the information and advised that whilst there were pathways to the above sites provided the developer adheres to the pollution prevention plan then the development may not result in a likely significant effect.

Consultation with Powys Ecology was undertaken and a Habitats Regulation Assessment Screening was completed. The HRA concluded that the proposed development would not result in a Likely Significant Effect on the SAC or its associated features.

### *Protected Species*

A bat survey report undertaken by Dusk to Dawn Ecology Ltd has been submitted in support of the application.

Following consultation with NRW they advise that the development is not likely to harm or disturb the bats or their breeding sites and resting places at this site provided a condition requiring the conservation methods included within the bat report are adhered to. Powys Ecology have reviewed the information and NRW's response and agree with its conclusion.

As such, the development is considered to be in accordance with Policies SP7 and DM2 of the Powys Local Development Plan and Technical Advice Note 5.

### Cultural Heritage

No Scheduled Monuments or Listed Buildings are in the vicinity of the development, however the application is accompanied by an Archaeological Watching Brief and Archaeological Written Scheme of Investigation.

Clwyd Powys Archaeological Trust were consulted on the application and offered no objection to the proposed development.

### Rights of Way

Policy SP7 identifies the public rights of way network as a strategic asset and policy DM13 states the following;

‘The public rights of way network or other recreation assets listed in Policy SP7 (3) are enhanced and integrated within the layout of the development proposal; or appropriate mitigation measures are put in place where necessary.’

Following consultation with the Rights of Way team no objection to the proposed development has been raised, however they have advised that a footpath diversion would be required. The existing rights of way runs from the north western corner of the site to the east of the site. The proposed diversion would take the footpath to the centre of the site and south before providing a new cycle path which links with an existing footpath at Holcombe Drive where it will also link with the footpath to the school. Highways consulted with the Active Travel Officer who offered no objection to the provision of the new cycle path.

Officers are advised that an application to divert the footpath has been made.

As such, it is considered that the footpath can be successfully accommodated within the development and that enhancements are provided in terms of the provision of the cycle path. It is therefore considered that the proposed development is in accordance with policies SP7 and DM13 of the Powys Local Development Plan.

### Planning obligations

Planning authorities are permitted to seek obligations in connection with developments in accordance with circular 13/97.

LDP policy DM3 states that *‘provision for new open space will, subject to viability, be sought from all housing development 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.'*

An area of Local Area of Play space is provided within the centre of the site. Following a review of the Fields in Trust Standard, which required 0.25 hectares of land to be provided for every 1000 population, it is considered that the area of open space (342 square metres) is acceptable. Due to the management of the open space being undertaken in line with the management of the housing, it is considered that this can be secured by a condition rather than a Section 106 Agreement.

Following consultation with Powys Education a contribution of £73,070 has been requested. Detailed calculations of their assessment has been produced, however this demonstrates that the projected on roll for both Trefonnen and Cefnlllys Primary in 2022 is below the capacity of the school. Due to the schools not being at capacity there would be no requirement to request the financial contribution.

### Recommendation

Having carefully considered the details submitted together with all statutory consultee responses and third party representations, Officers are satisfied that the proposed development complies with the relevant policies within the Powys Local Development Plan, Technical Advice Notes and Planning Policy Wales. The recommendation is one of consent 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 and documents approved on xxxx (drawing no's: Site Location Plan Rev (B), L648 – A112 – Rev (K), L648 - A116 - Rev(C), L648 -A117 - Rev(B), L648 -A118 - Rev(B), L648 -A119 - Rev(B), L648 -A120 - Rev(B), L648 -A121 - Rev(B), L648 -A122- Rev(B), L648 -A123 - Rev(D), L648 -A125 - Rev(B), L648 -A126 - Rev(B), L648 - A127 - Rev(C), L648 -A128 - Rev(B), L648 -A130 - Rev(F), L648 -A131 - Rev(G), L648 -A132 - Rev(B), L648 -A133 - Rev(B), L648 -A134 - Rev(B), L648 -A135 - Rev(B), L648 -A136 - Rev(B), L648 -A137 - Rev(B), L648 -A138 - Rev(B), L648 - A139 - Rev(B), L648 -A140 - Rev(A), L648 -A141 - Rev(A), L648 -A142 - Rev(A), L648 -A143 - Rev(A), L648 -A144 - Rev(A), L648 -A145 - Rev(B), L648 -A146 - Rev(A), L648 -A147 - Rev(A), L648 -A148 - Rev(A), L648 -A149 - Rev(A), L648 - A150 - Rev(A), L648 -A151 - Rev(A), L648 -A152 - Rev(B), L648 -A153 - Rev(B), 7632-03b, 7632-04b, 7632-07a, 7632-10b, 7632-11, 7632-12, 7632-13, 7632-14, 7632-15 and documents Planning Statement, Design and Access Statement, Pollution Prevention Plan, Extended Phase One Habitat Survey, Arboricultural

Report. Geophysical Survey Report, Archaeological Watching Brief Written Scheme of Investigation, Archaeological Watching Brief Report, Geotechnical and Geoenvironmental Report and Transport Statement.

3. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include: i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces; ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing; iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)]; iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
4. The affordable dwelling shall have a maximum gross floor area of 115 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.
5. In the event of the site no longer being in the ownership of the Registered Social Landlord a scheme for the management and maintenance of the Local Area of Play as identified on plan L648 - A112 – Rev(K) shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented within 3 months of the date of sale or transfer of the land.
6. No buildings on the application site shall be brought into use earlier than 31st March 2020, unless the upgrading of the Waste Water Treatment Works, into

which the development shall drain has been completed and written confirmation of this has been issued to the Local Planning Authority by Dwr Cymru Welsh Water.

7. No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system
8. No other development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
9. No other development shall commence until each access has been 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 160 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.
10. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
11. The gradient of each access shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
12. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved Tony King Architects Drawing A112 revision K. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
13. A Traffic Regulation Order shall be secured by the developer to introduce a reduced speed 40 mph speed limit along the A4081 county highway. The order

must be implemented together with any associated work required by the Order prior to the first occupation of any of the dwellings hereby permitted.

14. No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling and to the junction with the existing county highway.
15. No dwelling hereby approved shall be occupied until the vehicular access serving the respective dwelling is finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. The area will be maintained to this standard for as long as the development remains in existence.
16. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
17. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
18. Each private drive shall be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained as such for as long as the development remains in existence.
19. Notwithstanding the submitted details, within 10 days from the commencement of the development' detailed highway engineering drawings covering the highway works within the site, including the provision of a 20mph Zone, traffic calming measures and appropriate signing, shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.
20. 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.



21. Prior to the commencement of development, a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust during the landscaping and construction phases of the development. Development shall be carried out in strict accordance with the approved method statement.
22. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours: 0800 - 1800 hrs Monday to Friday, 0800 – 1300 hrs Saturday and no time on Sunday and Bank Holidays. Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.
23. The development shall be carried out strictly in accordance with the mitigation measures identified in Section 6 of the Extended Phase 1 Survey Report produced by Dusk to Dawn Ecology Ltd dated 20th October 2017. The measures identified shall be adhered to and implemented in full and maintained thereafter.
24. No development shall take place (including ground works and vegetation clearance) until a detailed Tree Protection Plan and Tree Protection Method Statement in accordance with BS:5837:2012 and incorporating the findings of the Arboricultural Report produced by ArbTS dated 19th October 2017 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
25. 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.
26. No development shall take place (including ground works and vegetation clearance) until a detailed Biosecurity Risk Assessment with regards to Invasive Non-native species shall be submitted for approval to the Local Planning Authority. The submitted Risk Assessment shall include but not be limited to the following:
1. appropriate measures to control any INNS on site;
  2. measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

The approved Biosecurity Risk Assessment shall be adhered to and implemented throughout the construction period strictly 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 ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018).
4. To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018).
5. In order to secure adequate amenity space in accordance with policy GP1 of the Powys Unitary Development Plan (2010).
6. To prevent further hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with policy DM13 of the LDP.
7. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with DM13 of the LDP.
8. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
9. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
10. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
11. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
12. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
13. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
14. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
15. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.

16. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
17. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
18. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
19. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
20. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted LDP.
21. In order to ensure that there is no harm to the amenity of neighbouring properties during the construction of the development in accordance with policy DM13 of the LDP.
22. In order to ensure that there is no harm to the amenity of neighbouring properties during the construction of the development in accordance with policy DM13 of the LDP.
23. To ensure biosecurity issues concerning invasive non-native species and diseases are addressed in accordance with policies SP7 and DM2 of the Powys Local Development Plan and Technical Advice Note 5.
24. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
25. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
26. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

## **Informatives**

## Dwr Cymru Welsh Water

The proposed development site is crossed by a public rising main with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

## Rights of Way

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better.

If the safety of the public cannot be guaranteed at all times during construction, consideration should be given to applying for a temporary closure of the public right of way. This is a separate procedure for which a fee applies. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required.

## Natural Resources Wales

## Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Works near watercourses/construction or demolition sites

Due to the proximity of the site to watercourses, 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 are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:

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

Environmental Management

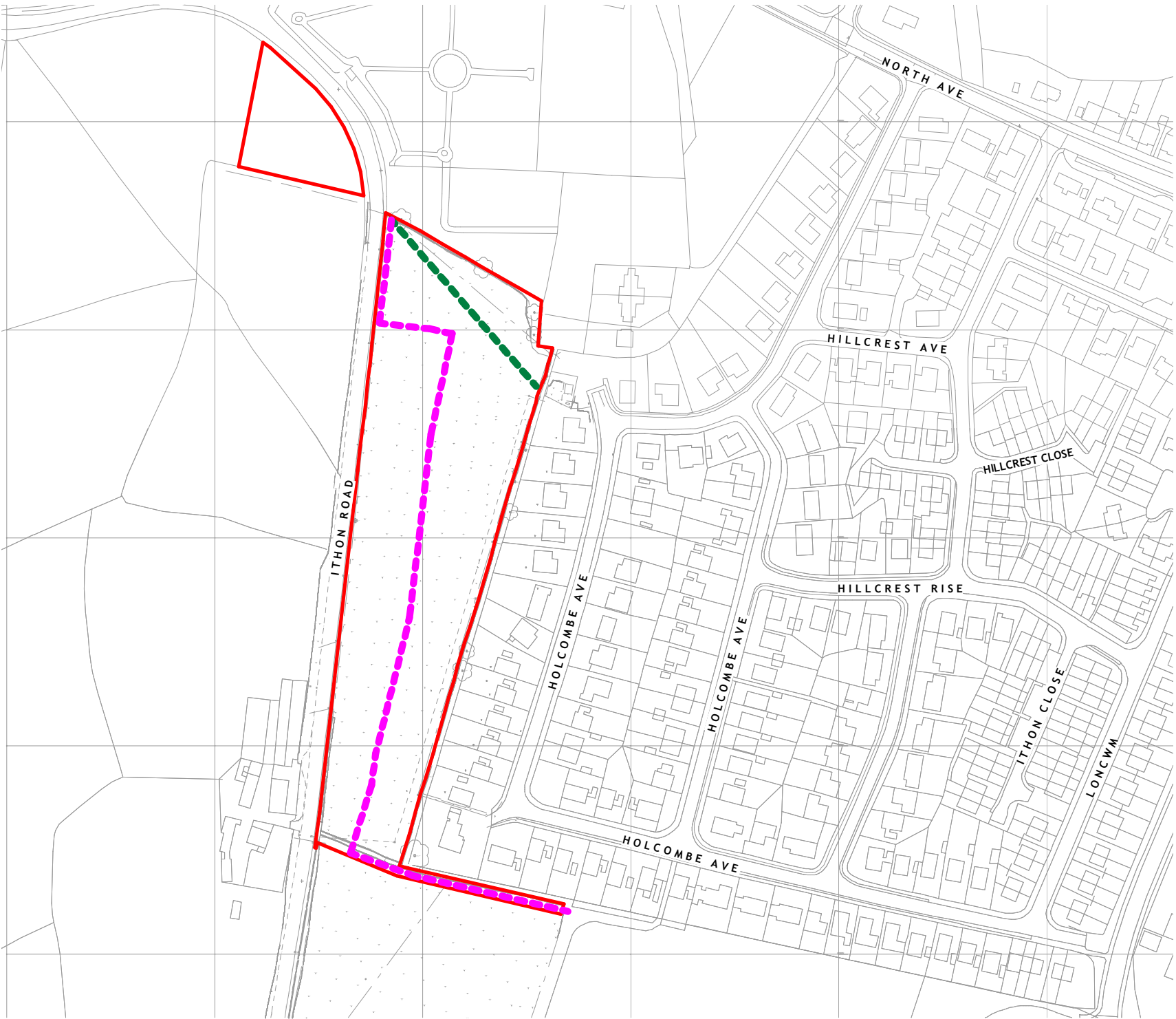
The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site. 5

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated during the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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.

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Case Officer: Tamsin Law, Principal Planning Officer  
Tel: 01597 827230 E-mail: [tamsin.law@powys.gov.uk](mailto:tamsin.law@powys.gov.uk)



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Notes:  
Do not scale this drawing. Check all dimensions on site. Any discrepancies to be reported back to the Architect for clarity.

North

KEY

- EXISTING RIGHT OF WAY
- DIVERTED RIGHT OF WAY

D	Unit type references updated, minor amendments	PC	03.01.19
C	Field Access gates added, red line boundary amended	PC	19.12.18
B	Drainage design incorporated in scheme, issued for planning	PC	10.12.18
A	Amended following public consultation, issued for planning	PC	15.02.18
Rev	Revision	By	Date

**Hale**

Project:  
**LAND OFF ITHON ROAD,  
LLANDRINDOD WELLS**

Job Number: L648

Date: 10.12.18

Drawn by: PC


Dwg No: A110

**SITE LOCATION PLAN**

Revision: D

Scale: 1 : 2500 @ A3

Drawing Status:  
**PLANNING**

  
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ARCHITECTS LTD**  
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## 4.3

### **Planning, Taxi Licensing and Rights of Way Committee Report**

**Application No:** 18/1070/REM

**Grid Ref:** 283050.34 211312.71

**Community Council:** Tawe-Uchaf CC

**Valid Date:**  
03/12/18

**Officer:**  
Hugh Towns

**Applicant:** Celtic Energy Ltd

**Location:** Nant Helen Surface Mine, Coelbren, Neath

**Proposal:** Variation of condition 2 of planning approval P/2011/0217 to allow an extension of time to allow extraction of all the coal and completion of restoration.

**Application Type:** Variation of Condition

#### **The reason for Committee determination**

The application is accompanied by an Environmental Statement.

#### **Site Location and Description**

The Nant Helen Surface Mine covers an area of some 345 hectares and is located approximately 200m east of Penrhos; 350m south east of Cae'r-bont; 350m south of Caehopkin; 750m south of Abercrave; 725m west of Coelbren; 900m north-west of Onllwyn and 650m north of Seven Sisters.

The north and west of the working area is covered by woodland, whereas the land to the south and east is open upland common land forming part of Mynydd-Y-Drum. A significant part of the site itself (184 hectares) also falls within the Mynydd-y-Drum Common. The Sustrans National Cycle Route 43 Celtic Trail East follows the northern and western boundary of the site.

The opencast void has moved in a westerly direction during the operation of the Nant Helen series of sites, which began operations in 1986. The current void is located at the western end of the development within the area of Nant Helen Remainder. The overburden storage mounds are to the east of the void with the coal preparation plant, stocking area, offices and workshops located further to the east.

Access to the site is gained from the A4221 at Coelbren, along a 1.2km access road which heads west before turning south towards the office/workshop area. There is also an internal haul road link which runs south from the office/workshop area before turning east towards Onllwyn Washery.

The site itself, apart from the section of internal haul road to Onllwyn Washery, is within Powys but much of the land to the south of the site is within Neath Port Talbot.

The planning permission for Nant Helen Remainder, granted in 2012, was granted subject to 65 conditions and a Section 106 Agreement which covered a mechanism for the provision of a Financial Restoration Guarantee Bond eventually rising to £30 million (paid at £1.5 million per quarter), and extended the aftercare period from 5 to 10 years on all areas of the site. Payments into the Restoration Guarantee Fund currently stand at £19.5 million, whereas it should have been at £30.28 million by September 2017 – Celtic Energy has not been in a position to meet the quarterly payments since December 2015.

Celtic Energy submitted revised restoration details in August 2016 to discharge the requirements of Condition 54 of the planning permission. The 2012 planning permission contained a restoration strategy for the site but Condition 54 required a detailed restoration scheme for the whole site to be submitted to and approved by the Local Planning Authority.

The Restoration Strategy approved in 2012 sought to restore the site to predominantly upland common with enclosed agricultural pasture (including species rich grassland) on lower slopes and broadleaf woodland planting on the western side and along the corridor of the restored small watercourses which will drain the area naturally. The landscape was intended to reflect that which is likely to have existed prior to the large scale mining activity that has taken place in this area. The area where the overburden mound is located was to be reduced to a summit level of 296m AOD and reshaped to remove the engineered profile, with the surrounding land sloping away from the summit.

The detailed restoration scheme was broadly similar in terms of the restored land uses. These remain as primarily upland common, enclosed pasture but with areas of marshy grassland rather than species rich grassland and slightly reduced areas of woodland planting. In addition, there were amendments to the proposed watercourses and drainage system.

The most significant change to the approved restoration strategy was in terms of the landform to be created following completion of the development. Essentially it involved an increase in the height of the final summit of the overburden mound area from 296m to 305m with slightly steeper slopes in the surrounding land, although the engineered slopes are still to be re-profiled. The increase in height of the summit has the knock-on effect of reducing the amount of material available to fill the final void and results in a valley feature being created within the final void rather than restoration to the original approved profile. The height of the current overburden mound is approximately 338m AOD so it will be reduced by over 30m. The main driver for the change in landform is the reduction in movement of overburden materials required for restoration and the consequent reduction in liability. The change results in the movement of approximately 10 million m<sup>3</sup> less overburden and a reduction in liability of some £16 million.

Celtic Energy Ltd submitted an application to further vary the restoration profiles at the same time as they submitted this application (Ref: 18/1071/DIS). However, that application (and the appendix to this application that contained the revised restoration proposals) has been withdrawn. The approved restoration scheme therefore remains the scheme approved in February 2017.

This application relates only to the variation of condition 2 of the planning permission P/2011/0217 to allow an extension of the time period to remove the remaining 800,000 tonnes of coal at this site and to complete the approved restoration.

Condition 2 of planning permission P/2011/0217 requires the extraction of minerals to cease by 31<sup>st</sup> December 2018 and restoration to be completed by 30<sup>th</sup> June 2021. This application seeks to extend the period for the extraction of minerals up to 31<sup>st</sup> December 2021 with the completion of restoration by 30<sup>th</sup> June 2023.

### **Consultee Response**

#### Tawe-Uchaf CC

The Council has no comments to make on the above proposal

#### Ystradgynlais Town Council

Please be aware this application lies in part in the Abercrave Ward of Ystradgynlais Town Council and it is of concern that the council itself have not been formally consulted as is its statutory function.

For information the Ystradgynlais Town Council having been made aware of the application nevertheless considered the application at its meeting held on 3rd January 2019. The consensus view with regard to the application itself was whilst it is accepted that coaling should recommence there are strong concerns over the proposed changes to the restoration in the discharging of Condition 54. The provision of what appears to be a 30m + deep lagoon (termed a water feature on plans) is considered unacceptable. A particular concern was that if any significant breach of the proposed water feature occurred the Caerbont area could be imperilled. The Town Council is of a view that the restoration should revert to that previously proposed and it is not accepted that the reduction of one year on the restoration period through the proposed discharge notice is of benefit to the public at large - indeed the main beneficiary will be the applicant who will presumably reduce significantly their unproductive costs.

#### Natural Resources Wales

Thank you for consulting Natural Resources Wales (letter dated 07/12/2018) regarding the above.

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

Landscape

The landscape and visual effects would remain unaltered by the extension of time as the extraction area and extent of working would be the same. These effects, which are considered moderate adverse on the National Park, would however continue for a further 3 years plus 1.5 years restoration and would include the adverse effect of lighting on the area's dark skies. In the context of the life of the scheme, these effects are considered acceptable.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

Advice for the developer:

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.

Water Resource License

If dewatering during the extended operational phase is required, then a new application for a transitional water resources licence will be required to continue abstraction beyond 31 December 2019. See the link below for more details.

<https://naturalresourceswales.gov.uk/permits-and-permissions/water-abstraction-andimpoundment/changes-to-water-abstraction-licensing-exemptions/?lang=en>

Welsh Government Agricultural Advisor

No response received to date

Neath Port Talbot County Borough Council

No comments received to date

Clwyd Powys Archaeological Trust

Thank you for the consultation on this application.

The variation of Condition 2 does not seem to have any impact on the archaeological conditions (44 and 45) attached to this consent.

It should be noted that in relation to conditions 44 and 45 we are aware that Cotswold Archaeology were engaged to complete the archaeological investigation and watching brief. Our last correspondence with them was in February 2013 and we have not received any reports to approve relating to any completed watching brief. It was clear

in 2013 that at least part of the extension area had been heavily disturbed in the 20th century and this area did not require any watching brief.

#### The Coal Authority

Thank you for your notification of 7 December 2018 seeking the views of The Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

I can confirm that there would be no objection to the variation of Condition 2 as proposed.

Please do not hesitate to contact me if you would like to discuss this matter further.

#### Wales & West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 07.12.2018, advising us of the proposals for:

Nant Helen Surface Mine, Coelbren, NEATH, West Glamorgan, SA10 9PD

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.

Any information you provide as part of this application process for our services will only be used in accordance with our privacy notice statement which can be found on our website [www.wwutilities.co.uk](http://www.wwutilities.co.uk). Alternatively a paper copy can be provided to you on your request by contacting our Data protection Officer at [DataProtection@wwutilities.co.uk](mailto:DataProtection@wwutilities.co.uk)

#### CADW

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

Advice

Having carefully considered the information provided, we have no objections to the impact of the proposal on the scheduled monuments listed in our assessment below.

#### Assessment

BR074 Section of Road NE of Coelbren Fort

BR198 Ynysgedwyn Colliery, Fan House

BR201 Lefel Fawr Coal Adit

BR222 Abercrave Ironworks

BR237 Cribarth Limestone Quarries and Tramroads

BR327 Bryn Llechwen ring cairn

GM146 Coelbren Fort

GM343 Roman Marching Camp South East of Coelbren Fort

GM399 Tramroad at Ystradgynlais

GM420 Remains of Blast Furnaces at Banwen

The above scheduled monuments are located inside 3km of the mine. When detailed analysis was carried out to inform the response to the original planning application (P/2011/0217) it was determined that the proposed works would only have a potential impact on the settings of scheduled monuments, BR198 Ynysgedwyn Colliery, Fan House, BR327 Bryn Llechwen ring cairn and GM399 Tramroad at Ystradgynlais. This analysis remains valid.

Our assessment determined that the proposed mine would have no impact on the settings of BR198 and GM399 but that the extraction process would have some adverse impact upon the setting of BR327 Bryn Llechwen Ring Cairn and a series of broadly contemporary cairns further to the south-west along the ridge. This impact would be principally concerned with the view of Bryn Llechwen from the unscheduled contemporary cairns to the southwest and the imposition of the mining activity in the background: however previous mining had already significantly compromised this view by the removal of much of the ridge to the east of Bryn Llechwen which included the destruction of the Garn Goch cairn. As such it was concluded that the impact on the setting of scheduled monument BR327 would not be significant.

The current application is for an extension of time to extract coal from the mine, as such there is no material change that will affect the assessment carried out previously in order to determine the impact of the mine on the setting of the scheduled monuments.

#### Powys Ramblers

Powys Ramblers wish to make the same comment on this application as for 1071 – Appendix 2 of the paperwork refers to rights of way being reinstated and this should continue to be the case if this application is approved.

PCC Contaminated Land Officer

In respect of the above application I have no objection

PCC Built Heritage Officer

No objection

PCC Highways

Does not wish to comment on the application

PCC Environmental Health Service

I have no objection to the above application

**Representations**

The application has been publicised by display of site notices and in the press, to date four letters of objection have been received from members of the public.

These letters highlight the following points

- The revised restoration scheme with a lake will be a serious risk to safety in the surrounding residential areas due to flood risk
- Local ecology will be affected
- The proposal is out of keeping with the local area and the land should be restored to its original condition
- The proposal conflicts with the Local Plan
- The proposal is contrary to Welsh Government policy for opencast or deep-mine development
- Impact on the landscape
- The land is potentially contaminated
- Impact from dust and noise has a negative effect on health and living conditions

**Planning History**

18/1071/DIS – Discharge of Condition 54 of planning consent P2011/0217 in relation to revised restoration scheme - Withdrawn

DIS/2016/0153 - Discharge of condition 54 of planning approval P/2011/0217 - provision of detailed restoration scheme – Approved – 2<sup>nd</sup> February 2017

P/2011/0217 - Western extension to Nant Helen surface mine for the purposes of coal extraction along with completion of coaling at existing site and associated ancillary development including restoration and subsequent aftercare of the full development site - Planning Permission Granted subject to S106 Agreement – 9<sup>th</sup> March 2012

P2008/0850 – Construction of drainage channel – Planning permission granted – 16<sup>th</sup> November 2011

PP 106-98-005/PP 106-12-001 - Nant Helen Extension – Planning permission  
Granted at Appeal – 21<sup>st</sup> July 1998

### **Principal Planning Constraints**

Potential impact on the landscape

Potential impacts on the water environment

Potential impact on biodiversity and the natural environment

Potential impacts on amenity as a result of noise, air quality, transportation and light pollution

### **Principal Planning Policies**

#### **National**

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

The Environment (Wales) Act 2016

Planning Policy Wales (Edition 10, 2018)

Mineral Technical Advice Note 2 - Coal (2009)

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

Technical Advice Note 11 – Noise (1997)

#### **Local Planning Policy**

Powys Local Development Plan (April 2018)

Strategic Policy SP7 - Safeguarding of Strategic Resources and Assets

Policy DM1 – Planning Obligations

Policy DM2 – The Natural Environment

Policy DM4 – Landscape

Policy DM6 – Flood Prevention Measures and Land Drainage

Policy DM7 – Dark Skies and External Lighting

Policy DM10 – Contaminated and Unstable Land

Policy DM14 – Air Quality Management

Policy T1 – Travel, Traffic and Transport Infrastructure

Policy M1 – Existing Minerals Sites

Policy M4 – Minerals Proposals



## Policy M5 – Restoration and Aftercare

Supplementary Planning Guidance: Biodiversity and Geodiversity (October 2018)

Supplementary Planning Guidance: Planning Obligations (October 2018)

### **Officer Appraisal**

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

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

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

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

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

Well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales

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

The Environment (Wales) Act 2015 has been designed to complement the WFG Act by applying the principles of sustainable development to the management of Wales' natural resources.

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

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, 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. For the avoidance of doubt, the development plan in this instance is the Powys Local Development Plan 2011-2026.

### **Principle of Development/Need**

The principle of the development of the Nant Helen Surface Mine was established by the grant of planning permission in March 2012. Nothing in this application allows for additional coaling or excavation that hasn't already been approved. The application is for the extension of the time period allowed to complete the extraction of coal (3 more years) and the restoration of the site (two more years). Initially, this application contained revised restoration proposals but these have subsequently been withdrawn from consideration by the applicant.

PPW10 states that it is part of UK and Welsh Government Energy Policy to remove coal from energy generation in order to meet climate change and carbon reduction targets. Currently the plan is to phase out coal fired generation of electricity by 2025. It is therefore Welsh Government Policy that proposals for opencast, deep mine development or colliery spoil disposal should not be permitted except in ‘wholly exceptional circumstances’ where it can be clearly demonstrated why they are needed in the context of climate change emission reduction targets and/or for reasons of national energy security. Whilst this is a material change in circumstances since the 2012 decision the weight to be given to the policy change would be greater for new sites and extensions to existing sites rather than for extensions of time to complete already permitted operations, especially as those operations would be completed well before 2025.

PPW10 however recognises that coal has other specific uses other than energy generation. These include use for industrial purposes in the steel industry, in speciality carbon markets, in the making of concrete and for domestic use. Therefore, whilst the use of coal for energy generation should not be permitted, if planning applications come forward for industrial uses for coal then each case would need to be considered individually and the policies contained in MTAN 2: Coal applied, including the test outlined in paragraph 45 of MTAN 2.

The test outlined in Paragraph 45 of MTAN 2 states

- 1) The proposal should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage.
- 2) If this cannot be achieved, it should provide local or community benefits which clearly outweigh the dis-benefits of likely impacts to justify the grant of planning permission.

Policy M1 of the LDP specifically relates to extensions (including duration) to existing mineral/coal sites and states that for all minerals, proposals will be permitted where they would bring clear environmental, economic or social benefits. These factors are considered below and are reflective of the duty on public bodies to carry out sustainable development in accordance with the sustainable development principle, aimed at achieving the well-being goals set out in the Well-being of Future Generations (Wales) Act 2015.

## **Environmental factors**

### **Landscape and visual impacts**

LDP Policy DM4 states that proposals must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. It goes on to state that all proposals will need to:

1. Be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including it's: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity; and
2. Have regard to LANDMAP, Registered Historic Landscapes, adjacent protected landscapes (National Parks and Areas of Outstanding Natural Beauty) and the visual amenity enjoyed by users of both Powys landscapes and adjoining areas'.

In terms of LANDMAP, the Visual and Sensory Aspect Area is mainly the Nant Helen Opencast/Restoration Aspect Area (BRCKNVS926) which has a low evaluation. The justification for the evaluation states that the area has been reclaimed in a way to minimise topographical intrusion, although the overburden tip is still visible to the west. There is a distinct lack of tree/woodland/hedgerow planting which means the landscape appears visually sterile and unlike the surrounding pastoral landscape. The principal management recommendation is to increase woodland and boundary planting, planting hedgerows with trees, planting woodland copses in valleys to echo

the surrounding landscape and in the long term remove/regrade the overburden spoil tip to reflect a natural landform.

The north western part of the site falls at the eastern extremity of the Tawe Valley and Cwm Twrch Visual and Sensory Aspect Area (The river corridor and mosaic of pasture and deciduous woodlands) and is evaluated as moderate and the south western part of the site forms part of the Twyn Eithinog Visual and Sensory Aspect Area (Small relatively featureless area of upland with residual mining remains) which is also evaluated as moderate.

The Landscape and Visual Impact Assessment considered as part of the 2012 planning permission accepted that there would be adverse visual impacts in the short term but the restoration proposals would result in substantial landscape benefit within the site in the medium to long term and moderate beneficial effects on the landscape setting and visual amenity of nearby settlements and rights of way.

The most visible element of the Nant Helen site is the overburden mound which is referred to locally as the 'wedding cake' due to its layered profiles. The top of the mound is currently at approximately 338m AOD. The currently approved restoration details propose to reduce the summit level to 305m AOD and to re-profile the outer slopes to form a more natural profile in accordance with the LANDMAP recommendation.

The other principal management recommendation of LANDMAP is to increase woodland and boundary planting, planting hedgerows with trees and planting woodland copses in valleys to echo the surrounding landscape. This is reflected in the approved restoration details.

There are therefore landscape benefits associated with the restoration of the site.

## **Hydrology and Hydrogeology**

The site is located almost entirely in the headwaters of the Afon Tawe and Afon Dulais catchments, with a very small area to the east of the site draining to the Afon Pyrddin catchment. The larger part of the site drains towards the Afon Tawe to the north, with the southern part of the site draining to the Afon Dulais to the south.

The drainage from the existing site is managed via a series of lagoons and settlement ponds prior to discharge into surrounding watercourses. These discharges are controlled by NRW under a Permit.

LDP Policy DM6 states that development proposals must avoid unnecessary flood risk by assessing the implications of development within areas susceptible to all types of flooding; any development that unacceptably increases risk will be refused.

The approved restoration details include provision for the restoration of watercourses, ponds and attenuation features. The design has incorporated attenuation ponds, wetlands and rush-lined channel beds which will slow down and reduce surface water flows away from the site.

Essentially the watercourses will be created to connect with the natural drainage features beyond the site boundary. The reinstated watercourses will, where

practicable, be constructed using a natural clay bed lined with loose stone and with variable bank profiles, channel widths, small waterfalls and pools in order to create landscape and habitat diversity as well as control flows. This is supported by NRW.

However, where gradients exceed 1 in 12 the channel beds will need to be reinforced with rock. These sections will be stepped and formed with backfall areas to provide small pools and help to slow down flows. An estimated 26% of restored watercourses will be rush-lined, 35% lined with gravel beds and 39% reinforced with rock.

In terms of groundwater, it is expected that the restoration scheme will have no adverse impact and on that basis the drainage element of the restoration scheme is beneficial.

### **Impact on Ecology and Biodiversity**

LDP Policy DM2 requires development proposals to demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site.

During the consideration of the Nant Helen Remainder application in 2012, the impact of the development on biodiversity and ecology was an important consideration. The ecological impacts of the proposal were balanced against the benefits of the wider enhancement of biodiverse habitats contained within the restoration strategy and it was considered that there was sufficient ecological benefit from the restoration of the site in the longer term.

There is little scope to introduce biodiversity within the Mynydd-Y-Drum Common which covers just over 50% of the site. The Common is to be restored as upland acid grassland (with a small area of species rich acidic grassland) watercourses and wetland areas.

The remainder of the land to the north and west of the common is shown in the approved restoration details to be restored to a mix of enclosed agricultural land bounded by hedgerows, including areas of marshy grassland; broadleaf woodland planting areas; watercourses with woodland corridors and wetlands/ponds. The enclosed pasture to be created with boundary hedgebanks and stream corridors contribute to landscape integration and nature conservation.

Purple moor grass and rush pasture, hedgerows and ponds are included as Section 7 habitat of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales under the Environment (Wales) Act 2016. Linear habitat such as hedgerows, and rhos pasture (purple moor grass and rush pasture) are also Powys LBAP habitat with defined action plans.

The Powys LBAP Linear Habitats Action Plan states as Target 2 that it will – ensure that there is no net loss of species-rich hedgerows and verges in Powys. It encourages replacement of hedgerows lost through development or agricultural activity and seeks to maintain local distinctiveness of traditional hedgerows. This restoration scheme seeks to re-instate hedgerows and complies with this target.

Target 1 of the Rhos pastures Action Plan seeks to – ‘Maintain, and where possible, enhance the current extent, condition and availability to key species, of rhôs pasture in Powys’. This restoration scheme meets that aim.

For the above reasons it is considered that the proposals maintain biodiversity and the nature conservation and amenity value of habitats and features that are important for wild flora and fauna and the planting of broadleaf woodland in appropriate locations is encouraged. The scheme places a heavy emphasis upon the creation of wildlife habitat that complements the surrounding land and is therefore beneficial in biodiversity terms.

### **Amenity Impacts – noise, air quality, blasting, external lighting**

LDP Policy M4 states that development proposals for mineral extraction will be permitted where they would not result in any significant adverse impacts upon public health, the environment, local amenity and the local transport network and where noise is demonstrated to be within acceptable levels; the best practicable means are identified to control dust, smoke, fumes and to ensure that operations do not cause a deterioration in local air quality; and blasting is controlled within acceptable levels.

In terms of noise, Condition 17 of the current planning permission sets out the acceptable noise limits to be achieved at all times during the development. The terms of the condition accord with Welsh Government guidelines in relation to appropriate noise limits as set out in paragraph 173 of MTAN2: Coal. There is no proposal to amend these limits as part of this application.

LDP Policy DM14 states that development proposals will only be permitted where any resultant air pollution does not cause or lead to an unacceptable risk of harm to human health or the natural environment. Proposals will need to demonstrate that measures can be taken to overcome any significant adverse risk, with particular attention being paid to National Air Quality Strategy objectives.

Potential sources of dust emissions to air likely to occur as a result of surface operations undertaken at the site include stripping, storage and replacement of soils; extraction and loading/unloading of coal; crushing and screening; stockpiling of coal; and internal haulage on un-surfaced roads.

The applicant has undertaken an assessment of air quality impacts and in particular PM<sub>10</sub> ‘suspended dust’ related to potential health effects and ‘deposited dust’ with diameters between 10µm and 75µm, related to potential nuisance effects.

The UK has published National Air Quality Objectives in relation to PM<sub>10</sub> dust of 40µg/m<sup>3</sup> as an annual mean and 50µg/m<sup>3</sup> as a 24-hour mean (not to be exceeded more than 35 times per year). Whilst the Welsh Government acknowledges in MTAN2 that there is no known safe level of exposure to PM<sub>10</sub> particles, the annual mean threshold value has been set at a level at which the risk of adverse health effects to any individual would be very small.

The 2019 levels of PM<sub>10</sub> projected at the site are around 12µg/m<sup>3</sup>, 30% of the NAQ thresholds. Analysis of PM<sub>10</sub> monitoring data between September 2015 and

September 2016 (when the site was last working) indicated a maximum PM<sub>10</sub> concentration on 17.23µg/m<sup>3</sup>, 43% of the NAQ threshold.

In terms of nuisance dust there are no UK Statutory Standards recommended for dust deposition rates however MTAN2 suggests that for high-contrast dust such as coal, conditions should be set at a maximum of 80mg/m<sup>2</sup>/day (as a weekly average) or as a combination of 100% AAC (actual area coverage) across a single 45° sector over a 7 day period or the dust effect or discolouration is greater than 25% for a single sector within the same period. It is unclear if the limit of 80mg/m<sup>2</sup>/day relates to all dust or just the coal component. Deposit dust gauge data between September 2015 and September 2016 shows that the average deposition rate was 41.3 mg/m<sup>2</sup>/day.

MTAN2 states that medium-size particles (10-30µm) will generally travel 100-250m from the source under normal conditions. In adverse weather conditions coarse dust travels 500m from the source. However, such events will be infrequent and continual or severe concerns about dust are most likely to be experienced near to dust sources (generally within 100m). There are no sensitive residential properties within 250m of the working areas and therefore significant adverse impact from nuisance dust is unlikely.

The proposed development involves blasting, currently blasting is taking place up to 3 times per day. Conditions 22 and 23 of the planning permission relate to blast vibration and air-overpressure limits respectively. The blast vibration limits in condition 22 are set lower than the guideline limits set out by Welsh Government in paragraph 164 of MTAN2: Coal and the air overpressure limits comply with the guideline limits.

LDP Policy DM7 states that proposals involving external lighting will only be permitted when it can be demonstrated that a lighting scheme will not individually or cumulatively cause unacceptable light pollution. There are no proposals to change the existing external lighting arrangements which are not considered to be unacceptable in terms of amenity, highway safety or ecological considerations.

### **Economic, Social and Cultural factors**

The site contains approximately 800,000 tonnes of coal which has yet to be removed. This is not additional coal to that permitted for extraction in 2012.

The remaining coal has not been extracted to date primarily due to the loss of demand for Welsh anthracite coal from Aberthaw B power station which was taking up about 50% of Celtic Energy's output. Celtic Energy's coal market, following the loss of Aberthaw B, amounted to some 400,000 tonnes per annum so it was not economically feasible to operate Nant Helen and the site at East Pit, Tairgwaith at the same time as only one site was necessary to produce this amount. Consequently, Nant Helen was mothballed in October 2016.

Coal extraction at East Pit is now drawing to a close and therefore Nant Helen is required to re-commence in order to satisfy Celtic Energy's remaining coal markets.

The re-commencement of coal extraction operations at Nant Helen will lead to over 100 direct jobs for three years and a lower number during restoration which will help to support the local economy. There will also inevitably be indirect jobs in support industries.

The importance of these jobs in this area should not be overstated given that part of Ystradgynlais is within the top 10% most deprived areas in Wales and Abercrave and Tawe Uchaf are in the 30-50% most deprived areas in Wales based on the Welsh Index of Multiple Deprivation.

Part of Ystradgynlais also has a percentage of the population suffering income deprivation of almost twice the national average and is also the only area in Powys where 25% of the working age population are in employment deprivation. Surrounding areas of Onllwyn, Seven Sisters also have a percentage of the population suffering income deprivation higher than the national average.

Additional incomes for some families as a result of the site working will bring with it social benefits. The vast majority of employees at the site will live within 10 miles of the site.

In addition to the re-instatement of the common land, the proposal provides for the re-instatement of the public rights of way within the site. This will provide greater public access to the countryside which brings with it opportunities for significant health benefits in the future.

### **Financial Guarantee**

LDP Policy DM1 states that planning obligations will be sought where necessary to ensure that, amongst other things, restoration arrangements are achieved. LDP Policy M5 also states that financial bonds will be sought to secure the necessary works for restoration and aftercare.

As stated above, the current planning permission for this site is subject to a Section 106 Agreement which covered Community Benefits, a mechanism for the provision of a Financial Restoration Guarantee Bond eventually rising to £30.28 million (paid at £1.5 million per quarter), and extended the aftercare period from 5 to 10 years on all areas of the site.

Payments into the Restoration Guarantee Fund currently stand at £19.5 million – Celtic Energy has not made payments since December 2015. However, given that the revised restoration proposals approved in 2017 reduced the liability by approximately £16 million in the event of a default by the operator the Authority were subsequent to that, in a far better position to complete the restoration and aftercare works.

As this application is for the variation of a condition and would result in a new planning permission being issued the Authority will need to vary the Section 106 Agreement to run alongside the new permission.



## **Conclusion**

The coal being produced at the site is not destined for the energy generation market and therefore has no significant adverse impact in that regard on climate change.

The test that is to be applied is that the proposal should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage.

In this case, there are landscape, biodiversity and hydrological benefits associated with the restoration of the site as well as there being economic, social and cultural benefits from the continued extraction of the coal.

Conditions can be imposed to minimise amenity impacts to an acceptable level and a revised Section 106 Agreement will be required in order to secure restoration and aftercare.

On that basis, the proposal is not considered to conflict with national legislation, national policy and guidance or local planning policy.

## **Recommendation**

It is recommended that the application be approved subject to the following conditions and subject to a Section 106 Agreement being entered into which safeguards restoration and aftercare of the site, which is to be secured by the Professional Lead for Development Management in consultation with the Chair and Vice Chair of the Planning, Taxi licencing and Rights of way Committee.

Environmental information has been taken into consideration when processing this planning application.

## **CONDITIONS**

1. Extraction of minerals shall cease by 31st December 2021, restoration shall be completed by 30th June 2023 and ancillary buildings to which this permission relates (other than those shown as being retained as part of the restoration scheme) shall be removed by 30<sup>th</sup> September 2023.

Except as modified within the Section 106 Agreement relating to this permission, the site shall be subject to aftercare for a period of 5 years in accordance with the provisions of an aftercare scheme approved by the Local Planning Authority.

Reason – mineral extraction is temporary in nature and to protect the character and appearance of the site and the surrounding area.

2. The development hereby permitted shall be carried out in accordance with the following documents and plans or as otherwise modified by any revisions or by other conditions, schemes or approvals by the Local Planning Authority:

- Planning Application Validated on 3<sup>rd</sup> December 2018.
- Environmental Statement – February 2011.
- Addendum to Original Environmental Statement and Supporting Information – November 2018
- Addendum to Original Environmental Statement and Supporting Information – Appendices - November 2018

Reason: To enable the Local Planning Authority to control the development and to minimise its impact on the amenities of the local area.

3. A copy of this permission and the approved plans showing the method and direction of working and restoration shall be displayed in the operator's site office at all times during the life of the site. Any subsequent approved amendments shall also be displayed.

Reason: To ensure that the developer and site contractors are aware of the working programme and the conditions attached to carrying out the development.

4. From the date of the commencement of coaling the site operator shall maintain records of the monthly output of coal and shall make them available to the local planning authority at any reasonable time upon request. These records shall be kept for the duration of coaling operations at the site.

Reason - In order that the local planning authority can monitor output at the site.

5. At intervals of 6 months, details, in the form of a land survey, sectional details and calculations, shall be provided to the Local Planning Authority indicating the extent and volume of the extraction void and the overburden mound at each such interval.

Reason - To aid in the monitoring of the site.

### **Hours of operation**

6. Except in an emergency which shall be notified to the Local Planning Authority as soon as practicable, no development, which includes the starting up of plant and machinery, or other activities associated with the development (other than water pumping, servicing, environmental monitoring, maintenance and testing of plant) authorised or required by this permission shall be limited to 0600 - 2200hrs Monday to Friday and 0700 - 1300hrs on Saturdays.

Reason - To protect the living conditions of nearby residents.

7. Notwithstanding condition 6 above, no soils shall be stripped or replaced, no topsoil or subsoil mounds shall be formed or removed and no water treatment areas shall be constructed or removed except between the following times 08.00 to 17.00 hours Mondays to Fridays (excluding Bank/Public Holidays) and 08.00 to 13.00 hours on Saturdays.

Reason - To protect the living conditions of nearby residents.

8. No coal shall be transported from the site except between the hours of 0700 and 1800 on weekdays (excluding bank holidays) and 0700 and 1300 hours on Saturdays.

Reason – In the interests of amenity

### **Access**

9. There shall be no vehicular access to the site, other than from the two points marked “X” shown on Figure 5.01 of the Environmental Statement. No coal traffic shall use the access on to the A4221 for either ingress or egress.

Reason – In the interests of highway safety

10. The existing wheel cleaning facilities, consisting of a fully automatic wheel wash, supplemented as required by a high pressure hose, shall be retained and all coal lorries shall be washed before travelling along the coal haul route to the public highway.

Reason – To protect the living conditions of nearby residents.

### **Dust**

11. The approved Dust Management Action Plan (submitted in respect of Condition 25 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason – To protect the living conditions of nearby residents.

12. All permanent roads within the site shall be hard surfaced and such roads shall be swept and watered regularly and, wherever practicable, site traffic will be prohibited from using such roads unless the vehicle has been washed at a wash bay beforehand.

Reason – To protect the living conditions of nearby residents.

13. Dust on internal haul roads and other areas of the site traversed by vehicles to be suppressed by means of water bowzers.

Reason – To protect the living conditions of nearby residents.

14. No coal shall be stocked on the site other than within the area designated in Figure 5.01 of the Environmental Statement, unless otherwise agreed in writing by the local planning authority.

Reason - To ensure adequate management of resources.

### **Blasting and Vibration**

15. The approved Blasting Management Action Plan (submitted in respect of Condition 19 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason – To protect the living conditions of nearby residents.

16. Blasting shall be confined (except in the case of an emergency or as otherwise agreed with the Local Authority) to between 1000 and 1300 hours and between 1400 to 1600 hours Monday to Friday (excluding Bank/Public Holidays) and 1000 to 1300 hours on Saturdays. Notices highlighting these blasting times shall be displayed at the site entrance.

Reason - To protect the living conditions of nearby residents.

17. Each blast shall be preceded by an audible and visual warning to persons on or in the vicinity of the site. The warning methods used shall be displayed at the site entrance. Sentries shall be posted at any possible access points to prevent trespass during blasting operations.

Reason - To protect the living conditions of nearby residents.

18. No blasting operations shall be carried out which would result in any component of the peak particle velocity attributable to the blast exceeding 4mm/sec at 95% confidence and 6mm/sec at 100% confidence as measured at any occupied property.

Reason - To protect the living conditions of nearby residents.

19. All practicable steps shall be undertaken by careful design of blasting operation to limit air overpressure. Where air overpressure exceeds 120dB, as measured at the nearest noise sensitive property, the operator shall review the blast design and make such amendments (prior to the next blast) that are considered necessary to the blast design in order to reduce air overpressure below 120dB.

Reason - To protect the living conditions of nearby residents.

### **Noise**

20. The approved Noise Management Action Plan (submitted in respect of Condition 16 of planning permission P/2011/0217) shall be implemented at all

times for the duration of operations at the site, including restoration and aftercare

Reason – To protect the living conditions of nearby residents.

21. Noise arising from operations at the site as measured at any noise sensitive location shall not exceed background (LA90) plus 10dB LAeq,1hr or 55dB LAeq,1hr (free field), whichever is the lesser, during normal working hours (0700 to 1900 hours Monday to Friday excluding Bank/Public Holidays and 08.00 and 12.00 hours on Saturdays). At all other times the noise arising from operations at the site shall not exceed 42dB LAeq, 1hr (free field) at any noise sensitive location.

Reason - To protect the living conditions of nearby residents.

22. Notwithstanding the noise level limits set out in Condition 21, the level of noise from operations consisting of the stripping of soils and the construction and removal of soil mounds, baffle mounds and water treatment areas, measured at any noise sensitive property, shall not exceed 67dB LAeq 1hr (free field) between 1000 to 1600 hours on Monday to Friday excluding Bank/Public Holidays and for a period of up to 8 weeks in a year.

Reason - To protect the living conditions of nearby residents.

## **Water Management**

23. Drainage ditches, settling ponds and lagoons shall be de-silted and maintained in such condition that they are able to perform effectively for the purpose for which they have been provided.

Reason - To protect the water environment.

24. Unless otherwise approved in writing by the Local Planning Authority, any ditch, watercourse or culverts passing through the site shall be protected, supported or diverted so as to not impair the flow or to render less effective drainage onto and from adjoining land.

Reason - To protect the water environment.

25. The site shall continue to utilise the existing water discharge points and treatment areas as identified in Figure 13.05 of the Environmental Statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect the water environment.

26. The approved scheme for the monitoring of local watercourses (submitted in respect of Condition 33 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To monitor and protect the water environment.

27. The approved scheme for the protection and conservation of soil to prevent the pollution of the water environment (submitted in respect of Condition 34 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To monitor and protect the water environment.

28. The approved scheme for groundwater monitoring (submitted in respect of Condition 35 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To monitor and protect the water environment.

29. The approved method statement for the pollution prevention measures during operational and post operational phases of the development (submitted in respect of Condition 36 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To monitor and protect the water environment.

## **Lighting**

30. External lighting sets to be erected or used on the site in accordance with the following provisions:
- a. All site lighting shall be reviewed and where necessary fitted with additional cowlings/shrouds to ensure all lights are directed downwards.
  - b. Lighting towers equipped with lights on more than one side shall have switches fitted that allow lights not required for Health and Safety purposes to be switched off.
  - c. Lights within the administration and workshop areas shall be connected to PIR sensors after 10pm to ensure that when not required for Health, Safety or Security reasons they will remain turned off.
  - d. All new lighting equipment shall be fitted with shrouds and maximum height of equipment when at surface to be no more than 5m.
  - e. At all times lights shall be directed away from light sensitive areas.
  - f. Half yearly surveys of site lighting shall be conducted at locations to be agreed with the Local Authority within the Site Technical Working

Party. The results shall be made available to the Local Authority and reported at the Site Technical Working Party.

- g. Monitoring of complaints shall be undertaken through a documented complaints procedure together with reports received during Technical Working Party and Site Liaison Committee meetings.

Reason - To protect the living conditions of nearby residents.

### **Archaeology**

- 31. The approved programme detailing a written scheme of archaeological investigation for an archaeological watching brief (submitted in respect of Conditions 44 and 45 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To protect the historic environment.

### **Ecology**

- 32. Within 6 months of the date of this permission an Ecological and Habitat Monitoring and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, the following:-

- a. detailed provisions for the enhancement of biodiversity for all areas of the site subject to extended aftercare;
- b. calculation and estimates of the loss of BAP habitats and the proposed minimum provisions within the aftercare scheme;
- c. the monitoring and management of habitats until the completion of aftercare including the extended aftercare as agreed in the Section 106 Agreement. This shall include annual reports and proposed mitigation, and detail the process to implement any remedial action that is identified from the monitoring results to deliver the agreed habitat type and quality.

The scheme shall be implemented in accordance with the approved details.

Reason - In the interests of nature conservation and visual amenity

- 33. The approved scheme for the phased removal of vegetation and woodland areas (submitted in respect of Condition 7 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To protect the character and appearance of the area in the interest of amenity.

34. Prior to the commencement of any phase of tree felling or vegetation clearance during the development further checks and surveys shall be undertaken to ensure that there is no presence of Crossbills, Honey buzzard, Goshawk, Peregrine falcon, Red kite, nesting birds, Marsh fritillary, Otter or Badger within the areas to be developed.

Reason - To ensure that the species are not present following initial surveys

35. The Reptile Mitigation and Translocation scheme submitted on 4th July 2011 shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.

Reason - To protect the reptile population.

36. The approved bat survey report and tree survey report (submitted in respect of Condition 49 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To ensure further inspection and survey is undertaken to ensure no bat roosts have been created following initial survey for bats.

37. Prior to commencement of development that would result in the loss or major disturbance of any waterbodies a detailed amphibian translocation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To protect the amphibian population.

38. The approved Ecological Monitoring Schedule (submitted in respect of Condition 65 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - In the interests of nature conservation

### **Soil Stripping, Handling and Storage of Soils**

39. All topsoil and subsoils shall be stripped, conserved and re-spread in accordance with the proposals described in the Environmental Statement and in the approved restoration scheme. Any amendments to this specification shall be agreed in writing by the local planning authority before being implemented.

Reason - To ensure adequate management, conservation and utilization of soil resources for the restoration of the site.



40. All areas of excavation, overburden, proposed storage mounds, haulage and temporary access roads, hardstandings, water treatment and lagoon sites, drainage channels and any other areas likely to be disturbed by any subsequent operations shall be stripped of topsoil, subsoil and any soil forming material which shall be stored in separate mounds or used in the progressive restoration of the site. The soil mounds shall be stored without overlapping and shall be sited, constructed and managed to prevent contamination by any other material, liquid or compound.

Reason - To ensure adequate management, conservation and utilization of soil resources for the restoration of the site.

41. All natural topsoil found within any soil mound previously identified as subsoil or soil forming material shall be separated from the mound and treated separately in the restoration. Where such material is contaminated by Japanese knotweed, this shall be controlled by a course of treatment, the details of which shall be submitted to, and approved in writing by, the local planning authority prior to the placement of the contaminated material.

Reason - To ensure adequate management, conservation and utilization of soil resources for the restoration of the site.

42. All storage mounds of topsoil, subsoil and soil-forming material, and their margins shall be seeded to grass within the first growing season, and in any event within 6 months of their construction, maintained to encourage a dense grass sward to develop and shall not be allowed to over winter without grass cover. All vegetation growing on soil storage bunds and their margins within the site shall be maintained by cutting at least once during the growing season. All noxious weed growth shall be controlled by cutting or herbicide spraying to prevent weed seed contamination of the soil resource on site or on surrounding land.

Reason - To protect the character and appearance of the site and the surrounding area.

43. Other than those essential for site access, only those vehicles involved in loading soils shall be permitted on unstripped areas, and then restricted only to operations to recover the soils. Vehicles used in transporting soils shall only travel over areas of ground that have previously been stripped of topsoil and subsoil.

Reason - To protect the character and appearance of the site and the surrounding area.

## **Contamination**

44. If evidence of contamination is found in or around the development area development must not proceed until a report on potential contamination of the

site has been prepared by an appropriately qualified 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. Where remediation works are required, the development shall not be occupied/used until a validation report, to show that the works have been satisfactorily carried out, has been submitted and approved in writing by the local planning authority.

Reason - In order to protect against any potential contamination.

### **Restoration and Aftercare**

45. The restoration of the site shall be undertaken in accordance with the detailed restoration scheme approved under planning reference DIS/2016/0153

Reason - To ensure that the site is restored to a condition suitable for a beneficial after-use.

46. Unless otherwise approved in writing by the Local Planning Authority and notwithstanding any progressive restoration undertaken during the course of the coaling period, backfilling of the void and the full restoration of the site shall commence no later than four weeks after the completion of coaling at the site.

Reason - To protect the character and appearance of the site and the surrounding area.

47. The developer shall inform the Local Planning Authority in writing of the termination of coal extraction from the site within 14 days of the cessation of coaling.

Reason - To aid the monitoring of site activities.

48. The Local Planning Authority shall be given a minimum of 48 hours written notice prior to the commencement of any phase of soil replacement operations, including the dismantling of soil mounds.

Reason - To aid in the monitoring of site activities.

49. No soils shall be replaced on any areas restored to finished ground profiles until the levels achieved, in the form of a written statement and plan, have been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure adequate restoration.

50. Unless otherwise approved by the Local Planning Authority, all settlement ponds or lagoons shall be emptied of water and slurry, their impounding banks breached, their voids filled with dry inert material originating from the site and their surfaces graded to the approved levels.

Reason - To protect the character and appearance of the site and the surrounding area.

51. In the event of the cessation of winning and working of coal which in the opinion of the local planning authority constitutes a permanent cessation within the terms of Schedule 9 of the Town and Country Planning Act 1990 a revised scheme for the restoration of the site shall be submitted to the Local Planning Authority within 6 months of the cessation of coaling for its written approval. The revised scheme shall be implemented within 6 months of its approval, or as may be otherwise approved in writing by the Local Planning Authority.

Reason - To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents.

52. Within 2 years of the date of this permission or in the event of the cessation of winning and working of coal which in the opinion of the local planning authority constitutes a permanent cessation within the terms of Schedule 9 of the Town and Country Planning Act 1990, whichever is the sooner, details of an aftercare scheme, to bring the site to the required uses for agriculture, amenity and nature conservation, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the steps that are to be undertaken and the period during which they are to be taken together with the following:-

- a. the designated areas of the intended after uses for the whole site;
- b. the timing and pattern of vegetation establishment (including species to be planted, grass seeding mixtures and application rates, stock types and sizes, spacing, method and position of planting);
- c. cultivation practices for the preparation of soils;
- d. hedgerow construction;
- e. fertiliser and lime application and weed control based on soil and chemical analysis and identification and justification of any areas that would be the subject of treatment by biogran or biosolids;
- f. drainage proposals including the timing of installation, maintenance and temporary drainage measures including any ponds and wetlands;
- g. grassland management, including class of grazing stock, livestock, stocking density and mowing practices;
- h. The provisions for the seeding of woodland ground flora;
- i. watering facilities and the provision of supplies;

- j. the full assessment of the introduction of areas to be restored to nature conservation and their application to local biodiversity objectives;
- k. the creation, management and maintenance of any paths, tracks or roads;
- l. any other agricultural, silvicultural or conservation treatment relevant to the site; and
- m. fencing.

Unless otherwise approved in writing by the local planning authority development shall be carried out in accordance with the approved details.

Reason - To ensure adequate aftercare of the site.

53. Once a year, the site operator shall arrange a formal review to consider the restoration and aftercare operations which have taken place on the site during the previous year, and also to agree with the Local Planning Authority the programme of management for the following year. The parties invited to this review shall include the site operator, the owners of the land, any other occupiers, the Local Planning Authority, Natural Resources Wales and the Welsh Government Regional Planning Advisor.

Reason - To ensure adequate restoration and aftercare.

### **Community Liaison**

54. The approved scheme for the operation of a Technical Working Party (submitted in respect of Condition 11 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To aid the monitoring of site activities.

55. The approved scheme for the operation of a Site Liaison Committee (submitted in respect of Condition 10 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To aid the monitoring of site activities.

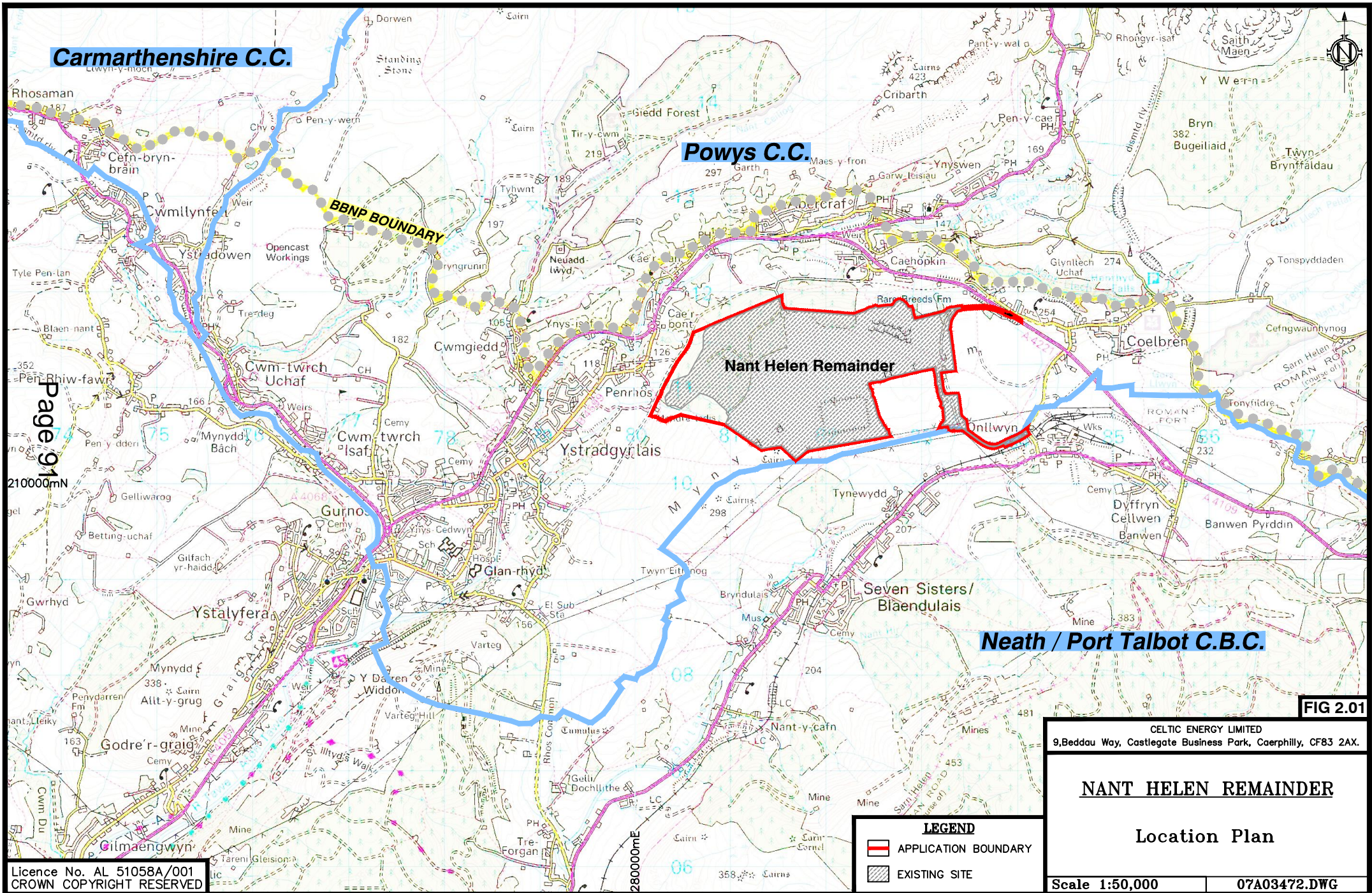
### **Notes**

1. This application shall be read in conjunction with the section 106 Legal Agreement relating to the site.
2. In the conditions, the term 'emergency' means any circumstance in which the site operator has a reasonable cause for apprehending injury to persons or serious damage to property.



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## 4.4

### Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 18/1035/FUL

**Grid Ref:** E: 297981  
N: 230202

**Community Council:** Trallong Community

**Valid Date:** 29.11.2018

**Applicant:** Mohammed Hillal bin Tarraf Almansorri

**Location:** Ynys-Y-Bont, U0300 from Junction with C50 Aberbran by Council Houses Via Ynys-Y-Bont to Jct R, Aberbran, Brecon, LD3 9NL

**Proposal:** Construction of 2 no. falcon breeding buildings, 1 no. imprint building, 1 no. ancillary building, 1 no. plant room and associated works

**Application Type:** Full Application

#### The reason for Committee determination

The application has been called in by the Local Member due to local concerns.

#### Consultee Responses

##### Consultee

##### Received

Community Council

15th Jan 2019

Proposal: Construction of 2 no. falcon breeding buildings, 1 no. imprint building, 1 no. ancillary building, 1 no. plant room and associated works

Site Address: Ynys-Y-Bont, U0300 from Junction with C50 Aberbran by Council Houses Via Ynys-Y-Bont to Jct R, Aberbran, Brecon LD3 9NL

Following an extraordinary meeting of the Councillors for Trallong, Penpont and Llanfihangel Nant Bran Community Council to consider planning application detailed above, by a majority vote the Councillors do not object to this application.

The Councillors are aware of local residents in support and also some in opposition to this application and would like to make the following comments:

Concerns were raised as to whether the proposed landscaping would be sufficient to screen the buildings from local trig points and from Mynydd Illtyd and the visual impact.

Concerns raised about the proposed size of buildings

PCC-Building Control

No response received at the time of writing this report.

Wales & West Utilities - Plant Protection  
Team

12th Dec 2018

Wales & West Utilities acknowledge receipt of your notice received on 07.12.2018, advising us of the proposals for:

Ynys y Bont, Aberbran, Brecon, Powys, LD3 9NL

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.

Ward Councillor

7th Dec 2018

I'd like to request that this application be heard at the next available Planning, Taxi Licencing & Rights of Way Committee meeting please.

PCC-(S) Highways

9th Jan 2019

The Access, Parking and Servicing (vehicular movements) detail contained within the

Design & Access Statement (Section 6) and the Planning Statement (Section 3) are duly noted. The projected commercial vehicular movements associated with this phase of the scheme, are consistent with those identified under the previously consented phase and as such, are considered acceptable to the Highway Authority. Any approval shall be subject to the provision of a vehicular passing bay along the U0300 county highway to help facilitate the increased traffic movements associated with the increased levels of staff. It is noted that sufficient land is available within the highway limits to provide such a bay.

Accordingly, the Highway Authority recommends that the following condition be attached to any consent granted.

Prior to any first beneficial use of the new buildings, the applicant shall construct a vehicular passing bay along the U0300 county highway, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed to an adoptable standard prior to first beneficial use of the new buildings hereby approved.

Welsh Water

10th Dec 2018

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

There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

#### Water Supply

Dwr Cymru Welsh Water has no objection to the proposed development.

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.

18/1035/FUL - Construction of 2 no. falcon breeding buildings, 1 no. imprint building, 1 no. ancillary building, 1 no. plant room and associated works - Ynys-Y-Bont, Aberbran by Council Houses Via Ynys-Y-Bont to Jct R Aberbran Brecon LD3 9NL

The Environmental Protection Section would have no objection to the above proposal providing the work is carried out in accordance with the construction method statement, pollution prevention plan and waste management method statement.

If the discharge from the new package treatment plant will be going to a watercourse then provided consent is obtained from NRW there would be no objection from Environmental Protection.

However, If the discharge is to ground then prior to any planning permission being granted the applicant/agent should submit percolation test results in order to demonstrate that the package plant, its soakaway and the ground conditions are suitable and sufficient for the foul drainage. The percolation test should be carried out in accordance with document H2 of the Building Regulations and calculations to be submitted for approval by completing and returning the attached Percolation Test Calculation Form.

Environmental Protection to be advised, via the Planning Authority, when the testing is carried out, so that a site visit can be made to examine the exposed ground and percolation test holes which must be left undisturbed until inspected.

In addition, Welsh Government has advised that, all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>

Thank you for consulting me with regards to planning application 18/1035/FUL which concerns an application for the Construction of 2 no. falcon breeding buildings, 1 no. imprint building, 1 no. ancillary building, 1 no. plant room and associated works at Ynys-Y-Bont, Aberbran, Brecon, Powys.

I have reviewed the proposed plans and supporting information submitted with the

application as well as aerial photographs of the site and surrounding habitats and local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 65 records of protected and priority species within 500m of the proposed development, no records were for the site of the proposed development itself. Protected and priority species records identified within 500m include otter, hare, bat species - common pipistrelle and brown long-eared bat, bluebell, brown-banded carder-bee, small heath butterfly and a number of Schedule 1 Wildlife & Countryside Act and Section 7 Environment (Wales) Act 2016 bird species.

The following statutory designated sites were identified within 500m of the proposed development:

- o River Usk Special Area of Conservation (SAC) - approximately 140m east of the proposed development
- o River Usk (Tributaries) Site of Special Scientific Interest (SSSI) - approximately 140m east of the proposed development

Given the proposed development is located within 140m of the River Usk SAC consideration has been given to the need for a Habitats Regulations Assessment to be undertaken. Having reviewed the proposed development, it was determined that there was potential for the proposed development to impact the SAC and/or its associated features. I have undertaken a HRA Screening of the proposed development for the River Usk SAC and its associated features. The Screening found that the proposed development would not result in Likely Significant Effects to the SAC and/or its associated features in light of the identified features and nature and scale of the proposed development. I have attached a copy of the Screening Assessment for the River Usk SAC for your records.

No non-statutory designated sites were identified within 500m of the proposed development.

An Extended Phase 1 Survey Report produced by Dusk to Dawn Ecology dated 7th November 2018 has been submitted to inform the application. Desk studies and field surveys were carried out to inform the assessment of the potential for the proposed development to impact features of biodiversity importance. I have reviewed the report and consider that the survey effort employed was appropriate and in line with current best practice guidelines.

A walkover survey was undertaken on the 15th March 2018, the surveys undertaken included a Phase 1 Habitat survey and search for evidence of or potential for protected of

priority species to be present within and in the vicinity of the proposed development. The report identifies that the majority of grassland in both fields affected by the proposed development was found to be poor semi improved grassland with common and widespread species identified as present in the sward. A small area of the northern field was identified as being marshy grassland. Well managed hedgerows were identified as present along the boundaries of each field, the hedgerows were considered to be species poor native hedgerows. A small stream runs through the site of the proposed development, this stream is culverted under the farm complex and the adjacent highway. The stream discharges into the Nant Bran part of the River Usk SAC/ River Usk (tributaries) SSSI. No invasive or non-native species were noted at the site during the walkover survey.

Consideration was given to the potential for the proposed development site to support protected and priority species including great crested newts, dormice, bats, otters, badger, birds and reptiles.

The site was assessed as having negligible potential to support great crested newts. No records of great crested newts were identified in proximity to the site and there are no waterbodies on site considered suitable for use by breeding great crested newts. The habitats within the majority of the site boundary were considered to be unfavourable to support this species and the report concludes that it is considered highly unlikely that great crested newt are present on site and no further surveys for this species were considered necessary.

No records of dormice were identified within 1km of the proposed development site, whilst hedgerows on site were identified as having some potential to support dormice it was identified that hedgerows within the proposed development boundary generally lack species diversity and lack connectivity to woodland or more optimal habitat. The site was determined to have low potential to support dormice and no further surveys were considered necessary.

Surveys undertaken at the site to support previous planning applications have identified that buildings at the site (not affected by the current application) support roosting bats including common pipistrelle, brown long-eared and lesser-horseshoe bats. Whilst the identified bat roost will not be affected by the current application the site boundaries and hedgerows were identified as being utilised by bats for commuting and foraging purposes. No hedgerows will be removed as part of the current application and a Bat and Nesting Bird Mitigation Strategy Version 3.0 produced by Dusk to Dawn Ecology dated November 2018 recommendations have been made with regards to low levels of lighting to enable bats to continue to use this area for commuting and foraging purposes - sensitive use of artificial lighting at the site is particularly important given the identification of roosting lesser horseshoe bats which are particularly sensitive to increases in lighting and will

actively avoid areas due to presence of inappropriate lighting. It is therefore recommended that submission and approval of a detailed lighting scheme for the proposed development taking into account the recommendations outlined in the Bat and Nesting Bird Mitigation Strategy Version 3.0 and recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018) <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/> is secured through an appropriately worded planning condition. It is also noted that mitigation features for bats including the provision of bat boxes and a dedicated bat roosting area have been identified and detailed on submitted plans, it is recommended that adherence to these measures is secured through an appropriately worded planning condition.

Otter have been recorded within 1km of the proposed development, the stream running through the site was assessed as having low potential to be used by otter due to the fact that it is culverted under the road and farm hard standing areas. No suitable breeding or resting sites or evidence of otter activity were found during the survey and no further surveys were considered necessary.

No evidence of the presence of badger was noted during the site survey and the habitats present and affected on the site were considered to only offer limited commuting and foraging opportunities for this species. No further survey work for badgers was considered necessary.

No birds nests were noted during the walkover survey and the fields affected by the proposed development were considered unsuitable to support ground nesting birds due to lack of suitable cover from predators. Existing hedgerows at the site will be retained through the proposed development and the Bat and Nesting Bird Mitigation Strategy Version 3.0 includes provision of mitigation for nesting birds in the form of erection of nest boxes at the site, it is recommended that adherence to these measures is secured through an appropriately worded planning condition.

The site was assessed as having low potential to support reptiles due to lack of favourable habitat, however the root systems of hedgerows were identified as offering some potential for use by reptiles for foraging commuting and hibernation. The report recommends that small numbers of common reptiles should be assumed as present and the development should be undertaken in accordance with an appropriate method statement. In this instance this approach is considered to be acceptable and it is therefore recommended that submission and adherence to a Reptile Reasonable Avoidance Method Statement is secured through an appropriately worded planning condition.

The report also makes reference to the need to implement Root Protection Zones around retained hedgerows, an Arboricultural Report produced by ArbTS dated 10th July 2018

has been submitted with the application this report includes details of tree survey data, arboricultural impact assessment and tree constraints plan. The measures identified within the tree constraints plan are in line with the recommendations set out in BS5837:2012 and are considered to be appropriate to ensure protection of the hedgerows and trees at the site. I recommend that adherence to the Tree Constraints Plan is secured through an appropriately worded planning condition.

An amended Pollution Prevention Plan produced by Asbri dated February 2019 has been submitted with the application, the measures identified in the pollution prevention demonstrate that the proposed development will be undertaken in accordance with current best practice guidelines. It is recommended that adherence to the Pollution Prevention Plan is secured through an appropriately worded planning condition. The PPP also identifies that the proposed crossing of the watercourse will be achieved through the use of a single span structure as opposed to a culvert which could become blocked. It is considered that the bridge will either be precast concrete or, more likely, a galvanised steel construction. Both solutions would be supported on concrete foundations set back far enough from the watercourse so as not to disturb the banks or pollute the watercourse and subsequently the River Usk. The applicant should be mindful that the watercourse crossing may also require Ordinary Watercourse Consent from the LLFA (Powys County Council) further details and advice regarding OWC can be found at <https://en.powys.gov.uk/article/4661/Ordinary-Watercourses-Applying-for-consent-for-works>

An amended Planting Plan drawing no. 343.01 Rev A produced by Catherine Etchell Associates dated October 2018 has been submitted to support the application, I have reviewed the planting plan - please note that my comments make reference to the environmental aspects of the information submitted and do not consider the landscape and visual amenity aspects - and consider that the species proposed, planting specification and establishment measures are appropriate, in addition to provision of landscape planting is welcomed as it is likely to provide additional benefits for biodiversity 'biodiversity enhancements' as required by Part 1 Section 6 of the Environment (Wales) Act 2016. Subject to the landscape scheme being considered appropriate with regards to landscape and visual amenity aspects I recommend that adherence to the identified landscaping plan and associated planting specification and establishments measures is secured through an appropriately worded planning condition.

Subject to inclusion of the recommended conditions it is considered that the proposed development would not result in the loss of negative impacts to biodiversity. Therefore, should you be minded to approve the application I recommend inclusion of the following planning conditions:

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 specific measures to avoid impacts on foraging and commuting bats and other 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 in relation to The Natural Environment and DM7 in relation to - Dark Skies and External Lighting and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the mitigation measures identified in Section 3 of the Bat and Nesting Bird Mitigation Strategy Version 3.0 produced by Dusk to Dawn Ecology dated November 2018 and shown on drawings 'Plant Building drawing no. AL(0)11 Rev. B produced by James Partnership dated 23rd October 2018' and 'Proposed Site Plan drawing no. AL(0)01 Rev.D produced by James Partnership dated 23rd October 2018'. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of the development a detailed Reptile Reasonable Avoidance Method Statement shall be submitted for approval to the Local Planning Authority and implemented as approved.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and 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 development shall be carried out strictly in accordance with the measures identified in the Pollution Prevention Plan produced by Asbri dated February 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the

Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the measures identified in the Pollution Prevention Plan produced by Asbri dated February 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the planting specification, management and aftercare measures identified on the T Planting Plan drawing no. 343.01 Rev A produced by Catherine Etchell Associates dated October 2018. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and DM4 in relation to the ecological qualities of the landscape and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The development shall be carried out strictly in accordance with the Tree Constraints Plan identified in the Root Arboricultural Report produced by ArbTS dated 10th July 2018. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition, I recommend inclusion of the following informatives:

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:

- o Intentionally kill or injure these species of reptiles,

- o 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.

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:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o 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.

Otters - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

Otters are known to be present on the majority of watercourses in Powys. The otter 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:

- o Deliberately capture, injure or kill an otter;
- o Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- o Damage or destroy an otter holt;
- o Intentionally or recklessly disturb any otter whilst it is occupying a holt; or
- o Intentionally or recklessly obstruct access to a holt.

Reasonable avoidance measures need to be implemented to ensure minimal impact to otter activity in the local area. These will include:

- o No night working or lighting of the works area;
- o Ensuring that no barriers to movement of otters along the river are created;
- o Keep unnecessary noise to a minimum during the works; and
- o Do not light any fires close to areas of vegetation.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- o Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and

Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 that works to trees or structures where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

#### Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

#### PCC- (S) Land Drainage

No response received at the time of writing this report.

Natural Resources Wales (North) DPAS

11th Jan 2019

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 07/12/2018.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

Requirement 1: Protected Sites: The Local Authority should carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

Condition 1: Landscape: Implementation of the planting plan and long-term landscape and ecological management proposals to the satisfaction of the LPA.

Condition 2: Landscape: Details of the materials and colours to be used in the buildings to be submitted to the satisfaction of the LPA.

Condition 3: Bats: Submission and implementation of a lighting plan for bats to the satisfaction of the LPA.

#### Designated sites

Nant Bran, a tributary of the River Usk runs approximately 130m east of the site beyond the unclassified road and additional grazing land. We have concerns that a significant effect from the proposed development on the The Usk Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) cannot be ruled out.

Requirement 1: Protected Sites: The Local Authority should carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application NRW have identified potential impact pathways to features of this site:

##### 1. Pollution

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

#### Landscape

We note that a Landscape and Visual Appraisal has been submitted.

The site lies on the lower slopes of the Nant Bran valley adjacent the existing farm complex. The two fields where the 3 units are proposed slope upwards towards the north west and south east respectively. The local landscape is undulating pastoral farmland with mature hedges and trees to the field boundaries, with some hedges low and closely maintained, others tall with mature trees.

The site lies within the LANDMAP Visual & Sensory Aspect Area Nant Bran Valley 351, evaluated as High. The valley is noted as quite enclosed, with woodland on the floor, steep slopes, tranquil and unspoilt, with small settlements, vernacular buildings and hedgerow field boundaries. Some agricultural buildings are noted as slightly obtrusive. Aims are to conserve tranquillity, enclosure, deciduous woodlands and hedgerows.

The site lies approx. 500m north of the National Park boundary and visible from Twyny-Gaer hillfort, Mynydd Illtud. The hillfort and surrounding area lie within Landscape Character Area 6 Middle Usk Valleys, as defined in the Brecon Beacons National Park

landscape assessment. The undulating, pastoral landscape is noted as transitional with characteristics extending north from the National Park boundary to the site. It includes

historic features such as hillforts and views to the north are a key characteristic. New, large scale farm buildings occur and are considered a detrimental

feature. The loss of traditional hill farming and poor management of hedgerows are special qualities sensitive to change.

Condition 1: Landscape: Implementation of the planting plan and long-term landscape and ecological management proposals to the satisfaction of the LPA.

Recommendations are to minimise the visual impacts of new development, ensuring they are well designed and site and extending and linking semi-natural habitats.

Two key viewpoints have been selected in the Landscape & Visual Appraisal. Twyny-gaer, to the south in the National Park and open access land at Mynydd Aberyscir to the north east. It is noted that there are many views from the bridleway leading from Mynydd Aberyscir down the eastern slopes of the Nant Bran valley.

The site is visible as a small but noticeable feature in the panoramic view northwards from Twyn-y-gaer. The photographs have not been reproduced as single frames at A3 and do not show the level of detail seen in the field. The proposal is likely to appear larger and more noticeable than shown in the photographs.

Condition 2: Landscape: Details of the materials and colours to be used in the buildings to be submitted to the satisfaction of the LPA.

The large agricultural-style barns would be roofed in fibre cement sheeting and cut into the topography so that they sit below the level of the surrounding fields to the north west and south west. The Appraisal includes recommendations to mitigate the landscape and visual impacts and inform the submitted planting plan.

Recommendations include muted dark grey colours, particularly to roofs to help the buildings to recede and appear less visible. The reflective white materials on the existing unit should be avoided. Slopes resulting from the excavations should be sympathetically profiled to natural contours and hedges should be allowed to grow up, selected trees allowed to mature and new tree planting carried out. The Appraisal concludes that provided the recommendations are carried out, the three additional units can be accommodated without undue negative impact on landscape character.

We have reviewed the Appraisal and concur with its conclusions. We consider that provided the mitigation recommendations are followed and the planting plan implemented, the proposal would be acceptable and would not have an adverse impact on the National Park.

## Protected Species

We note that the bat reports submitted in support of the above application (Extended Phase 1 Survey report and Bat and Nesting Bird Mitigation Strategy report dated November 2018 by Dusk to Dawn Ecology Ltd) has identified that multiple species of bats are present within the farm complex. From the information submitted, we consider that the proposed development represents a higher risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

NRW has previously commented on P/2015/0941 with reference to bats. Two of the original outbuilding on site are recorded bat roosts for Common pipistrelle, Brown long eared and Lesser Horseshoe bats.

An NRW license was obtained to carry out conversion of the outbuildings, as part of the license conditions monitoring was required. The latest monitoring report available to NRW is dated 29/08/2016, the report confirms that bats still use the buildings at Ynys y Bont.

In this case, the ecological reports conclude that the proposal is not likely to harm or disturb the bats or their breeding sites and resting places at this site but there is potential for disturbance and disruption of bat behaviour along foraging routes.

The presence of a Lesser Horse-shoe bat roost nearby is a significant concern as this species is particularly sensitive to light disturbance. We advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site. Therefore, we advise that the below condition should be attached to any planning permission for this scheme to ensure appropriate avoidance and mitigation measures. Provided those measures are implemented, we do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

NRW welcomes the retention of linear features (hedgerows and trees) and the additional planting of trees on site, however, no activity survey has been carried to establish existing bat flight lines.

Condition 3: Bats: Submission and implementation of a lighting plan for bats to the satisfaction of the LPA.

The lighting scheme will have to demonstrate retention of dark corridors along all of the existing hedgerows, as recommended in the ecological submissions.

Consideration will need to be given to all sources of proposed lighting, both external



(security) and internal (light spillages onto the outside).

We note that enhancement measures, have been suggested within the bat report and they have been acknowledged within the plans. NRW welcomes the proposal to create addition of roosting opportunities for bats.

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.

#### Foul Drainage

We note from the Waste Management Method Statement: Ynys y Bont, Aberbran Phase 2 (October 2018) and Drainage Strategy that "it is proposed that foul from IB1 will discharge into the existing foul network associated with Phase 1. The Strategy notes that flows from IB1 are nominal and comprise an occasional wash down of rooms and food prep areas, therefore, the existing dispersal trench and Biodisc (PTP) should have adequate capacity to accommodate.

In regard to the foul flows from buildings BB2 and BB3 as well as 2 no. ancillary buildings will discharge into a new Biodisc PTP located west of the watercourse which separates the two field parcels, before being pumped as treated effluent to the eastern end of the site. The treated flows will join the new surface water drainage flows from building BB1 to a new dispersal trench parallel to the existing trench."

With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with NRW. The Applicant must obtain any necessary permit or exemption prior to Commencement of work on site. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. More information, including a step by step guide to registering

and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Pollution Prevention Guideline 4 which provides further information.

## Pollution Prevention Plan

We have reviewed the pollution prevention plan (Pollution Prevention Plan. Ynys y Bont, Aberbran. (July 2018) submitted in support of the proposal.

Provided the works on site are undertaken in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultationtopics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

Advice to Developer/Applicant:

- Environmental Permitting Regulations: intensive farming

Should the proposal increase the number of birds within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2016 would be required from NRW.

The granting of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained before operations commence on site.

Applicants are encouraged to enter pre-application discussions with NRW prior to applying for a permit to help ensure all aspects are fully considered. Where possible permit and planning applications should be made at the same time to avoid delays.

- Environmental Permitting Regulations: abstractions

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

More information can be found on our website:

<https://naturalresources.wales/permits-and-permissions/water-abstraction-andimpoundment/>

[apply-for-a-water-abstraction-or-impoundment-licence/?lang=en](https://naturalresources.wales/permits-and-permissions/water-abstraction-andimpoundment-apply-for-a-water-abstraction-or-impoundment-licence/?lang=en)

- Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010

The SSAFO built storage facilities must be built to comply with CIRIA, document C759a.

A WQE3 form must be filled for each SSAFO built structure - The Water Resources (control of pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010 "the SAFFO Wales Regulations" The applicant will need to contact the NRW 14 days before they bring the new SSAFO structure into use. NRW will visit the site and bring a WQE3 form which will assist in the process.

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.

Cadw

19th Dec 2018

Thank you for your letter of 7 December 2018 inviting our comments on the information submitted for the above planning application.

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 monuments or registered historic parks and garden listed in our assessment of the application 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.

Assessment

## Scheduled Ancient Monuments

BR001 The Gaer, Brecon

BR021 Aberyscir Castle Mound

BR043 Twyn-y-Gaer

BR044 Twyn-y-Gaer

BR138 Battle Standing Stone

BR139 Aberyscir Round Cairn

Registered historic parks and gardens:

PGW (Po) 21(POW) Penpont (grade II\*)

In response to a statutory pre-planning application consultation it was determined that the proposed development would only have an impact on the settings of scheduled monuments BR139, BR043 and BR044.

Scheduled monument BR043 Twyn-y-Gaer comprises the remains of an Iron Age hillfort, located on a local summit overlooking the River Usk valley in both directions, some c 2.1 km south-east-south of the proposed development. The development will be visible from this scheduled monument but will be viewed with the other existing buildings at Ynys y Bont. Therefore given the distance from the hillfort the proposed development will have a very slight and not significant impact on the setting of the scheduled monument is likely.

Scheduled monument BR044 Twyn-y-Gaer also comprises the remains of an Iron Age hillfort located on a local summit commanding views in all directions some 930m west-north-west of the proposed development. The proposed sheds will be partially concealed by the ground rising to west of them but they will still be visible from the scheduled monument. The extent of territory relevant to the hillfort is unknown and similarly the significance of views in the direction of the proposal is conjectural though as a short route to the valley of the Nant Bran this direction may have had held some purpose. Nevertheless, when balanced against the existing farm buildings the proposal will represent a proportionately large modern intrusion into the neighbouring landscape and for this reason the proposal is considered to have a slight though not significant effect on the scheduled monument's setting.

Scheduled monument BR139 Aberyscir Round Cairn comprises the remains of a Bronze Age burial cairn, located towards the south end of a ridge some 1km east-north-east of the proposed development. When constructed it would have been a prominent landscape marker and views toward it are likely to have been significant as well as views from it.

However, the proposed development will not block any views towards the scheduled monument and whilst it will be visible from it, it will be seen along with the other existing buildings at Ynys y Bont. Consequently, any damage to the setting of the scheduled monument is considered be very slight and not significant.

In conclusion the proposed development will have a slight impact on the setting of scheduled monument BR044 and very slight impacts on the settings of scheduled monuments BR044 and BR139, however, none of these impact are significant.

C P A T

11th Dec 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.

Brecon Beacons National Park

25th Feb 2019

I write further to your consultation on the above planning application which is located to the north of the Brecon

Beacons National Park boundary. The Brecon Beacons National Park Authority (BBNPA) has therefore considered this proposal as a fringe application for employment development.

The proposed development is for the construction of two falcon breeding buildings, an imprint building, an ancillary building, a plant room and associated works. The application site extends to 1.51 hectares and is located around 0.5 km from the boundary of the Brecon Beacons National Park. The site is within a valley bordered by hedgerows and open agricultural land. Additional information assessing the landscape and visual impact of development and detailing additional landscaping has been provided.

Legal and Policy Context

Section 63 of the Environment Act 1995 sets out the statutory purposes of the National Park as follows:-

- o To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and

- o To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park

In accordance with section 62(2) of the Environment, any relevant Authority shall have regard to National Park purposes when performing any functions in relation to, or so as to affect, land in a National Park. Relevant Authorities include public bodies, government departments, local authorities and statutory undertakers.

## Policy Context

### Planning Policy Wales

Planning Policy Wales (10th Edition 2018) (PPW) acknowledges that statutory purposes of National Parks and reinforces the "Sandford Principle", whereby if there is a conflict between the statutory purposes, greater weight shall be given to the first purpose of conserving and enhancing the natural environment. PPW also recognises that natural heritage issues are not confined by administrative boundaries and that the duty to have regard to national Park Purposes applies to activities affecting these areas, whether those activities lie within or outside the designated area.

The Brecon Beacons National Park Management Plan (2010) defines the special qualities of the National Park as:

- o Peace and tranquillity - opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal;
- o Vitality and healthfulness - enjoying the Park's fresh air, clean water, rural setting, open land and locally produced foods;
- o Sense of place and cultural identity - "Welshness";
- o Sense of discovery;
- o Sweeping grandeur and outstanding natural beauty;
- o Contrasting patterns, colours, and textures;
- o Diversity of wildlife and richness of semi-natural habitats;
- o Rugged, remote and challenging landscapes;
- o Enjoyable and accessible countryside;
- o Intimate sense of community.

## Development Plan

Within the National Park the adopted development plan is the Brecon Beacons National Park Local Development Plan 2007-2022 (LDP). Section 3.1.3 of the LDP sets out that whilst the National Park is a landscape designations there are instances where strict application of the boundary in making decisions is not appropriate.

Cross Boundary planning applications for development being a clear point example of this. As previously set out section 62 (2) of the Environment Act (1995) places a duty on LPAs to have regard to the National Park purposes in making planning decisions which may impact on the National Park.

## Consideration

The comments of the BBNPA have primarily focussed on the consideration given to the impact on the National

Park within the accompanying supporting Landscape and Visual Appraisal (LVA). The BBNPA have provided comments in the context that this proposal does not represent EIA development. The LVA has been undertaken by an appropriately qualified landscape architect and states that it has been undertaken in accordance with appropriate standards within the Guidelines for Landscape and Visual Impact Assessments (GLVIA).

The boundary of the Brecon Beacons National Park is a relatively short distance at around 500m to the south. The boundary extends from east to west to the south of the site and follows a minor road and disused railway line. The LVA assesses the impact of the development on the Brecon Beacons National Park and it is noted that this reflects a request by Natural Resources Wales that particular consideration is given to assess the impact on the National Park and provide mitigation proposals.

The LVA takes a reasonable approach to assessing the impact over a sufficient area. A viewpoint from Mynydd Illtyd, which is a significant view point in the National Park has been selected and a viewpoint has also been selected outside but viewing into the National Park. It is considered that these viewpoints give an adequate representation of the impact of the development. However further viewpoints would be welcomed for example the site is visible from the A40(T) and a viewpoint from this road such as a layby or public right of way would have helped to illustrate the impact of development at a position closer to the site within the National Park. The Authority welcomes the LVA taking into account the landscape character assessment for the National Park, which forms supplementary planning guidance to our LDP. We agree with the statement in the LVA 8.2 that:

"The scale of these barns however is not necessarily an attractive feature in the

landscape, although it is one which becoming more typical as traditional hill farming techniques decline. It is a feature which the BBNPA Landscape Character Assessment highlights as detrimental to landscape character." The LVA goes on to provide a discussion of the materials to be used in the construction of the building and how the use of appropriate finishes are used to mitigate the impact of the development. Other points are also accepted such as the position towards the valley floor being less prominent than the farm units positioned higher up on the valley slopes.

The following is proposed as mitigation:

- Replicating the character of traditional agricultural units through appropriate siting;
- Appropriate works to engineer the cutting in of the buildings into the landform. The view that the resulting landform should not appear to be uniformly engineered is agreed with and supported;
- A detailed landscaping scheme has been provided which includes substantial new planting to mitigate the impact of the development;
- Retention of the existing field patterns and hedgerow enclosure and to alter their management;
- Use of materials with appropriate colour / tone and reflectiveness.

The suggested mitigation is welcomed and it is considered that the siting and layout is similar to a larger more intensive agricultural units. The detail of the slopes to be created during the cutting into the landform is provided within the sectional and levels drawings. The slopes created do not appear to following the LVA recommendation and appear to be uniform. A condition to require details of a more varied slope of a more natural appearance that is appropriate to its setting should it is considered be imposed on any application. Requirements to submit details of the materials to be used within the development should be imposed through planning conditions. The landscaping plan should also be fully implemented through the use of planning conditions. Lighting should also be minimised and controlled through the use of planning conditions.

The LVA also suggests that the additional units could be a limit on the development of this site, before its scale would be inappropriate in landscape and visual impact terms. The Brecon Beacons National Park Authority agree that further development, beyond this application would likely lead to a facility that was out of character with the landscape of this area.

The Brecon Beacons National Park Authority notes that substantial engineering works will be required to implement this scheme. During construction these works may have the potential to impact on features within the National Park such as The River Usk which is a



Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI). Appropriate consultees such as NRW should be consulted to ensure that these features are not impacted by development. It will also likely generate traffic to the site from the major road network (A40(T)) this will pass through areas of the National Park and it is considered that the local highways authority should be consulted and the timing of construction works and deliveries controlled to mitigate the impact of development on residents.

## Conclusion

The BBNPA do NOT OBJECT to this proposal and we consider that the information submitted supports conclusion that there will not be a substantial long term detrimental impact on the National Park's special qualities. However, we only consider that there would not be an unacceptable impact if the mitigation suggested by the LVA is fully implemented in a timely way following the commencement of development.

We offer the above comments as the opinion of BBNPA on the basis of the information currently available in relation to your proposals. If the proposal is amended or significant changes made to the application supporting information we would wish to be re-consulted.

The BBNPA reports fringe developments to its Planning Access and Rights of Way Committee to allow our Members to provide comments. This proposal will be reported to our meeting on the 9 April 2019, we appreciate that this maybe after the point the application is determined; but will advise if further comments are made on this proposal.

## Representations

28 letters of public representations objecting to the proposed development have been received. The letters can be summarised as follows:

- Scale of the development is not in keeping with the local area
- No economic benefit to community
- Visual impact of the buildings
- Impacts to the SAC
- Impact on native bird population
- Highway impact
- Impact to Brecon Beacons National Park
- Bio disease/Hazard
- Increased effluent
- Land drainage
- Animal welfare
- Strain on local infrastructures (water supply, electricity, telecommunications)

## Planning History

App Ref	Description	Decision	Date
P/2015/0941	Full: Conversion of existing buildings and construction of new buildings, to include associated works and installation of package treatment plant, to create falcon breeding facility	Consent	10th Feb 2016
DIS/2016/004 2	Discharge of conditions 3, 10 & 14 of planning permission P/2015/0941	Approve	13th Jul 2016
DIS/2016/015 5	Discharge of conditions 4 and 5 of planning approval P/2015/0941 relating to landscaping schemes	Consent	14th Oct 2016
NMA/2016/00 66	Non material amendment to planning permission P/2015/0941 in respect of insertion of a water tank.		12th Oct 2016
NMA/2016/00 86	Application for non-material amendments to planning permission P/2015/0941 in respect of lengthening the road system and internal and external alterations		8th Dec 2016
DIS/2017/003 1	Discharge of Condition 13 of planning approval P/2015/0941	Consent	22nd Feb 2017

## Principal Planning Constraints

None

## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy

TAN6	Planning for Sustainable Rural Community	National Policy
TAN8	Renewable Energy	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN13	Tourism	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
SP2	Employment Growth	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
NERC	Natural Environment & Rural Communities	Local Development Plan 2011-2026

## **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**

### Site Location and Description

Ynys y Bont is located within the Community Council area for Trallong. The application site is located adjacent to existing dwelling and associated buildings at Ynys y Bont. To the south, east and west is agricultural land whilst to the north runs the U0300 unclassified county highway.

Consent is sought for the erection of 2 falcon breeding buildings, 1 imprint building, 1 ancillary building and 1 plant building. The buildings as proposed will measure approximately:

- Falcon Breeding Building x2 (BB2 & BB3)

Will measure approximately 63 metres in length by 20 metres in width reaching a height to the ridge and eaves of 7.6 metres and 6.2 metres respectively.

- Proposed Imprint Building (IB1)

Will measure approximately 63.5 metres in length by 20.5 metres in width reaching a height to the ridge and eaves of 6.2 metres and 4.8 metres respectively.

- Proposed Ancillary Building

Will measure approximately 15.7 metres in length by 6 metres in width reaching a height to the ridge and eaves of 3.8 metres and 2.4 metres respectively.

- Proposed Plant Building

Will measure approximately 10.3 metres in length by 3.8 metres in width reaching a height to the ridge and eaves of 3.3 metres 2.6 metres.

### Principle of Development

Policy E2 of the Local Development Plan supports appropriate expansion or modernisation of existing businesses in-situ is supported to reduce the inconvenience and disruption of moving, whilst retaining the source of employment within the local community. The provision of new employment proposals within the open countryside is also supported where it can be demonstrated that such a location is justified by the nature of the proposal.

It is noted that the proposal is to provide expansion to the existing falconry breeding unit at Ynys-y-Bont. The original planning permission granted consent for the conversion of existing barns and provision of additional buildings. This proposal now seeks to expand that business with the creation of further buildings to expand the falcon breeding unit. In light of this it is therefore considered that the principle of the proposed development for the appropriate expansion of a business fundamentally complies with relevant planning policy subject to the following consideration:

### Design and External Appearance

Development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. In line with policy DM13 development proposals should therefore be designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

The application site already benefits from existing buildings in association with the falconry breeding unit. The proposal seeks consent for the erection of 3 new falcon associated buildings with 2 ancillary buildings proposed alongside them. It is noted that the buildings have been designed typical to traditional agricultural buildings which are a common feature within this rural landscape. It is therefore considered that the design of the proposed buildings has been designed in keeping with the existing buildings already present on the site and also those within the rural locality.

Brecon Beacons National Park have been consulted and have requested that details of materials to be used within the development is imposed through an appropriately worded conditions. This will be to ensure that the development is appropriately designed to use muted tones to complement the surrounding area and therefore aid in reducing any visual impact.

Subject to the recommended condition it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

### Landscape and Visual Impact

Planning policy seeks to ensure that development proposals are appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and

qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity.

The application site is located just outside of the Brecon Beacons National Park (BBNP) which is located approximately 600 metres to the south of the application site. A Landscape and Visual Appraisal has been submitted in support of the application to assess the impact on views from the BBNP and also on the local landscape.

It is noted that the application site is located towards the valley floor and that the proposed 3 buildings will be cut into the existing topography resulting in the tops of the rooves to be below the level of the surrounding fields. Making the buildings less prominent than any other farm units which are positioned higher up on valley slopes.

Considering each individual building it is noted:

IB1 is proposed to be adjacent to the existing building currently present on the Land (BB1 as indicated on the proposed plans). Whilst following a site visit it is noted that the building will be built on ground level higher than the existing building (BB1), the height of the proposed building is lower than the existing and additionally will also be cut into the hillside.

BB2 & BB3 are proposed in the field to the north west of the existing farmhouse, whilst the ground level is at a slightly higher level here than the existing farmyard, the field is still considered to be within the valley base and predominately flat in topography which gently rises to the west the further you move away from the existing farmhouse and associated buildings. It is also noted that the ground level will be cut to create a flat platform for the proposed development and in a bid to reduce the overall scale of the proposed buildings.

The proposed plant building and ancillary building are considered to be small in scale compared to the existing buildings present on the land and therefore their visual impact is considered to complement and be grouped with these existing and proposed structures.

The application site is located within the Nant Bran Valley, LANDMAP evaluates the area as a high visual and sensory location as *an enclosed upland pastoral valley running from around 400mAOD to 180mAOD to the south. Slopes are moderately steep with a very narrow floodplain in the valley bottom which is generally V shaped. Fields are small to medium sized and are enclosed by hedgerows which are a combination of outgrown, cut and laid. Some pasture is poorly drained and bracken and scrub are encroaching but the majority of the valley appears well maintained. Deciduous woodland on the valley sides, steep slopes and riparian corridors is a major feature further enclosing and adding interest and texture to the valley. The valley is a dead end valley with minor roads although there is a link to the Cilieni Valley to the west. It is therefore very tranquil and unspoilt. Small settlements are vernacular and in character*

*although some agricultural buildings are slightly obtrusive. Attractive views are possible down the valley particularly close to the valley floor.*

It is noted that the proposed development represents modern farming development which now results in larger scale farm buildings. It is therefore considered that the provision of these additional building would not be seen as being out of keeping with the character of the existing landscape which already contains several scattered farm complexes dominated by large barns.

Brecon Beacons National Parks were consulted on the proposed development and confirmed that they did not object to the proposal as they considered that the information submitted supports their conclusion that there will not be a substantial long term detrimental impact on the National Park's special qualities. NRW have also confirmed that they have reviewed the appraisal and concur with its conclusions and subject to conditions the proposal would be acceptable and would not have an adverse impact on the National Park.

On the basis of the above, considering the scale, location and character of the surrounding area it is considered that the proposed buildings would not be seen as being out of keeping with the rural landscape and therefore subject to appropriate landscaping and materials (colour/tone/reflectiveness) the proposed development would fundamentally comply with relevant planning policy.

### Highway Safety

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 10), LDP: T1 and Technical Advice Note 18.

Concerns have been raised over the proposed development and the potential impacts the development may have on users of the public highway.

The vehicle movements associated with the proposed development are limited given that the only feed required is for the quail. The movements are therefore noted as being:

- Quail food deliveries and general supplies- 1 non-articulated lorry per month
- Falcon dispatch- Once per year and comprising of van deliveries (2-3 trips) over the course of a single week
- 4 no. additional members of staff will be required (on top of 3 currently employed)

The Highway Authority have been consulted and have noted the proposed vehicular movements. The Officer confirmed that the projected commercial vehicular movements associated with this phase of the scheme are considered to be acceptable subject to the provision of a further vehicular passing bay along the U0300 county highway to facilitate the traffic movements associated with the levels of staff.

The Officer therefore confirms that subject to an appropriately worded condition securing that the passing bay is provided prior to the first beneficial use of the buildings the proposed development fundamentally complies with relevant planning policy.

### Biodiversity

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. Technical Advice Note (TAN) 5 seeks to maintain biodiversity and safeguard protected important sites.

It is noted that there are a number of protected and priority species records identified within 500 metre of the proposed development site. In addition to the above the following statutory designated site are also identified within 500 metre of the proposed development:

- River Usk Special Area of Conservation (SAC)- approximately 140 metres east
- River Usk (Tributaries) Site of Special Scientific Interest (SSSI)- approximately 140 metres east

Given the proposed developments proximity to the River Usk SAC consideration has been given to requirements for a Habitats Regulations Assessment (HRA) to be undertaken. The completed HRA confirmed that the proposed development would not result in *Likely Significant Effects* to the SAC and/or its associated features.

An Extended Phase 1 Survey Report was submitted in support of the application produced by Dusk to Dawn Ecology. It is noted that the grassland in both application fields for the proposed development are poor semi improved grassland apart from a small area of the northern field were identified as being marshy grassland.

The report, NRW and The Powys Ecologist confirmed that they do not consider that the proposed development is likely to have a detrimental impact to the maintenance of any protected or priority species and therefore subject to appropriately worded conditions to secure appropriate landscaping, lighting and Reptile Reasonable Avoidance Method statements the proposed development is therefore considered would not result in the loss of negative impacts to biodiversity in accordance with relevant planning policy.

### Environmental Health

Technical Advice Note 15 provides advice with regards to drainage and its role in managing flood risk as well as sustainable drainage systems.

The Environmental Health Officer was consulted on the proposed development, whilst in principle the Officer had no objection to the proposed development they requested that works were completed in full accordance with the details and method statements as



provided. A condition will therefore be included to ensure compliance with the appropriate construction method statements.

In addition to the above, the Officer also queried the discharge from the new treatment package plant. It is noted that the soakaway system will not be directed to the ground (and therefore not resulting in the need for percolation tests) but will be piped through the site to a new treated effluent dispersal trench to replace the existing trench as approved under the previous planning application.

In line with the Welsh Office Circular a condition will therefore be attached to any grant of consent requiring for further details/implementation of the drainage prior to the first use of the buildings. Subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

### Scheduled Ancient Monuments

The Local Development Plan seeks to safeguard strategic resources and assets in the County, development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

Cadw and CPAT have been consulted on the proposed development and have noted that the following Scheduled Ancient Monuments are in close proximity to the application site:

BR001 The Gaer, Brecon (2km south-east)  
BR021 Aberyscir Castle Mound (2km south-east)  
BR043 Twyn-y-Gaer (approx. 2.1km to south-east)  
BR044 Twyn-y-Gaer (approx. 930m to west-north)  
BR138 Battle Standing Stone (2.6km to the north-east)  
BR139 Aberyscir Round Cairn (1km north-east)

Registered historic parks and gardens:  
PGW (Po) 21(POW) Penpont (grade II\*)

Cadw noted that in response to a statutory pre-planning application consultation it was determined that the proposed development would only have an impact on the settings of scheduled monuments BR139, BR043 and BR044. Following an assessment, it was thereafter considered that the proposed development will have a slight impact on the setting of scheduled monument BR044 and very slight impacts on the settings of scheduled monuments BR044 and BR139, however it was identified that none of these impacts are significant.

Therefore it is considered that the impact is only slight and would not have an unacceptable adverse impact on the scheduled ancient monument and the proposed development fundamentally complies with relevant planning policy.

### **RECOMMENDATION**

It is considered that the proposed development has been carefully designed to take into consideration the potential impact on the character and appearance of the surrounding area and BBNP. The recommendation is one of conditional consent.

## **Conditions**

1 The development shall begin no later than five years from the date of this decision

2 The development shall be carried out in accordance with the following approved plans and documents AL(O)01D, AL(S)02, AL(O)02C, AL(S)01, AL(O)03C, AL(O)04B, AL(O)06B, AL(O)05B, AL(O)00, AL(O)07B, AL(O)08B, AL(O)09B, AL(O)10A, AL(O)11B, 18044-102B, 18044-103B, 18044-100A, 18044-101A, 343.01 Rev A, Construction Method statement and Waste Management Method statement.

3 Prior to the construction of the buildings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4 Prior to any first beneficial use of the new buildings, the applicant shall construct a vehicular passing bay along the U0300 county highway, in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed to an adoptable standard prior to first beneficial use of the new buildings hereby approved.

5 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 specific measures to avoid impacts on foraging and commuting bats and other nocturnal wildlife. The development shall be carried out in accordance with the approved details.

6 The development shall be carried out strictly in accordance with the mitigation measures identified in Section 3 of the Bat and Nesting Bird Mitigation Strategy Version 3.0 produced by Dusk to Dawn Ecology dated November 2018 and shown on drawings 'Plant Building drawing no. AL(0)11 Rev. B produced by James Partnership dated 23rd October 2018' and 'Proposed Site Plan drawing no. AL(0)01 Rev.D produced by James Partnership dated 23rd October 2018'. The measures identified shall be adhered to and implemented in full and maintained thereafter

7 Prior to commencement of the development a detailed Reptile Reasonable Avoidance Method Statement shall be submitted for approval to the Local Planning Authority. Development thereafter shall be implemented in full accordance with the details as approved.

8 The development shall be carried out strictly in accordance with the measures identified in the Pollution Prevention Plan produced by Asbri dated February 2019. The measures identified shall be adhered to and implemented in full and maintained thereafter.

9 The development shall be carried out strictly in accordance with the planting specification, management and aftercare measures identified on the Planting Plan drawing no. 343.01 Rev A produced by Catherine Etchell Associates dated October 2018. The measures identified shall be adhered to and implemented in full and maintained thereafter.

10 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees

or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

11 The development shall be carried out strictly in accordance with the Tree Constraints Plan identified in the Root Arboricultural Report produced by ArbTS dated 10th July 2018. The measures identified shall be adhered to and implemented in full and maintained thereafter.

12 No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first use of the development and retained in perpetuity.

## **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 ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

4 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

5 To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to - Dark Skies and External Lighting and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

6 To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

7 To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and 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

8 To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), 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 Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

10 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

11 To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

12 To ensure a satisfactory drainage system is provided in accordance with Technical Advice Note 15 and Planning Policy Wales (Edition 10, 2018)

## **Informative Notes**

- 1 Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- o Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

- 2 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.

### 3 Advice to Developer/Applicant from NRW:

#### - Environmental Permitting Regulations: intensive farming

Should the proposal increase the number of birds within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2016 would be required from NRW.

The granting of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained before operations commence on site.

Applicants are encouraged to enter pre-application discussions with NRW prior to applying for a permit to help ensure all aspects are fully considered. Where possible permit and planning applications should be made at the same time to avoid delays.

#### - Environmental Permitting Regulations: abstractions

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

More information can be found on our website:

<https://naturalresources.wales/permits-and-permissions/water-abstraction-andimpoundment/apply-for-a-water-abstraction-or-impoundment-licence/?lang=en>

#### - Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010

The SSAFO built storage facilities must be built to comply with CIRIA, document C759a. A WQE3 form must be filled for each SSAFO built structure - The Water Resources (control of pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010 "the SAFFO Wales Regulations" The applicant will need to contact the NRW 14 days before they bring the new SSAFO structure into use. NRW will visit the site and bring a WQE3 form which will assist in the process.

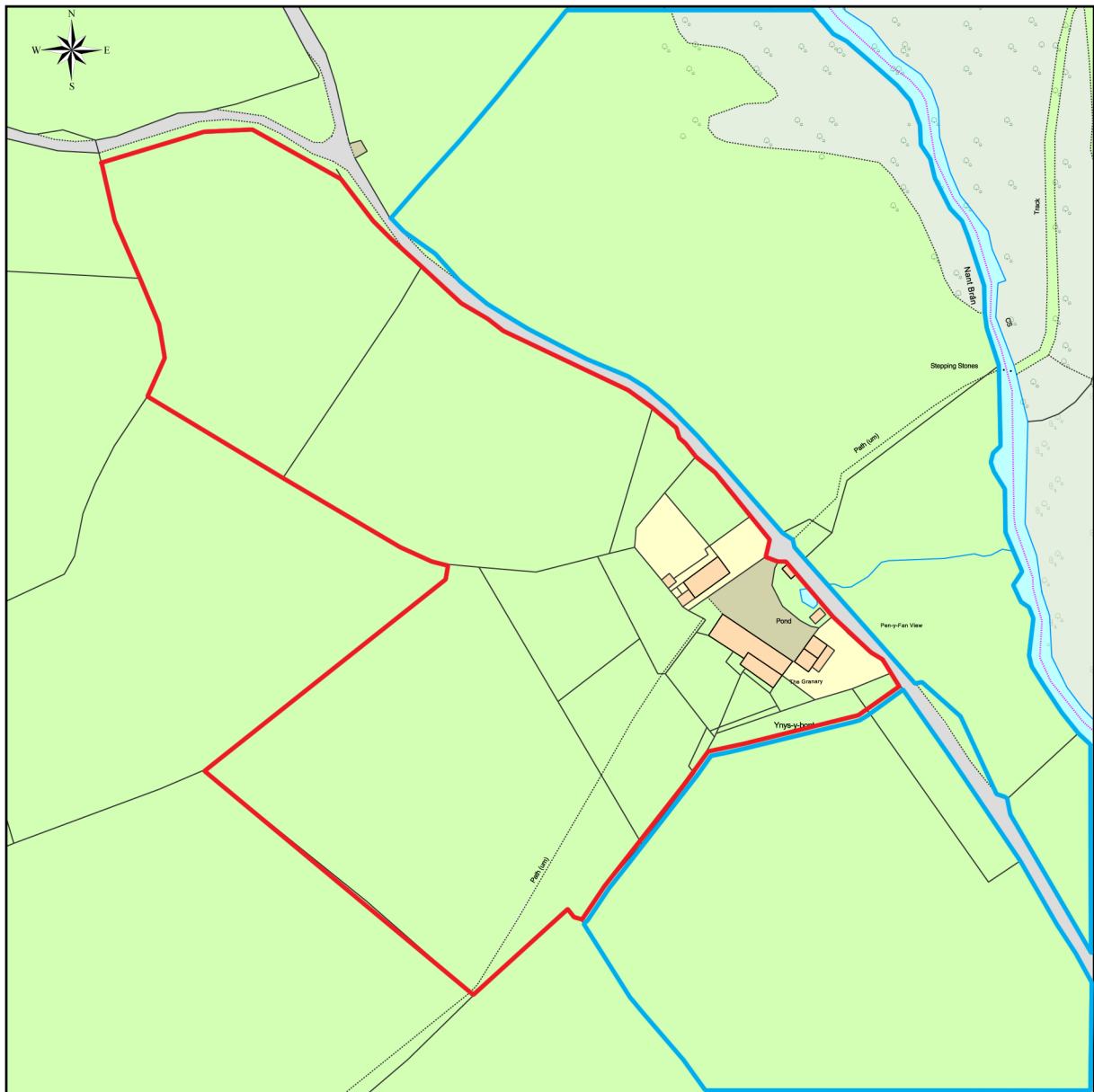
The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

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Case Officer: Gemma Bufton, Principal Planning Officer  
Tel: 01587 827505 E-mail: [gemma.bufton1@powys.gov.uk](mailto:gemma.bufton1@powys.gov.uk)

# Site Location Plan

## Ynys y Bont



This Plan includes the following Licensed Data: OS MasterMap Colour PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2018. Ordnance Survey 0100031673

0m 25m 50m 75m 100m 125m 150m 175m 200m

Scale: 1:2500, paper size: A4



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## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** P/2018/0150

**Grid Ref:** E: 309407  
N: 298493

**Community Council:** Tregynon Community

**Valid Date:** 02.02.2018

**Applicant:** Mr Martin Hough

**Location:** Land Adj To Llys Cynon, Tregynon, Newtown, Powys, SY16 3EJ

**Proposal:** Outline: Erection of 3 no. affordable dwellings and access arrangements (all matters reserved)

**Application Type:** Outline planning

### The reason for Committee determination

The application was called in by the Local Member.

### Site Location and Description

The site concerns a linear plot which adjoins the settlement boundary of Tregynon to the north and east. The surrounding land uses comprise residential development and allocated green space.

This application seeks outline planning consent for the erection of 3 affordable dwellings, all matters, including access are reserved for consideration at a later date. The application includes an indicative layout for the 3 plots and scale parameters for the proposed dwellings.

### Consultee Response

Cllr Heulwen Hulme

*E mail of the 22<sup>nd</sup> February 2018*

I wish to call into committee the above mentioned planning application on the grounds of safe access to and from the proposed development, highway concerns around church corner, no footpath into the main centre of the village and water/drainage run off onto the lower estate of Tan Y Llan which had serious flooding issues in 2007. Houses numbered 45 – 61 Tan Y Llan have existing drainage issues in their back gardens and is causing considerable local controversy.

It is outside the UDP.

I reserve the right to withdraw my call in, if I feel circumstances warrant it.

## Tregynon Community Council

*E mail of 28<sup>th</sup> March 2018*

It was noted that the amended application P/2018/0150 shows a re-located access and altered arrangement of properties in the proposed development P/2017/1137. This has not been raised elsewhere or brought to the councillors' and public's attention.

The Tregynon councillors note that they are being asked to consider this application for houses P/2018/1050 when its precursor, namely P/2017/1137, has not been approved.

1. This amendment has ramifications for application no P/2017/1137 which have not been indicated in this amendment or elsewhere. See first comment above.
2. The proposal would result in congestion on the road C2141. It is a narrow road with a lot of traffic resulting in dangerous emerging vehicles at the church junction.
3. There is no room for a pavement to be put in and there is concern about the safety of pedestrians, especially children.
4. There is a question over where sewerage will go.
5. During the disastrous floods of 2007, water ran down the slop on which this proposal is situated. This proposal could result in increased drainage problems for houses 47—59 Tan y Llan.
6. The proposal implies difficulties for refuse collection. There is no allowance for turning.
7. Will entry and exit from the existing neighbouring bungalows be safe?
8. Are the proposed houses meant to be on the open market or social housing?
9. The plan provided shows only basic detail and there is no indication of building materials or how the proposed dwellings will be in keeping with the area.

*E mail of the 9<sup>th</sup> March 2018*

At yesterday's meeting of Tregynon Community Council the councillors asked that the following comments be sent regarding the Llys Cynon application (P/2018/0150):

- a. The road C2141 is busy, with cars, farm vehicles and pedestrians. More vehicles would constitute a hazard in the same way as at the church. The proposed dwellings would be family houses with children and a pavement would be required.
- b. There is concern about building over an open water course. Heavy rain would be a hazard and it was not made clear how water runoff would be accommodated. Sewerage was not considered in the plans. Can the existing sewage works cope with additional amounts?

c. The public footpath over the field is not marked on the plan and the councillors are concerned about public access to this right of way.

d. The proposed entrance to the development is part of a private road. Plans for this entry, and implications for the owners of the private road, are not made clear.

#### PCC – Highways

*Letter of 20<sup>th</sup> August 2018*

The County Council as Highway Authority for the County Class III Highway, C2145

Wish the following recommendations/Observations be applied  
Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings to upgrade the footpath link to the village as shown on drawing numbers S070.1.3.203 & S070.1.3.200 Rev B, to be a surfaced footway with street lighting, and all associated works, shall be submitted to and approved in writing by the Local Planning Authority. Furthermore full engineering drawings to include detailed cross sections through the proposed retaining structure and the adjacent highway shall be submitted 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 Any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 30 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 59 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 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 occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of 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.

HC12 The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC13 Prior to the occupation of any dwelling a radius of 10 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.

HC15 The centre line radii of all curves on the proposed estate road shall be not less than 15 metres.

HC19 Prior to the first occupation of any dwelling, the estate road carriageway and estate road footway shall be constructed to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwellings

HC20 Prior to the occupation of any dwelling, a scheme for the construction scheme shall be submitted for the road carriageway and footways within the site. Development shall be carried out in accordance with the approved scheme.

HC22 Prior to the commencement of any other development any existing means of access shall be stopped up. A method statement for the stopping up of any access shall be submitted to and approved in writing by the Local Planning Authority prior to stopping up the access, works shall be carried out in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

HC30 Upon formation of the visibility splays as detailed in condition 7 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of

the visibility splay and retained in this position as long as the development remains in existence.

HC31 Prior to the occupation of any dwelling, the driveway and any turning area of each dwelling shall be metalled and surfaced in porous tarmac, block pavements or other porous hard surfacing.

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

*E mail of the 14<sup>th</sup> February 2018*

The County Council as Highway Authority for the County Class III Highway, C2145

Wish the following recommendations/Observations be applied  
Recommendations/Observations

This application should be deferred.

Reasons for Deferral

It is noted that the Outline Application includes 'All Matters' as being reserved. The Highway Authority request that the Planning Authority ensures that Access is determined at this stage as currently there is no safe access to the nearest County Highway. Discussions have been held with the agent, which has highlighted that the existing access is not capable of serving this development due to the sub-standard nature of the access. We therefore consider it imperative that access proposals are submitted for consideration as part of this application.

All access to the proposed development site is gained via the existing private road, which suffers from severely restricted visibility to the north east, substandard radii and gradient, and any increased use of the access as proposed would be detrimental to highway safety conditions.

Although the submitted plans are indicative, it should be noted that the proposed turning head is too small to accommodate the safe turning of a Refuse Vehicle.

Wales and West Utilities

*E mail of the 9<sup>th</sup> February 2018*

Please find enclosed a letter relating to your request. Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

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

*E mail of 12<sup>th</sup> February 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

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

## PCC - Environmental Health

*E mail of the 14<sup>th</sup> February 2018*

Foul drainage

Environmental Protection has no objection to the proposal to connect to the public mains sewer.

Construction-phase noise

The proposed development is in close proximity to existing residential properties. Environmental Protection would recommend the following condition for the protection of amenity during the construction phase of the project:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

- 0800 – 1800 hrs Monday to Friday
- 0800 – 1300 hrs Saturday
- At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site shall also only take place within the permitted hours detailed above.

## PCC - Rights of Way

Letter of the 5<sup>th</sup> March 2018

I can confirm that a public footpath 10 runs through the proposed development area. As such, Countryside Services objects to the proposal as the development shown on the plans provided will obstruct the public footpath.

It is strongly recommended that the applicant checks their proposals against the Definitive Map, which is the legal record of the location and status of public rights of way, and give full consideration to redesigning the proposed development so that it does not obstruct the public right of way.

Diverting a public right of way is a complex and lengthy legal procedure, which takes a minimum of six months to process and costs at least £2,000. The County Council is not obliged to make a diversion order and success of a Public Path Order cannot be guaranteed.

The Council will also expect any new or diverted routes to be created to a minimum width and of a suitable surface, at the developer's expense.

It is expected that all development proposals will be in-line with the guidance set out in the Powys County Council's '*Rights of Way and Development - A Practitioners Guide*', available from Countryside or Planning Services' upon request or on-line at <http://www.powys.gov.uk/index.php?id=1756&L=0>

#### PCC - Affordable Housing

*E mail of the 5<sup>th</sup> March 2018*

We seek provision of affordable housing on residential development sites in accordance with the Affordable Housing Topic Paper September 2016, and the following guidelines to be adhered to:

- All Affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime Homes and Secured by Design Standards.
- All units will have to meet the floor areas specified in Powys County Council's Affordable Housing Supplementary Planning Guidance.
- The Design Quality Requirements will be those current at the time of the detailed planning application.
- All completed Affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance sections HP7, HP8 or HP9.

#### PCC - Ecologist

*E mail of the 26<sup>th</sup> March 2018*

Sources of Information:

A Preliminary Ecological Appraisal has been completed by Turnstone Ecology (January 2018). These observations are based on the findings of the PEA and an interpretation of available aerial and street imagery, plans and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

Although the application description is for 9 no. dwellings I note that the amended Proposed Site Plan (ref: 5050-1-1-702 A) includes only 3 dwellings.

Summary of historical species records:

Protected and priority species recorded within 1km of the proposal include slow worm, common toad, common frog, various bat species, various bird species (including red kite), hedgehog, hare, palmate newt, badger, stoat and polecat.

Protected Species/Habitats:

The PEA report confirms that the proposal is located within an improved grassland field and forms Phase 2 of a housing development at the site. The north-western site boundary consists of a mature hedgerow and access to the site will be via the existing field access in the north-eastern boundary.

Although no boundary features will be affected, considering the close proximity of the development to boundary hedgerows and trees the PEA report recommends that a suitable buffer zone is established, which conforms to BS5837:2012, to protect the roots of these features. A tree and hedgerow protection plan, which meets the requirements of BS5837:2012, should therefore be submitted to the local planning authority for their approval prior to commencement of works.

Following the site survey the PEA report confirms that the following protected species may be present on site and makes recommendations for avoiding or mitigating impacts on them, where relevant:

- Badger: no evidence observed but optimal foraging and sett-building habitat present in the grassland and hedgerows. Recommendations made for implementation of avoidance measures for animals becoming trapped during the works.
- Bats: no suitable roosting habitat within the development boundary but three mature Ash trees 10m outside the north-western boundary have potential. The surrounding hedgerows and trees offer suitable foraging/commuting habitat. The PEA report recommends that new lighting should be directed away from hedgerows and trees and long term bat roosting provision should be incorporated within the new buildings.
- Dormouse: optimal habitat within the north-western hedgerow, which connects to the south-western field boundary hedgerow. Safe working measures are recommended in the PEA report and should be implemented during the works.
- Nesting birds: the surrounding trees and hedgerows provide suitable nesting habitat, but no vegetation clearance is understood to be required. The PEA report recommends incorporating one open-fronted and one hole nest box within the design of each dwelling.
- Reptiles: suitable habitat in the north-western and southern boundary features and therefore the PEA report recommends safe working methods to be followed during works.

Priority and LBAP Species/Habitats:

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Although no priority or LBAP habitats would be directly affected by the development, the PEA report makes recommendations for habitat enhancement via seeding the north-west corner of the site with a native species meadow mix which can eventually succeed to scrub,



and planting up gaps in the south-eastern boundary hedgerow. Such enhancements would be welcomed as providing a biodiversity net gain at the site.

The provision of bat and bird boxes within the development is also recommended within the PEA report and would be welcomed as a site biodiversity enhancement. I recommend that such enhancements are detailed in a biodiversity enhancement plan to be submitted to the local planning authority prior to works commencing.

#### Non-native Invasive Species:

The PEA report (Turnstone Ecology, January 2018) does not refer to any non-native, invasive species being present at the site.

#### Designated Sites for Nature Conservation:

The Gregynog SSSI is located approximately 750m to the north-east. However, considering the scale and nature of the proposal adverse impacts upon this site appear unlikely.

#### Further information required prior to determination of application:

I consider that sufficient information has been provided to determine the potential ecological impact of the application.

#### Recommendations:

I recommend that the observations provided above are secured by the following conditions.

#### Recommended Conditions:

Should you be minded to approve this application I recommend the inclusion of the following conditions:

The recommendations regarding badgers, bats, dormice, nesting birds, reptiles and habitats identified in Section 4 of the Preliminary Ecological Appraisal by Turnstone Ecology dated January 2018 shall be adhered to and implemented in full

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

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 scheme details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan including details of the proposed bird and bat boxes and habitat enhancement specifications shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

### Informatives

#### Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

#### Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

It is an offence for any person to:

- Intentionally kill, injure or take any dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- Under the Habitats Regulations it is an offence to:

Damage or destroy a breeding site or resting place of a dormouse. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

Relevant UDP Policies:

SP3 Natural, Historic and Built Heritage

ENV 2: Safeguard the Landscape

ENV 3: Safeguard Biodiversity and Natural Habitats

ENV 6: Sites of Regional and Local Importance

ENV 7: Protected Species

CADW

*Letter of 15<sup>th</sup> June 2018*

Thank you for your letter of 11 June 2018 inviting our comments on the additional information submitted for the above planning application.

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. 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 related guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

#### Assessment

Located within a 3km buffer of the application area is scheduled monument Tregynon Moated Site MG204, which consists of the well preserved earthworks of a medieval moated homestead.

The proposed development is for three dwelling, phase 2 of a small residential development on the south side of Llys Cynon.

The proposal is located some 300m northwest of scheduled monument and will be visible from it, seen in front of existing houses on the north side of Llys Cynon. Thus whilst bringing the current settlement slightly closer to the monument, the present general view from the monument will not be significantly altered. Consequently the proposed development will not cause any damage to the setting of scheduled monument.

*Letter of 20<sup>th</sup> February 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 MG204 Tregynon Moated Site or the registered Gregynog Historic Park and Garden. Our assessment of the application is given below.

### Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority. It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

### National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24 : The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

### Assessment

The application area is located some 300m northwest of scheduled monument MG204 Tregynon Moated Site. The proposed development will be visible from the scheduled monument in front of the existing houses on the north side of Llys Cynon and thus whilst bringing the current settlement closer to the monument the current vista from the monument will not be significantly altered. Consequently the proposed development will not cause any damage to the setting of scheduled monument MG204.

The application area is located some 220m outside the boundary of the registered Gregynog Historic Park and Garden but is inside its' essential setting as show on the citation. The proposed development will be visible from the boundary of the Historic

Park and Garden but will be seen as an extension of the current village. Consequently the proposed development will not cause any damage to the setting of the registered Gregynog Historic Park and Garden.

#### CPAT

*E mail of 12<sup>th</sup> June 2018*

I write to confirm that there are no archaeological implications for the proposed development.

*E mail of 13<sup>th</sup> February 2018*

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

#### Built Heritage

*26<sup>th</sup> November 2018*

Recommendation - No objection

Background to Recommendation

Designations

In close proximity to listed buildings

Cadw ID 8683 The School House included on the statutory list on 23/11/1987

Cadw ID 18147 Tregynon School included on the statutory list on 23/11/1987

Cadw ID 18148 Tregynon School boundary wall included on the statutory list on 23/11/1987

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 9<sup>th</sup> edition 2016

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales – Annexe to TAN24

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

## Comments

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, "Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Section 6.1.4 of Planning Policy Wales 9th edition requires that "Decisions on planning applications and listed building and conservation area consents must be based on adequate information provided by the applicant and any action must be in proportion to the impact of the proposals, and the effects on the significance of the assets and their heritage values." Section 1.26 of TAN 24 advises that "It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings." Paragraph 4.5 of the guidance Managing Change to Listed Buildings repeats this requirement.

The proposal is for the development of a parcel of land adjacent to the settlement boundary at Tregynon.

The site is elevated above the village and visible from the lower ground, and is in close proximity of the listed school and school house. However no assessment of the setting of the listed buildings accompanied the application.

It is noted that the site and the adjoining site were submitted as a candidate site (reference 81) where no objection was raised on built heritage terms to the principle of the development of this site. Given the relative distance between the listed buildings and the site and the dwellings directly in front of the listed buildings I would not consider that the proposal would affect the setting of the listed buildings.

However it is noted that the application is made in outline with all matters reserved, and that care should be taken with the design especially the roofscape and materials of this site and I would request that consultations are undertaken at reserved matters stage

Natural Resource Wales

*E mail of 12<sup>th</sup> June 2018*

Our comments are with reference to drawing SO70.1.1.202 Rev A which shows the proposal has reduced from 9 to 3 dwellings. We note the current proposal will not directly impinge on the stream across the field and we have no objection to the proposal. Our recommendation on ecology remain as per our response dated 21/02/2018 (CAS-54752-X1F8).

*Letter of 23<sup>rd</sup> February 2018*

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

Summary of Requirements and Conditions

Condition 1– EPS: All avoidance and mitigation measures described in section 4 of the Preliminary Ecological Appraisal report dated January 2018 by Turnstone Ecology are secured through planning conditions and/or a Section 106 agreement.

Condition 2 – EPS: Any exterior security or decorative lights shall be less than 3m from the ground and fitted with hoods to direct the light below the horizontal plane, at an angle of less than seventy degrees from vertical. Lighting must be less than 3 lux at ground level and there shall be no light splay exceeding 1 lux along hedgerows and trees. Any lighting shall be Passive Infrared (PIR) triggered.

Protected Species

We note that the Preliminary Ecological Appraisal report dated January 2018 by Turnstone Ecology submitted in support of the above application, has identified potential for bat and dormouse use of the trees and hedgerows present at the application site.

Bats, dormice and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (SI2017 No.1012). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats and dormice on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.



In this case, we do not consider the proposal is likely to harm or disturb any bats, dormice or their breeding sites and resting places at this site provided appropriate reasonable avoidance measures, as identified in section 4 of the Ecological appraisal, are secured via the imposition of planning condition.

It is not clear from the proposed block plan whether the existing hedgerows and trees present on site will be retained. The layout of the proposal has scope for the retention of all existing boundary features which have been identified as being important as wildlife corridors and we would encourage the developer to retain these. It will be important to fence off a 3 metres Root Protection Zone that will provide a safe, undisturbed corridor for dormice and a sensible exterior lighting plan that will minimise light spill onto hedgerows and linear features used by foraging bats and dormice.

Condition 1– EPS: All avoidance and mitigation measures described in section 4 of the Preliminary Ecological Appraisal report dated January 2018 by Turnstone Ecology are secured through planning conditions and/or a Section 106 agreement.

Condition 2 – EPS: Any exterior security or decorative lights shall be less than 3m from the ground and fitted with hoods to direct the light below the horizontal plane, at an angle of less than seventy degrees from vertical. Lighting must be less than 3 lux

at ground level and there shall be no light splay exceeding 1 lux along hedgerows and trees. Any lighting shall be Passive Infrared (PIR) triggered.

#### Foul Drainage

There is no information at outline stage on the proposed method of foul water disposal, however, due to the presence of the mains connection points in the area we envisage that connection to the mains sewer will be feasible in accordance with government policy.

Should this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website <https://naturalresources.wales/permits-and-permissions/water-discharges/?lang=en>

#### Pollution Prevention

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at:

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

#### Culverting

According to our detailed river network records, a small stream/ditch (ID 3001) runs across the site.

It is not clear whether culverting of this stream has been proposed, however some of the houses' gardens and the access road appears to be located over the stream. Culverting of

a watercourse requires land drainage consent. We therefore advise you to consult with the internal drainage board (IDB) for further advice.

NRW is generally opposed to unnecessary culverting of watercourses as this can increase the risk of flooding, restrict maintenance requirements and can destroy wildlife habitats.

#### 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.

#### Land Drainage

Don't think Powys LLFA has made comment to you regarding the above application, in particular, that relating to the revised drawing no. S070.1.1.202 Rev B – Proposed Site Plan. Having considered the proposal and would make the following comments/recommendations.

#### **Land Drainage / Local Flood Risk.**

The LLFA does not hold any records in respect to flooding of the application site but note representation has been made to the LPA regarding surface water run-off flowing across the site during past storm events. Having visited site, it is noted that there are several existing highway drainage ‘grips’ discharging onto the lower application site from the public highway. These highway drainage ‘grips’ allow surface water run-off to discharge from the public highway onto the lower land. I can therefore imagine that where reference to water flowing down the field has been made in the representation(s) that this will more than likely be from the existing highway surface water drainage grips discharging onto the application site.

No drainage details have been submitted to reflect the presence of the highway drainage discharges.

These highway drainage discharges have been established over time and will therefore need to be safeguarded.

I would also point out that an existing ordinary watercourse is located in close proximity to this revised development proposal. Reference is made under Item 5 – *Assessment of Flood Risk* on the Planning Application form where it indicates that the site is not within 20 metres of a watercourse. This is incorrect.

No further reference has been made in the submission to recognise the existence of this watercourse and how it will be safeguarded.

No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of the watercourse, which would also allow for any overland flows, without prior permission of the LPA.

**Recommendation:** No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of the watercourse, which would also allow for any overland flows, without prior permission of the LPA.

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

### **Surface Water Drainage.**

The hydrology of receiving water bodies can be affected by the presence of a new impermeable surface. A new road and dwellings will, more than likely, increase the volume of runoff that reaches the receiving watercourse and also reduce the time it takes to get there. This has implications for channel stability, aquatic habitats and flooding. Where the movement of any existing watercourse channel is required, this may also affect the local hydrological regime.

Reference is made to surface water drainage under Item 5 – *Assessment of Flood Risk* on the Planning Application form, where it states surface water runoff is to be disposed through the use of sustainable drainage system (SuDs).

No surface water drainage details or layout drawings have been submitted to indicate how the proposed development will be drained/disposed. The LLFA would recommend that the surface water design for this development proposal follow and incorporate Welsh Government's statutory standards for SuDS design standards - <https://gov.wales/docs/desh/publications/190108-suds-statutory-guidance-en.pdf>.

A Drainage Strategy will be required (to include the proposed measures to safeguard the existing highway drainage discharges), the scope of which will need to be agreed with the Lead Local Flood Authority.

**Recommendation:** No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwellings are occupied.

**Reason:** To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.

### **Public Response**

A site notice was erected for a continuous period of 21 days, no decision was made during this period.

A total of letters of objection have been received, each objection has been taken into full consideration in the determination of this application. The grounds for objection are summarised below:

- Capacity of the existing highway network to accommodate the cumulative housing developments in this area
- Loss of green space designated under the LDP
- The indicative scale of the dwellings are out of context and would appear overbearing
- Overdevelopment of Tregynon in combination with the planned growth under the LDP
- Increased surface water run off from the site causing off site localised flooding
- Impact on ecology; particularly loss of habitat of slow worms

## **Planning History**

P/2017/0621- Residential development comprising of up to 5 dwellings, formation of vehicular access and access road and all associated works. Application withdrawn

P/2017/1137- Erection of 5 no. dwellings, formation of vehicular access road and all associated works. Pending

## **Principal Planning Policies**

### National Planning Policy

Planning Policy Wales (9<sup>th</sup> Edition, November 2016)

Technical Advice Note 1-Joint Housing Land Availability Study (2015)

Technical Advice Note 2-Planning and Affordable Housing (2006)

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 (2007)

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

Technical Advice Note 24-The Historic Environment (2017)

### Local Development Plan (April 2018)

SP1-Housing Growth

SP3-Affordable Housing Target

SP6-Distribution of Growth Across the County

DM2-The Natural Environment

DM3-Public Open Space

DM4-Landscape

DM5-Development and Flood Risk

T1-Travel, Traffic and Transport Infrastructure

H1-Housing Development Proposals

H2-Housing Sites

H3-Housing Delivery

H4-Housing Density

H5-Affordable Housing Contributions

H6-Affordable Housing Exception Sites

Affordable Housing SPG (2018)

## Biodiversity and Geodiversity SPG (2018) Planning Obligations SPG (2018)

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 new residential development on the proposed site

In line with the strategic housing policies, policy H1 supports housing development which is in keeping with its location in terms of scale and type. Tregynon is classified in the LDP as a 'large village', the site is located outside of Tregynon settlement boundary, as defined by the LDP and as such Criteria 1(ii) is relevant.

The site comprises a linear strip of land which adjoins the grounds of existing dwellings to the west, and adjoins the settlement boundary to the east, with housing development on the adjacent side of the road to the north. Consent has been granted for development of 5 dwellings within the settlement boundary to the east (P/2017/1137). The northern and eastern boundary of the site adjoins the settlement boundary.

The Authority consider the site forms a logical extension to the settlement boundary of a large village, in such locations affordable housing schemes, in accordance with policy H6, are considered acceptable in principle, subject to the scheme meeting all detailed material considerations.

The information submitted in January demonstrates that the proposed development meets the affordable housing criteria set out under the LDP affordable housing supplementary planning guidance.

The site is located adjoining a large village and in line with the SPG required to be developed by an RSL. As such, the affordable housing condition will require details of transfer to an RSL.

#### Suitability of access arrangements

Access is considered under this application, detailed plans have been submitted during the course of the application detailing the proposed method of access to the site and associated highway works.

The scheme submitted of the 8<sup>th</sup> June 2018 (S070.1.3.200) details a new access created off the C2145. It is proposed that this access would serve the proposed site under this application and the adjoining pending site.

The amended plans detail an access considered acceptable in terms of highway safety, subject to the inclusion of the conditions recommended by the highway authority. The first recommended condition relates to the upgrade of the existing footpath link with the village. The proposed scheme is a for 100% affordable development. The Authority consider the benefit of an affordable housing scheme should not be compromised by requiring the upgrade of highway infrastructure. As such the first condition recommended by the highway authority as part of their response has not been included as part of the consent.

The scheme is considered in accordance with highway standards and in keeping with the requirements under policy T1 of the LDP.

#### Impact on landscape character

Policy DM4 seeks to maintain the distinctiveness of Powys' landscape in order to safeguard the quality of its environment and ensure social, cultural and economic well being. Policy DM4 sets out the criteria for which new development shall be assessed in terms of their impact on the landscape.

In order to avoid development having an unacceptable adverse impact on valued characteristics and qualities of the Powys landscape, proposals should be integrated and be of an appropriate scale and design. Landmap attributes a value of moderate to landscape, geological and visual and sensory landscape characteristics. High values are attributed to cultural and historic landscape characteristics, these values are based on the historic features in the wider surrounding area, including Gregynog Hall and gardens.

The proposed site comprises and greenfield strip of land which adjoins existing or proposed housing development on three sides of the site. While a parcel of the green field would be lost, this would be a small area in relation the area of field to be retained. The surrounding land character is predominantly urban given Tregynon is classified as a large village and the proposed housing development would alter its existing character or have an unacceptable impact on any valued characteristics or qualities.

#### Visual and neighbour amenity impact

Policy DM4 and DM13 seek to protect the visual attractiveness of areas from development which would appear overbearing or obstructive within incoming views. Policy DM13 also seeks to ensure schemes are carefully designed so as not to reduce the amenity enjoyed by the occupiers of existing dwellings close to the proposed development and the amenity of any future occupiers.

The main incoming view of the site is from the south, within these views the proposed dwellings would be viewed in context with the existing dwellings to the north of the site. The dwellings on the adjacent side of the site to the north occupy a slightly elevated position in relation to this site. There is sufficient separation distance between the developments to ensure there would be no issue in terms of the existing dwellings appearing overbearing and the difference in ground level and separation distances ensure there would be loss of amenity to the existing occupiers or future occupiers of the proposed dwellings.

The adjoining site is subject to a pending application for residential development. This application is submitted in outline and there is sufficient space available within the site to ensure the dwellings could be designed in a way that there would be no amenity impact on the future occupiers of either site.

#### Impact on the historic environment

The site is in proximity to the Scheduled Ancient Monument (SAM) Tregynon Moated Site (MG204), Gregynog Historic Park and Garden and Gregynog Listed buildings.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The Barnwell Manor case the Court of Appeal made it clear that in enacting s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

The site is approximately 300m northwest of the SAM, CADW note in their response that the proposed development would be visible from the SAM and would bring development marginally closer to the SAM. However, given the existing dwellings to the north, the current vista from the SAM would not be significantly altered and as such CADW concludes in their response that the setting of the SAM would remain undamaged as a result of the proposed development.

The site is approximately 220m from the boundary of the Historic Park and Garden, the site is within the 'essential setting' as shown on the citation. CADW advise the development would be visible from the Park and Garden but would be viewed as an extension of the current village and as such would not damage the setting of the Park and Garden.

The built heritage officer notes the separation distance between the listed buildings and the site and intervening development between the site and listed buildings. Based on the separation distance and intervening development, the built heritage officer raises no objection to the proposed scheme.

As such it is considered that the proposed development does not harm the setting of the listed buildings or scheduled monuments and is therefore considered to be in accordance with policy SP7 of the Local Development Plan, TAN24, PPW and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Impact on ecology

Policy DM2 seeks to ensure development does not have an unacceptable adverse impact on the conservation status of protected species. The proposed site comprises a parcel of green field, in order to ensure any potential impact is suitably mitigated, a preliminary

ecological survey was carried out by Turnstone Ecology in January 2018. Chapter 4 of the ecological report details suitable mitigation, a condition of any forthcoming consent shall require this mitigation is included on the detailed design plans submitted at the reserved matters stage of the application process. A condition of any forthcoming consent would also require that a lighting scheme is submitted and approved prior to the erection of any external lighting, this is to ensure the habitat of nocturnal animals is protected.

The County ecologist and NRW raise no objection to the proposed scheme.

#### Impact on the public rights of way network

Public footpath 10 appears to run through the eastern part of the site and along the south eastern corner. The Ramblers Association highlight in their response this is an important route which connects the village to Gregynog. The indicative map has not taken account of the route of the footpath, the detailed scheme submitted under a future reserved matters application would need to demonstrate that the route would remain unobstructed or the footpath would need to be diverted if a diversion is considered possible by Countryside Services, the advice given by Countryside Services in their response should be noted when considering whether or not to seek to divert the footpath.

#### Suitability of foul and surface water treatment

Planning Policy Wales and Circular 008/2018 are relevant when considering the suitability of drainage proposals. The development occupies a parcel of land at the top of sloping greenfield land. A number of third party responses have raised concerns regarding the potential for increased flooding on the properties at the base of the slope to the south of the site.

The proposed development would introduce new areas of hardstanding and as such the discharge of surface water is particularly important given the site's constraints. NRW consider the site is in reasonable distance to the mains sewerage system connection points, in line with PPW a scheme for connection to the mains sewerage system should be submitted and approved prior to development commencing.

Severn Trent have been consulted on the application and offer no objection subject to a condition requiring a drainage scheme to be submitted prior to the commencement of development.

As such, whilst third party concerns are acknowledged, in light of comments received from Severn Trent and NRW it is considered that the development fundamentally complies with the relevant local and national policies.

#### Surface water drainage

Planning Policy Wales seeks to ensure new development includes an efficient means of surface water drainage and would not directly exacerbate surface water flooding.

The land drainage officer has assessed the scheme and while concern is raised regarding the accuracy of information submitted with the scheme, they raise no objection to the proposal provided a surface water drainage scheme and safeguarding zone is secured



around the watercourse which is within 5 metres of the site. These requirements shall be secured via condition on any forthcoming consent.

In accordance with the records retained by NRW, there is a stream/ditch which runs across the site. No information has been submitted with the application which details culverting a watercourse. A condition of any forthcoming consent would require a scheme for managing the watercourse to be submitted and approved by the LPA, the scheme would need to have been designed in consultation with the internal drainage board (IDB).

### **Recommendation to Members**

In light of the above, it is considered that the proposed development complies with both local and national policies and is recommended for approval subject to the conditions outlined below.

### **Conditions**

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4 The development shall be carried out in accordance with the following approved plans and documents, plan references include proposed site plan (S070.1.1.202), Revised Location Plan (S070.1.3.200),
- 5 Any entrance gates shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.
- 6 The gradient of the access shall be constructed so as not to exceed 1 in 30 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.
- 7 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.
- 8 Before any other development commences the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 59 metres distant

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

9 Before any other development commences the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 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.

10 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

11 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.

12 The width of the access carriageway, constructed as Condition 8 above, shall be not less than 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

13 Prior to the occupation of any dwelling a radius of 10 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.

14 The centre line radii of all curves on the proposed estate road shall be not less than 15 metres.

15 Prior to the first occupation of any dwelling, the estate road carriageway and estate road footway shall be constructed to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwellings

16 Prior to the occupation of any dwelling, a scheme for the construction scheme shall be submitted for the road carriageway and footways within the site. Development shall be carried out in accordance with the approved scheme.

17 Prior to the commencement of any other development any existing means of access shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

18 Upon formation of the visibility splays as detailed in condition 7 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

19 Prior to the occupation of any dwelling, the driveway and any turning area of each dwelling shall be metalled and surfaced in porous tarmac, block pavements or other porous hard surfacing.

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

21 Prior to the commencement of development, a scheme for the disposal of surface water drainage from the site shall be submitted and approved in writing by the local planning authority. Works shall be carried out with the approved scheme.

22 All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

- o 0800 - 1800 hrs Monday to Friday
- o 0800 - 1300 hrs Saturday
- o At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site shall also only take place within the permitted hours detailed above.

23 Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of housing units/bed spaces;

ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;

iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

- 24 The affordable dwelling shall have a maximum gross floor area of 115 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.
- 25 The recommendations regarding badgers, bats, dormice, nesting birds, reptiles and habitats identified in Section 4 of the Preliminary Ecological Appraisal by Turnstone Ecology dated January 2018 shall be adhered to and implemented in full.
- 26 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
- 27 Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
28. No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of the nearest watercourse.
29. Prior to commencement of development, a scheme for the management of the nearest watercourse shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

## **Reasons**

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 3 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 4 To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
- 5 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 (2018)
- 6 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 (2018)
- 7 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 8 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)

- 9 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 10 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 11 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technica Advice Note 18 (2007)
- 12 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 13 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 14 In the interests of highways and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 15 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 16 In the interests of highway safety and to accord with Powys Local Development Plan policy T1 and Technical Advice Note 18 (2007)
- 17 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 18 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 19 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 20 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 21 In order to satisfactorily discharge surface water and to accord with Planning Policy Wales (9th Edition, November 2016)
- 22 In the interests of neighbour amenity and to accord with Powys Local Development Plan policy DM13 (2018)
- 23 In order to control new residential development in the open countryside and to accord with Powys Local Development Plan policies SP1, SP5 and H6 (2018)
- 24 In order to control new residential development in the open countryside and to accord with Powys Local Development Plan policies SP1, SP5 and H6 (2018)

25 In the interests of ecology and to accord with Powys Local Development Plan policy DM2 (2018)

26 In the interests of ecology and to accord with Powys Local Development Plan policy DM2 (2018) and Technical Advice Note 5 (2009)

27 In the interests of ecology and to accord with Powys Local Development Plan policy DM2 (2018) and Technical Advice Note 5 (2009)

28 In order to ensure a sufficient means of surface water drainage and to accord with Planning Policy Wales (10<sup>th</sup> Edition, 2018).

29 In order to ensure a sufficient means of surface water drainage and to accord with Planning Policy Wales (10<sup>th</sup> Edition, 2018).

### **Informative Notes**

1 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:

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

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

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

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- o Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

Dormice - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

It is an offence for any person to:

- o Intentionally kill, injure or take any dormice.
- o Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- o Under the Habitats Regulations it is an offence to:  
Damage or destroy a breeding site or resting place of a dormouse. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 that works to trees or buildings where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

## 2 Pollution Prevention

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at:

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

## Culverting

According to our detailed river network records, a small stream/ditch (ID 3001) runs across the site.

It is not clear whether culverting of this stream has been proposed, however some of the houses' gardens and the access road appears to be located over the stream. Culverting of a watercourse requires land drainage consent. We therefore advise you to consult with the

internal drainage board (IDB) for further advice.

NRW is generally opposed to unnecessary culverting of watercourses as this can increase the risk of flooding, restrict maintenance requirements and can destroy

Signed:.....

Dunya Fourie Planning Officer

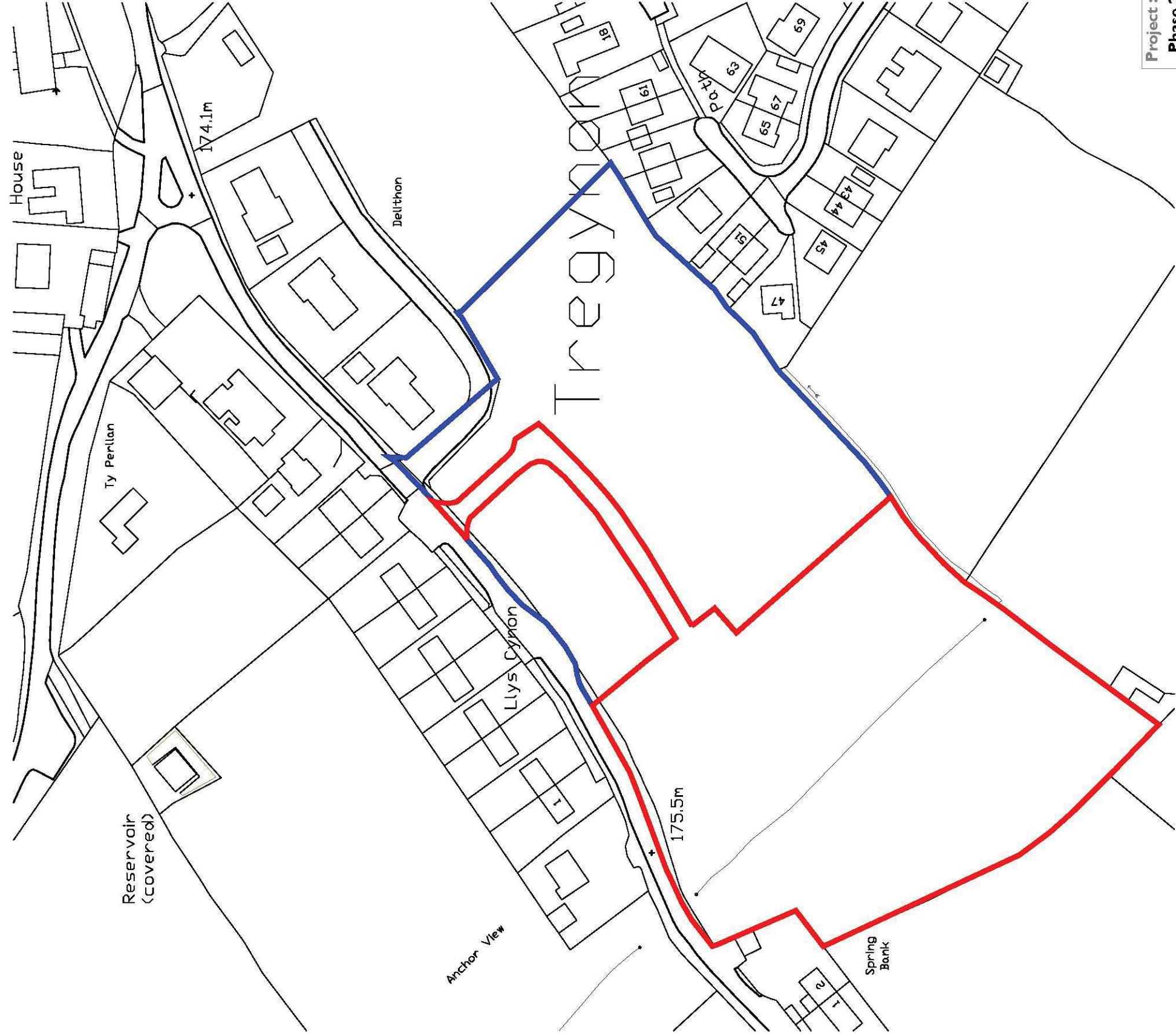
Date:

Signed:.....

Principal Planning Officer/Interim Planning Solicitor

Date:





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Any discrepancies should be reported immediately.

Any surveyed information incorporated within this drawing cannot be guaranteed as accurate unless confirmed by a fixed dimension. All dimensions are in millimetres unless noted otherwise.

APPLICATION SITE BOUNDARY  
ADJACENT LAND IN APPLICANTS OWNERSHIP



Project :- Phase 2 - Residential Development. Land at Llys Cynon, Tregynon, Powys			
Drawing Status :- <b>PLANNING</b>	Drawing Title :- Location Plan		
Scale :- 1:1250@A3	Date :- 05.09.17	Drawing No :- S070.1.3.200	Rev :- A
Drawn by :- SG	Checked :- RL		

Rev A - Layout revised to incorporate access - 08-06-18 - RL



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# 4.6

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 18/0922/RES

**Grid Ref:** E: 320376  
N: 290839

**Community Council:**

**Valid Date:** 16.11.2018

**Applicant:** Powys County Council

**Location:** Land Adjacent to Southeast of Village Hall, Sarn, Newtown, Powys, SY16 4HQ

**Proposal:** Reserved matters for details of access, appearance, landscaping, layout and scale in connection with proposed development of 7 no. affordable dwellings and all associated works

**Application Type:** Reserved Matters

### The reason for Committee determination

This application is submitted by Powys County Council.

### Site Location and Description

This application site is located off the classified highway (C2053) opposite Sarn School and adjacent to the Village Hall. The site comprises of an agricultural field used for the purposes of grazing. The site is bound by agricultural land to the south east and south west. The classified highway bounds the site to the north east.

The site subject to this application benefits from outline planning consent (all matters reserved) for the erection of 7x affordable dwellings, alterations to road, provision of footpath, formation of access to agricultural land and associated works granted under planning reference P/2017/1489.

This reserved matters application seeks consent for the details reserved for future consideration, namely, access, appearance, landscaping, layout and scale.

### Consultee Responses

#### Consultee

#### Received

Community Council

10th Dec 2018

Community Councillors have now considered this application and wish to respond as

follows:

18/0922/RES

Grid Reference: E:320376 N: 290839

Land Adjacent To Village Hall , Sarn, Newtown, SY16 4EJ

Reserved matters for details of access, appearance, landscaping, layout and scale in connection with proposed development of 7 no. affordable dwellings and all associated works

."Council wishes to reiterate their response to the outline application P/2017/1489."

"Council object to these amended plans to erect 7 dwellings as it is felt that the style and number will significantly change the character of the village."

"They continue to support the original plan for 5 detached dwellings as discussed at the recent site meeting".

PCC-Building Control

23rd Nov 2018

Please be aware that Building Regulation approval will be required.

Wales & West Utilities - Plant Protection  
Team

28th Nov 2018

Wales & West Utilities acknowledge receipt of your notice received on 22.11.2018, advising us of the proposals for:

Land Adjacent, Sarn Village Hall, Sarn, NEWTOWN, Powys, SY16 4EJ

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.

Hafren Dyfrdwy

27th Nov 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.

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

- o 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
- o 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

Hafren Dyfrdwy 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 Hafren Dyfrdwy to discuss the proposals. Hafren Dyfrdwy 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.

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

If you would like a copy of this in Welsh, please let us know.

Highway Authority

6<sup>th</sup> March 2019

The County Council as Highway Authority for the County Class III Highway, C2053

Wish the following recommendations/Observations be applied  
Recommendations/Observations

Prior to any other works commencing on the development site, detailed engineering drawings for a road widening and footway along the Class III C2053 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

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

Prior to the commencement of any other works on the development site, the access and visibility splays are to be constructed in accordance with drawing number 2647/P21/002 Rev B.

- HC1 Prior to the occupation of any dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
- HC2 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
- HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom in accordance with CSS Wales Parking Standards, excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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

HC21 Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

HC30 Upon formation of the visibility splays as detailed 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.

## **Representations**

A public site notice was erected at this site on the 13<sup>th</sup> December 2018. No third party representations have been received by Development Management at the time of writing this report.

## **Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/2017/1489	Outline: Erection of 7x affordable dwellings, alterations to road, provision of footpath, formation of access to agricultural land and associated works (all matters reserved)	Consent	15th Mar 2018

## **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy

TAN2	Planning and Affordable Housing	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN12	Design	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP1	Housing Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026



H2	Housing Sites	Local Development Plan 2011-2026
H6	Affordable Housing Exception Sites	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026

### **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

This application site has the benefit of outline consent granted for the erection of 7 affordable dwellings, alterations to road, provision of footpath, formation of access to agricultural land and associated works under application P/2017/1489. This reserved matters application considers the details reserved at the outline stage and includes access, scale, appearance, layout and landscaping.

On the basis of the above, it is considered that the principle of development at this location is acceptable.

#### 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 residential development includes the provision of 7 dwellings to comprise of two 2 bed terrace houses, one 3 bed house and four 2 bed bungalows. The proposed terrace houses will measure approximately 8.7 metres in length, 6.8 metres in width, 5 metres in height to the eaves and 6.8 metres in height to the ridge individually. The combined length of the block of three, two storey dwelling will measure approximately 23.9 metres in length.

The proposed bungalows are to be semi-detached with an internal floorspace of approximately 65 square metres. The bungalows will measure approximately 10 metres in length, 8.1 metres in width, 2.8 metres in height to the eaves and 5 metres in height to the ridge. The bungalows are semi-detached blocks which measure a total of 20 metres length.

The proposed dwellings are to have walls finished in render, brick plinth, with roofs clad in slate, softwood joinery, aluminium clad porch covering and solar panels to the roof. Officers consider that the proposed materials will complement and enhance the character and appearance of the surrounding area.

In light of the above, Officers consider that the proposed design, scale, massing and proposed materials will complement and enhance the character and appearance of the surrounding area and fundamentally complies with 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.

Access to the proposed development will be provided off the county highway with parking and turning provision within the site boundary. As part of this application process the Highway Authority has been consulted. No objection has been received from the Highway Authority subject to a number of recommended conditions to be attached to any grant of consent. Officers are satisfied that subject to the recommended conditions the proposed development complies with the relevant policies.

In light of the Highway Officers comments, Officers consider that the proposed development is in accordance with planning policy, particularly policy DM13 and T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales.

### Layout and Landscaping

The proposed dwellings form a frontage along the C2053 classified highway set behind the proposed highway turning and parking areas for the dwellings. The site is located adjacent to the village hall and opposite a school with the nearest residential dwellings being the other side of the A489 classified highway. This reserved matters application includes a landscaping plan which illustrates the proposed planting specifications and the boundary treatments for the site.

Officers consider that the proposed site layout and landscaping features are considered to be acceptable given the siting of the dwellings and the surrounding topography. The proposal fundamentally complies with policy DM13 of the Powys Local Development Plan.

### Foul and Surface Water Drainage

As part of this application process Hafren Dyfrdwy has been consulted and recommended that a condition be attached to any grant of consent requiring a foul and surface water drainage scheme to be submitted and agreed. Hafren Dyfrdwy were consulted as part of the outline application (P/2017/1489) process and recommended that the same conditions be applied to any grant of outline consent. A condition in respect of foul and surface water (condition 7) was attached to the outline consent at the time of determination and therefore Officers consider that unnecessary to attach a similar condition to any grant of reserved matters being considered under this application.

In light of the above the development is considered to comply with the relevant planning policies.

### Conclusion

In light of the above considerations the proposed scale, appearance and layout of the dwellings and site is considered to be acceptable with the proposed landscaping being satisfactory. Officers find the proposed dwellings to be of a scale and design that is considered to be appropriate given the sites location and the nature of the dwellings as affordable dwellings. Sufficient information has also been submitted to demonstrate that a safe access and adequate parking/turning provision is capable of being provided.

### **RECOMMENDATION**

In light of the above, the recommendation is one of conditional consent.

### **Conditions**

1. The development hereby granted approval of reserved matters shall be begun before the expiration of two years from the date of this approval, or before the expiration of five years from the date of the outline planning permission whichever is the longer.
2. The development shall be carried out in accordance with the following approved plans and documents (2647/P21/001 REV A, 2647/P21/002 REV B, 2647/P21/003 REV B, T057.2.1.101 REV E, T057.2.1.102 REV D, T057.2.1.103 REV D, T057.2.0.104)
3. Prior to any other works commencing on the development site, detailed engineering drawings for a road widening and footway along the Class III C2053 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
4. Prior to occupation of any dwelling, 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.
5. Prior to the commencement of any other works on the development site, the access and visibility splays shall be constructed in accordance with drawing number 2647/P21/002 Rev B.
6. Prior to the occupation of any dwelling any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
7. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
8. 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 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
9. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom in accordance with CSS Wales Parking Standards, excluding any garage space

provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

10. Prior to the commencement 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.
11. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
12. Upon formation of the visibility splays as detailed 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.
13. No surface water drainage from the site shall be allowed to discharge onto the county highway.

### **Reasons**

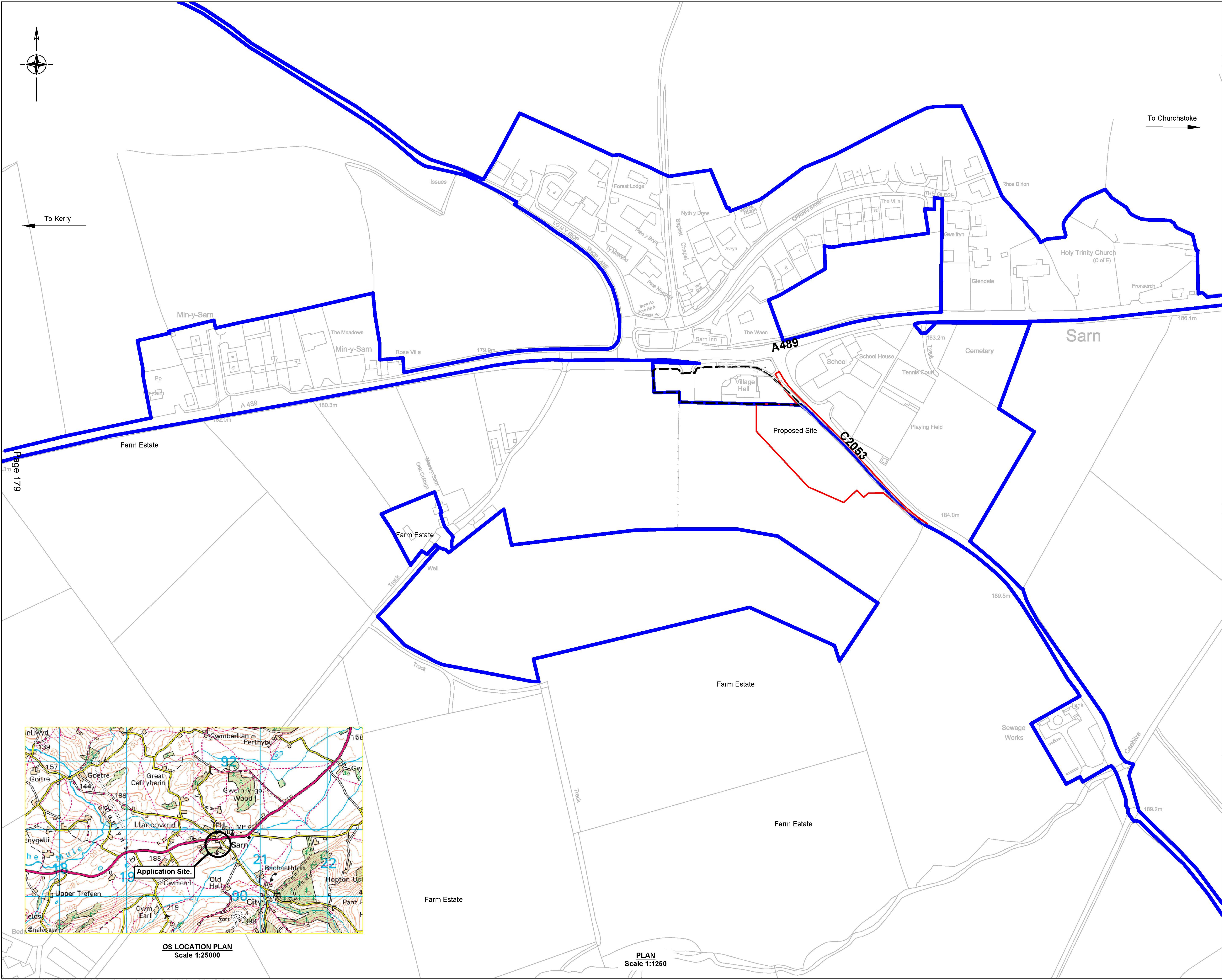
1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
4. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
5. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.
6. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.

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13. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.

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Case Officer: Bryn Pryce, Planning Officer  
Tel: 01597 827126 E-mail: [bryn.pryce@powys.gov.uk](mailto:bryn.pryce@powys.gov.uk)





Notes				
<p><u>KEY</u></p> <p>Application Boundary.</p> <p>Ownership Boundary.</p>				
<p><b>ISSUED FOR PLANNING</b></p>				
Amendments				
Rev	Date	Description	By	Chk
A	21/12/17	Scale changed to 1:1250 and outline amended	AP	

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## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 18/1065/DIS

**Grid Ref:** E: 320376  
N: 290839

**Community Council:** Kerry Community

**Valid Date:** 05.12.2018

**Applicant:** Powys County Council

**Location:** Land Adjacent to Southeast of Village Hall, Sarn, Newtown, Powys, SY16 4HQ

**Proposal:** Discharge of condition 8 of planning approval P/2017/1489 in relation to affordable housing details

**Application Type:** Discharge of Condition

### The reason for Committee determination

The applicant is Powys County Council.

### Consultee Responses

#### Consultee

#### Received

PCC-Affordable Housing Officer

18th Jan 2019

Housing has no objection to the discharge.

### Planning History

App Ref	Description	Decision	Date
P/2017/1489	Outline: Erection of 7x affordable dwellings, alterations to road, provision of footpath, formation of access to agricultural land and associated works (all matters reserved)	Consent	15th Mar 2018

### 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.

### Site Location and Description

This application site is located off the classified highway (C2053) opposite Sarn School and adjacent to the Village Hall. The site comprises of an agricultural field used for the purposes of grazing. The site is bound by agricultural land to the south east and south west. The classified highway bounds the site to the north east.

This application is for the discharge of condition 8 attached to outline planning consent granted under application number P/2017/1489 for the erection of 7x affordable dwellings, alterations to road, provision of footpath, formation of access to agricultural land and associated works (all matters reserved).

### Principle of Development

Condition 8 of P/2017/1489 states;

*Prior to commencement of development a scheme for the provision of affordable housing will be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:*

- i) the type and tenure of the affordable housing which shall consist of not less than 7 dwellings;*
- ii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];*
- iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;*
- and iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

An affordable housing scheme has been submitted as part of this application. The Affordable Housing Officers have been consulted and have raised no objection to the discharge of condition 8 based upon the information submitted with the application. Officers are satisfied that sufficient information has been submitted to enable the discharge of condition 8 of P/2017/1489.

## **RECOMMENDATION**

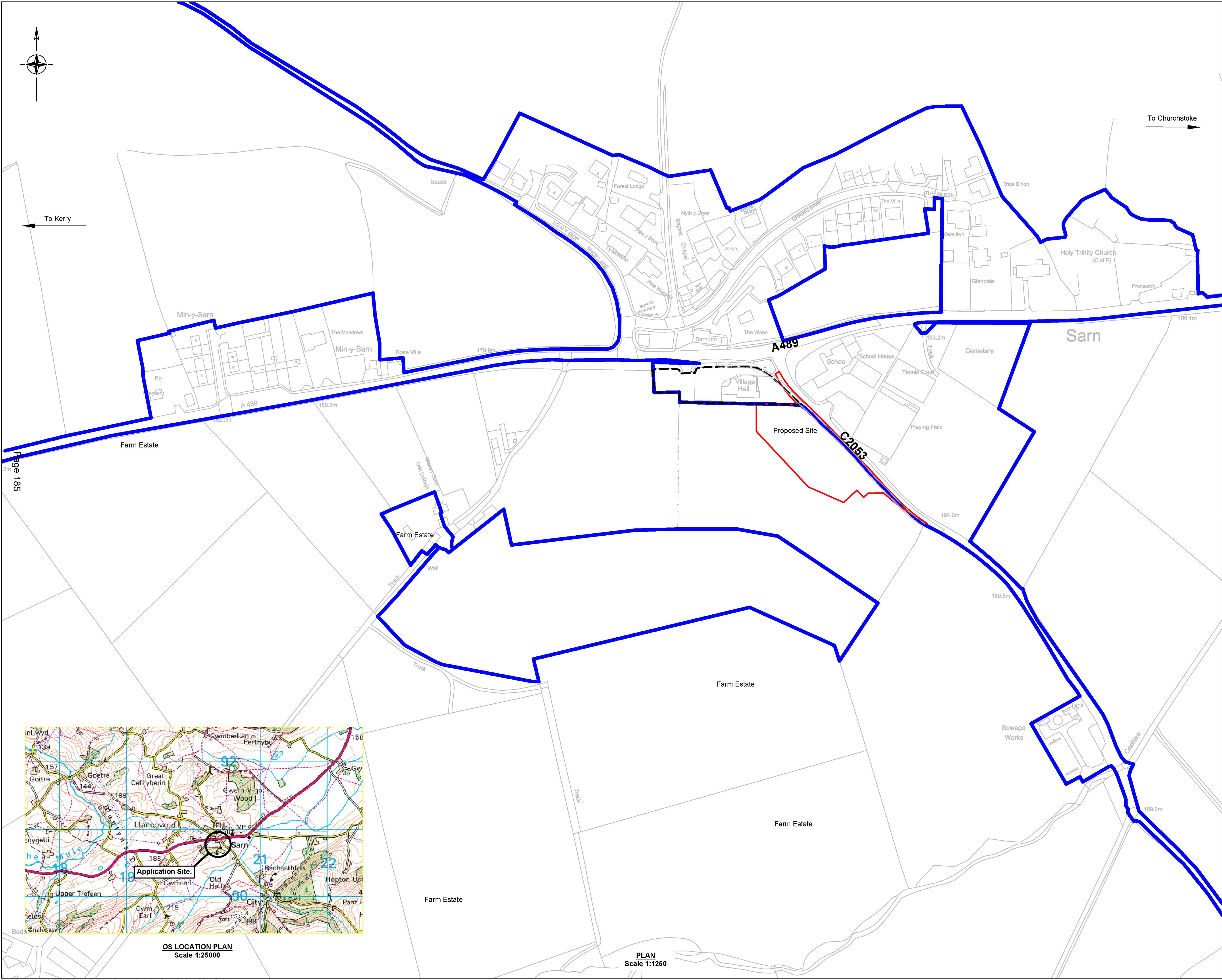
It is considered that sufficient information has been submitted in order to discharge condition 8 of P/2017/1489. The recommendation is to approve the discharge of condition 8.



---

Case Officer: Bryn Pryce, Planning Officer  
Tel: 01597 827126 E-mail: bryn.pryce@powys.gov.uk

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Notes	
<u>KEY</u>	
	Application Boundary.
	Ownership Boundary.

**ISSUED FOR  
PLANNING**

Amendments				
Rev	Date	Description	By	Chk
A	21/12/17	Scale changed to 1:1250 and outline amended	AP	

<h1 style="text-align: center;">Engineering Design Services</h1>				
	 <b>EDS West Manager:</b> Steve Hallows <a href="mailto:s.hallows@powys.gov.uk">s.hallows@powys.gov.uk</a> <b>01455 572813</b> <a href="http://www.powys.gov.uk">www.powys.gov.uk</a> Unit: Penrhynda, Aberystwyth, Ceredigion, SY23 6PA.			
	 <b>EDS East Manager:</b> Gareth Price <a href="mailto:g.price@powys.gov.uk">g.price@powys.gov.uk</a> <b>08-45 007 0060</b> <a href="mailto:h.sherlock@powys.gov.uk">h.sherlock@powys.gov.uk</a> Dept: Kilmalew Road, Third Floor, Llanfyllter, Powys, SP23 5JZ Mail: Quarry Hill, Spa Road East, Llanwrinddy Wells, Powys, LL23 5LD Note: Engineering by planning, Contract Management by Planning, LIDT TRAF			
<h2>Powys County Council</h2>				
<h2>Housing Development Sites</h2>				
<b>Drawing Title</b>				
<h1>Lland Behind Sarn Community Centre</h1>				
<h1>Location and Boundary Plan.</h1>				
By <b>LMC</b>	Checked <b>SK</b>	Scaled At	<b>1:2500</b>	
Date <b>23/10/17</b>				
Project Number		Drawing Number		Revision
<b>2647/21</b>		<b>2647/P21/001</b>		<b>A</b>
 		Drawing Filename: <b>2647_P21_Land Behind Sarn Community Centre Rev A AP</b> amendments to location plan file: <b>21/12/2017</b>		
		Last saved: _____		



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## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 19/0302/DEM

**Grid Ref:** E: 295603  
N: 284274

**Community Council:** Llanidloes Community

**Valid Date:** 27.02.2019

**Applicant:** Powys County Council

**Location:** The Old School House, Former Smithfield Depot Building, Gorn Road, Llanidloes, SY18 6BJ

**Proposal:** Application for prior notification of proposed demolition

**Application Type:** Demolition Notification

### The reason for Committee determination

Powys County Council is the applicant.

### Consultee Responses

#### Consultee

#### Received

Llanidloes Community Council

No comments received at the time of writing this report

PCC - Building Control

No comments received at the time of writing this report

PCC - Ecologist

No comments received at the time of writing this report

Natural Resources Wales

No comments received at the time of writing this report

PCC - Environmental Health

I have given consideration to the Method Statement and whilst I note the very close proximity of a residential dwelling (being attached) I am satisfied with the controls that are

being proposed from a nuisance point of view.

Therefore, I have no objection to the application.

#### PCC - Rights Of Way

No comments received at the time of writing this report

#### **Representations**

In accordance with Part 31 of the Town and Country Planning (General Permitted Development) Order, the applicant is required to display a site notice on the land for a period of not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the Local Planning Authority.

A notice of the proposed demolition works has been displayed in accordance sub paragraph A2 (b)(iii) of Part 31 of Schedule 2 of the GPDO, at the site by the applicant on the 27th February 2019. The site notice will remain in situ until the 19<sup>th</sup> March 2019.

No public representations have been received at the time of writing this report. However, it is noted that the site notice does not expire until the 19<sup>th</sup> March and therefore any public representations received during this period will be provided via an update report.

#### **Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
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None

#### **Principal Planning Constraints**

None

#### **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
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Planning Policy Wales (Edition 10, December 2018)

Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 – Demolition of



Buildings.

DM2	The Natural Environment
DM4	Landscape
DM13	Design and Resources
SP5	Settlement Hierarchy
SP7	Safeguarding of Strategic Resources and Assets

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

### **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.

#### Site Location and Description

The proposed development is located within the settlement development boundary of Llanidloes as defined by the Powys Local Development Plan. To the north of the application site is Llwyn Eiddew Cemetery and to the east is the A470 trunk road. To the south of the application site is the BT Telephone Exchange building and to the west is Glandwr House which is an attached residential dwelling to the Old School House.

The notification proposes the demolition of the former Old School House building attached to Glandwr House. The proposed demolition will allow for future residential development of social housing at the site. The Old School House is currently used by Powys County Council for storage purposes.

### Officer Appraisal

Part 31, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 permits the demolition of a building providing that the developer applies to the Local Planning Authority for a determination as to whether the prior approval of the Authority will be required with respect to the method of demolition and any proposed restoration of the site.

In instances where the Local Planning Authority considers that additional information is required in respect of the above, they are required to confirm to the applicant that prior approval is required. Where the information submitted is acceptable, the Local Planning Authority will confirm that prior approval is not required and therefore permits the developer to exercise permitted development rights under Class A as above. In every instance, consideration must be limited to the method of demolition and proposed site restoration. It is not for the Local Planning Authority to consider the general acceptability of the proposal or the loss of the specific structure/building.

Having reviewed the Demolition Method Statement, it is considered that the proposed demolition of the building would be suitably managed and that any potential impacts would be minimised. The proposed redevelopment of the site for social housing will ensure the restoration of the site is to an acceptable standard and remains a well maintained site.

The Demolition Method Statement confirms measures to reduce the amenity impact to nearby neighbours during demolition, this includes securing the site and notification of works to the occupiers of the nearest dwelling. PCC Environmental Health officer considered the Demolition Method Statement submitted and noted the very close proximity of a residential dwelling. The officer confirmed that Environmental Health are satisfied with the controls that are being proposed from a nuisance point of view and therefore raised no objection to the application. The rear elevation of Glandwr house is to be made good under a separate contract with all disturbed surfaces being refurbished.

In addition to the above issues which have been considered by the Local Planning Authority (LPA), there is also a need to consider whether an application for prior approval of development is likely to have significant effects on a European protected species. Unfortunately, at the time of writing this report no response has been received from PCC Ecologist or Natural Resources Wales and it is therefore considered that the Local Planning Authority are unable to assess whether the development is likely to have significant effects on a European protected species

**RECOMMENDATION:**

Subject to confirmation being received from the Ecologist that the submitted scheme is acceptable, the recommendation is that prior approval is not required.

---

Case Officer: Luke Jones, Planning Officer  
Tel: 01597 827115 E-mail: [luke.jones@powys.gov.uk](mailto:luke.jones@powys.gov.uk)

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Page 193

Powys

R E V I S I O N S:		
Rev	Date	Description

NOTE:

This drawing is not to be scaled; refer only to figured dimensions.  
 All dimensions to be checked on site.  
 Any discrepancies to be reported to the asset management section.

Location Plan dwg 001 1:1250

CHECKED:	APPROVED
NAME: David McMullan	NAME
DATE: February 2019	DATE

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## Planning, Taxi Licensing and Rights of Way Committee Report

<b>Application Number:</b>	18/1115/FUL	<b>Grid Ref:</b>	E: 311233 N: 291907
<b>Community Council:</b>	Newtown And Llanllwchaearn Community	<b>Valid Date:</b>	19.12.2018

**Applicant:** Powys County Council

**Location:** 5 Y Ffrydd, Newtown, Powys, SY16 2JY,

**Proposal:** Excavation of existing footway and construction of additional parking bays together with realignment of existing kerb

**Application Type:** Full Application

### The reason for Committee determination

The applicant is Powys County Council.

### Consultee Responses

#### Consultee

#### Received

Community Council

6th Feb 2019

The Town Council supports the application.

PCC-Building Control

No comments received at the time of writing this report.

Wales & West Utilities - Plant Protection Team

6th Feb 2019

Wales & West Utilities have been made aware of a planning application on 28.01.2019, advising us of the proposals

at:

Y Ffrydd, Canal Road, NEWTOWN, Powys, SY16 2JY

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.

PCC-(N) Highways

7<sup>th</sup> Mar 2019

Having considered the additional plans submitted, the Highway Authority wish a suitably worded condition to be attached to any consent given which states that the development must be carried out in accordance with the submitted drawings.

The applicant should be aware that a highways legal agreement shall need to be set up prior to any works commencing.

Hafren Dyfrdwy

31st Jan 2019

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.

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:

Severn Trent Water, Asset Data Management,

GISmapping Team, PO Box 5344, Coventry, CV3 9FT

Fax: 02477 715862

e-mail: [GISmapping@severntrent.co.uk](mailto:GISmapping@severntrent.co.uk)

Any correspondence and diversion applications are to be submitted through New Connections, the relevant form can be found on the Severn Trent website at <https://www.stwater.co.uk/building-and-developing/other-developments/diversions/> Please click on download water diversion application form and complete the form as fully as possible.

Information on diversion application charges can be found <https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance> in "Our Charges" - Developer Charges 2015-2016 in Section 5.

Please attach all the relevant documentation and relevant fee and return the form to:

Severn Trent Water Ltd

PO Box 5311

Coventry

CV3 9FL

Telephone: 0800 707 6600

Email: [new.connections@severntrent.co.uk](mailto:new.connections@severntrent.co.uk)

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

## **Representations**

No representations received at the time of writing this report.

## **Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
----------------	--------------------	-----------------	-------------

P/2018/0467	Full: New parking arrangements and associated works.	Withdrawn	31/07/2018
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## Principal Planning Constraints

N/A

## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure		Local Development Plan 2011-2026

## 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 35 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is 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.

### Site Location and Description

The application site is located within the settlement development boundary of Newtown as defined by the Powys Local Development Plan (2018). The site is located on Y Ffrydd, an unclassified road that serves residential properties to the north-east of Newtown. The site is bound by residential properties to the north, south, east and west.

This application seeks the excavation of an existing footway and the construction of additional parking bays together with the realignment of the existing curb along Y Ffrydd, Newtown.

### Principle of Development

Policy T1 of the Local Development Plan (2018) seeks to ensure that transport infrastructure improvements will be supported where they promote sustainable growth, maximise the efficiency and safety of the transport systems, improve public and private transport integration and encourage passenger and freight rail operations.

Consent is sought for the excavation of the existing footway and construction of additional parking bays together with the realignment of the existing kerb. The proposed development is considered a betterment to the existing street scheme in which the safety along Y Frydd will be enhanced by the way of improving the existing infrastructure.

It is therefore considered that the principle of the proposed development fundamentally complies with relevant planning policy.

### Design and External Appearance

With respect to design and appearance, specific reference is made to LDP policy DM13 (Part 1). This policy indicates that development proposals will only be permitted where the 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.

The proposal seeks to excavate the existing footway and construct additional parking bays, together with the realignment of the existing kerb. It is considered that the proposed

changes would not be detrimental to the character and appearance of the surrounding area by reasons of layout, siting or proposed materials.

In light of the above and based on the design, scale and materials proposed, it is considered that the proposed development fundamentally complies with relevant planning policy.

### Highway Safety

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 11 and E1).

As part of the application process the Highway Authority has been consulted and recommended the inclusion of a condition securing development in accordance with the submitted drawings. This is a standard condition that will be attached to any granting of planning permission and therefore a separate condition regarding this is not required.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with policy.

## **RECOMMENDATION**

Officers are satisfied that the proposed development complies with the relevant policies and the recommendation is therefore one of conditional consent.

### **Conditions**

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents (Drawing no's: 2166/LP, D/001 Rev C, D/002).

### **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.

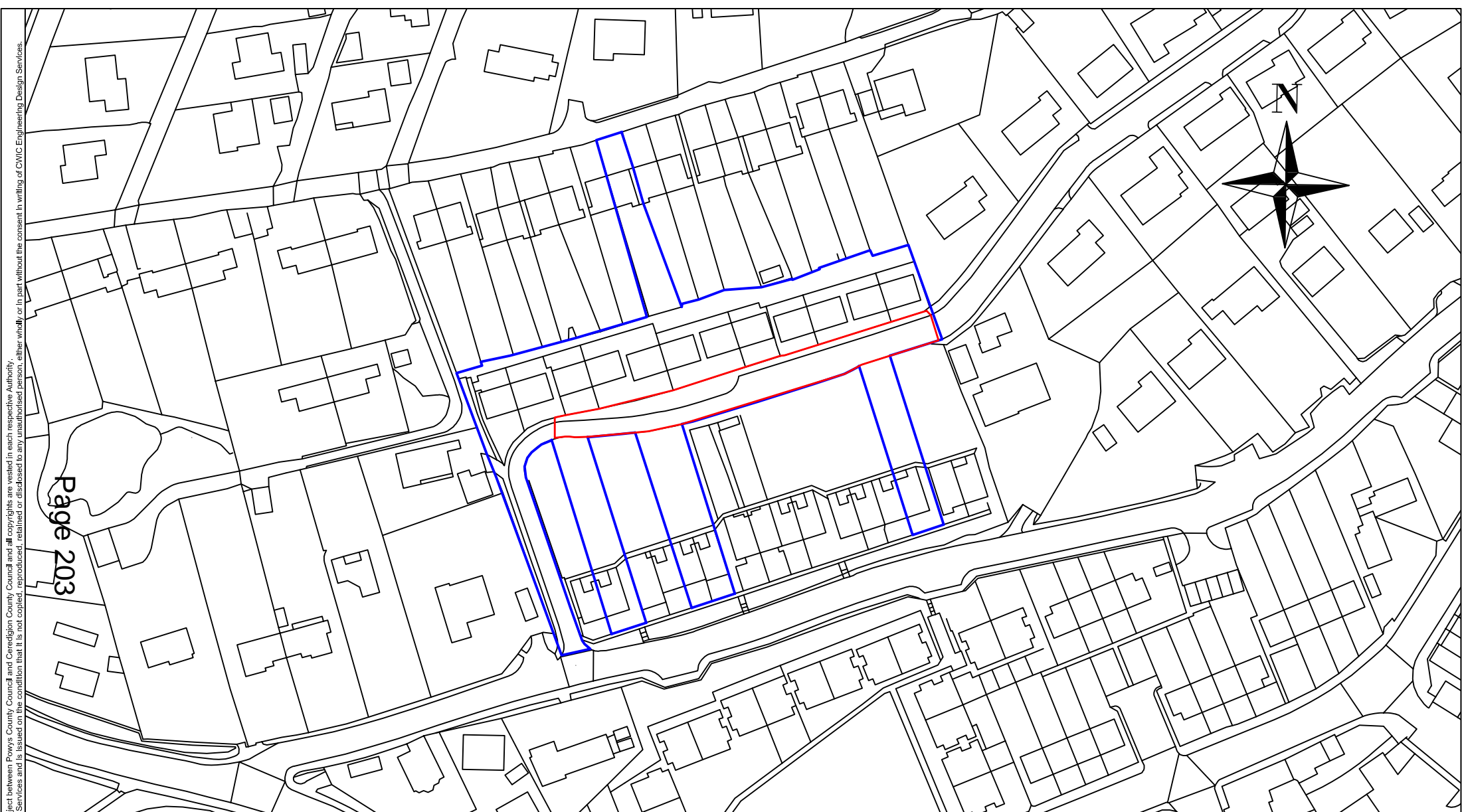
### **Informative**

The applicant should be aware that a highways legal agreement shall need to be set up prior to any works commencing.

---

Case Officer: Richard Edwards, Planning and Monitoring Officer  
Tel: 01597 827218 E-mail: richard.edwards2@powys.gov.uk

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Page 203

## Engineering Design Services



EDS West Manager : Steve Hallows CEng MICE  
01545 572513 [hpw@ceredigion.gov.uk](mailto:hpw@ceredigion.gov.uk)  
West: Penmorfa, Aberaeron, Ceredigion, SA46 0PA



EDS East Manager : Gareth Price CEng CEnv MICE  
0845 607 6060 [tls.helpdesk@powys.gov.uk](mailto:tls.helpdesk@powys.gov.uk)  
North: Kirkhamsfield Depot, Pool Road, Newtown, Powys, SY16 3AF  
Mid: County Hall, Spa Road East, Llandrindod Wells, Powys, LD1 5LG  
South: Neuadd Brycheiniog, Cambrian Way, Brecon, Powys, LD3 7HR

Project  
**Y Ffrydd  
Newtown**

Drawing Title  
**Location plan**

By <b>DF</b>	Checked	Scale at A4 <b>1:1250</b>
Date <b>12/12/2018</b>		
Project Number <b>2166</b>	Drawing Number <b>2166/LP</b>	Revision
Drawing Filename : - H216602_D_001-B.dwg Last saved : - 12/12/2018		

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## Delegated List

81 Applications

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[← Go Back](#)

Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Abermule And Llandyssil Community	Approve	18/04/2018	DIS/2018/0073	Discharge of condition	01/03/2019	Discharge of conditions 7, 9, 10, 16, 17 & 18 of planning consent P/2017/1298	Black Hall Llandyssil Montgomery Powys SY15 6HR
Banwy Community	Approve	17/12/2018	18/1151/HH	Householder	28/02/2019	Erection of annexe and demolition of detached garage (resubmission of P/2018/0459)	Maes Dderwen Foel Welshpool SY21 0PU
	Approve	03/01/2019	19/0070/HH	Householder	12/03/2019	Erection of a first floor rear extension.	Bryn Teg Foel Welshpool Powys SY21 0NR
Bausley With Criggion Community	Approve	27/12/2018	18/1208/RES	Reserved Matters	11/03/2019	Application for reserved matters following the approval of P/2017/0731 for the erection of 1 no. dwelling, construction of vehicular access and installation of sewage treatment plant.	New Dwelling Land Adjacent To Hand And Diamond Inn Coedway Crew Green Powys SY5 9AR
Bronllys Community	Approve	10/10/2018	18/0806/DIS	Discharge of Condition	07/03/2019	Discharge of conditions 5, 14, 18, 20, 21, 22, 23 and 26 from planning permission P/2017/1178	Land To The Rear Of Greenfields Minfield Lane Bronllys Powys

CODE: IDOX.PL.REP.05

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[← Go Back](#)



## Delegated List

### 81 Applications

	Approve	15/01/2019	19/0058/HH	Householder	11/03/2019	Erection of an extension	8 Pont-Y-Wal Lane Bronllys Brecon LD3 0HU
Builth Wells Community	Approve	15/02/2019	19/0278/DIS	Discharge of Condition	04/03/2019	Discharge of conditions 13 & 14 of permission 18/0880/FUL	Plot B Dolnant 117 Hospital Road Builth Wells Powys LD2 3HE
Cadfan Community	Approve	18/02/2019	19/0285/NMA	Non-Material Amendment	25/02/2019	Application for non material amendments to permission P/2017/0217 to alter the approved design	Plot Adjoining Brynpeiran Penegoes Machynlleth Powys SY20 8UN
Caersws Community	Approve	25/02/2019	19/0286/NMA	Non-Material Amendment	04/03/2019	Application for non- material amendments to planning permission P/2018/0140 in respect of the internal layout, and changes to the external appearance	Maenicochion Carno Road Caersws Powys SY17 5EF
Carreghofa Community	Approve	01/02/2019	19/0212/VAR	Discharge/Modificatio n of S106	11/03/2019	Application to discharge planning obligation attached to planning permission M19116 (occupancy restriction)	Offas Way Llanymynech Powys SY22 6JY

CODE: IDOX.PL.REP.05

14/03/2019 08:52:05 POWYSCC\sandraf

[Go Back](#)



## Delegated List

### 81 Applications

Churchstoke Community	Approve	14/09/2018	18/0556/OUT	Outline planning	07/03/2019	Outline - Erection of 2 detached dwellings and garages, together with the formation of new vehicular access' and associated works	The Firs A489 From Junction With C2193 By Todlith House To Castle Road Churchstoke Churchstoke Montgomery SY15 6AH
	Approve	21/01/2019	19/0029/FUL	Full Application	04/03/2019	Alterations to dwelling involving roof extension to form additional second storey bedroom	Tree Tops Churchstoke Montgomery Powys SY15 6AE
Cilmeri Community	Approve	10/01/2019	19/0038/HH	Householder	07/03/2019	Erection of a first floor extension over the existing garage	Choo-Choo Vu Tu 15 Cae Llewellyn Cilmeri Builth Wells LD2 3FA
Clyro Community	Approve	12/11/2018	18/0902/FUL	Full Application	04/03/2019	Conversion of former agricultural building to a dwelling, installation of a package treatment plant and all associated works	Cefn Barn At Wernog Painscastle Builth Wells Powys HR3 5SQ
	Refused	18/01/2019	19/0113/NMA	Non-Material Amendment	22/02/2019	Application for a non-material amendment to P/2016/0397 in respect if roof fans, roof air-inlets, two windows, doors, and the roof over link	Lower House Farm Clyro Hereford Powys HR3 5RU
Dwyrw Community	Approve	09/10/2018	18/0480/FUL	Full Application	04/03/2019	Erection of 1 no. holiday let unit and all associated works	Land At Ty Uchaf Cefn Coch Welshpool SY21 0AJ

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[Go Back](#)



## Delegated List

### 81 Applications

Ffordun With Leighton & Trelystan Com	Approve	15/10/2018	18/0512/FUL	Full Application	04/03/2019	Construction of a equestrian menage	Ffraithwen Adfa Newtown Powys SY16 3DB
	Approve	17/10/2018	18/0628/FUL	Full Application	04/03/2019	Erection of a covered mechanical horse walker	Ffraithwen Adfa Newtown Powys SY16 3DB
	Approve	12/12/2018	18/1078/HH	Householder	04/03/2019	Erection of a detached garage and studio over	Black Park Trelystan Leighton SY21 8JA
	Approve	07/02/2019	19/0198/DIS	Discharge of Condition	22/02/2019	Discharge of condition 8 from planning approval P/2016/0953 in respect of surface water drainage	Land North Of Heritage Green Heritage Green Ffordun Welshpool Powys SY21 8LH
	Approve	19/02/2019	19/0204/NMA	Non-Material Amendment	04/03/2019	Application for non material amendments to planning permission P/2017/1041 in respect of dwelling designs	Land North Of Heritage Green Heritage Green Ffordun Welshpool Powys SY21 8LH

CODE: IDOX.PL.REP.05

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[Go Back](#)



## Delegated List

### 81 Applications

Gladestry Community	Approve	22/02/2019	19/0336/NMA	Non-Material Amendment	04/03/2019	Application for non material amendment to planning permission 18/0633/HH in respect of increasing the first floor room space of rear bedroom	The Gobe Newchurch Kington Powys HR5 3PW
Glasbury Community	Approve	21/09/2017	P/2017/1046	Householder	22/02/2019	Householder: Erection of a rear two storey extension and internal works	Well House Ffynnon Gynydd Hereford HR3 5LX
Guilsfield Community	Approve	04/01/2019	19/0007/HH	Householder	26/02/2019	Alterations and extensions to dwelling	Dyffryn Breidden Way Guilsfield Welshpool SY21 9PU
	Refused	04/01/2019	19/0008/FUL	Full Application	26/02/2019	Erection of a dwelling & formation of vehicular access (revised proposal)	Dyffryn Breidden Way Guilsfield Welshpool SY21 9PU
Kerry Community	Approve	19/07/2018	18/0272/FUL	Full Application	22/02/2019	Erection of replacement dwelling, including enlargement of residential curtilage & upgrade of vehicular access.	Lomond Common Road Kerry Newtown SY16 4NY
	Approve	19/07/2018	18/0276/DIS	Discharge of Condition	22/02/2019	Discharge of conditions 3, 5, 6, 12, 14 15 of planning permission P/2009/0106	Development West Of Dolforgan View Kerry Newtown Powys SY16 4DZ



## Delegated List

### 81 Applications

	Approve	09/01/2019	19/0097/FUL	Full Application	04/03/2019	Continued siting of a portacabin for 2 years, for use as a classroom	Focus School - Newtown Campus Sarn Newtown Powys SY16 4EJ
Llanbrynmair Community	Approve	05/11/2018	18/0851/HH	Householder	05/03/2019	Demolition of existing outbuilding, erection of a shed and all associated works	Gwern Y Bwlch Llanbrynmair Powys SY19 7DU
Llanddewi Ystradenni Community	Approve	07/09/2018	18/0515/FUL	Full Application	06/03/2019	Full: Conversion of barn to a holiday unit, alterations to existing access and all associated works	Upper Sign Llanbister Road Llandrindod Wells Powys LD1 6SP
	Approve	22/10/2018	18/0720/FUL	Full Application	11/03/2019	Erection of two holiday chalets and all associated works	Land At Penlan Dolau Llandrindod Wells LD1 6UR
	Refused	19/09/2018	18/0715/FUL	Full Application	04/03/2019	Change of use and conversion of unused/redundant swimming pool to 3 bedroomed holidays let.	The Old Mill Llanddewi Llandrindod Powys LD1 6SE
Llandrindod Wells Community	Approve	04/01/2019	19/0012/FUL	Full Application	04/03/2019	Proposed Canteen and Staff room building and associated works	Unit 33 Ddole Industrial Estate Road Llandrindod Wells LD1 6DF
	Approve	04/01/2019	19/0016/FUL	Full Application	06/03/2019	Proposed warehouse/storage building and associated works	Unit 33 Ddole Industrial Estate Road Llandrindod Wells LD1 6DF

CODE: IDOX.PL.REP.05

14/03/2019 08:52:05 POWYSCC\sandraf

[Go Back](#)



## Delegated List

### 81 Applications

	Approve	28/01/2019	19/0166/NMA	Non-Material Amendment	21/02/2019	Application for non material amendment to planning approval P/2017/0465 in respect of change to footprint/layout and appearance in connection with proposed erection of 2 flats	Rhoslyn, Flat 1 11 High Street Llandrindod Wells LD1 6AG
Llandrinio And Arddleen Community	Approve	05/09/2017	P/2017/0899	Certificate of Lawfulness - Existing	21/02/2019	Application for Certificate of lawful development (Section 191) for an existing use in respect of occupancy	Trederwen Cottage Arddleen Llanymynech Powys SY22 6PY
Llanfawsilio Community	Approve	30/08/2018	18/0586/HH	Householder	05/03/2019	Demolition of the existing two storey rear extension and conservatory, erection of a two storey side & rear extension	Laburnum House Brynmaur Llanymynech Powys SY22 6PQ
Llanelwedd Community	Approve	11/02/2019	19/0161/FUL	Full Application	11/03/2019	Provision of drive thru lane to car park and single storey extension to create service / payment kiosk	Former Little Chef Station Road Llanelwedd Builth Wells Powys LD2 3SS
Llanerfyl Community	Approve	11/12/2018	18/1083/RES	Reserved Matters	27/02/2019	Reserved matters application for details of access in connection with outline planning permission P/2017/1402 (approval of 4 dwellings)	Land Adjoining Derwen Talerddig Road Llanerfyl Welshpool Powys SY21 0EG

CODE: IDOX.PL.REP.05

14/03/2019 08:52:05 POWYSCC\sandraf

[Go Back](#)



## Delegated List

### 81 Applications

	Approve	08/01/2019	18/1147/FUL	Full Application	04/03/2019	Erection of an agricultural building and all associated works	Goetre Llanerfyl Welshpool SY21 0ER
Llanfair Caereinion Community	Approve	15/08/2018	18/0495/DIS	Discharge of Condition	21/02/2019	Discharge of conditions 13 & 14 from planning permission P/2018/0185	Pentre Penarth Gibbet Road Llanfair Caereinion Welshpool Powys SY21 0BY
Llanfechain Community	Approve	11/01/2019	19/0056/FUL	Full Application	06/03/2019	Erection of an agricultural building	The Gables Llanfechain Powys SY22 6UQ
Llangurig Community	Approve	16/01/2019	19/0062/FUL	Full Application	21/02/2019	Erection of an agricultural storage building	Maes Mawr Llangurig Llanidloes Powys SY18 6SL
Llangynog Community	Approve	19/12/2017	P/2017/1496	Householder	11/03/2019	Householder: Erection of a two storey side extension and re building of retaining wall	Tanyffordd Llangynog Oswestry Powys SY10 0HA
	Approve	18/07/2018	P/2018/0287	Full Application	05/03/2019	Full: Installation of replacement pump station kiosk, layby and hardstanding	Llangynog Distribution Booster Station Llangynog Oswestry Powys SY10 0HA

CODE: IDOX.PL.REP.05

14/03/2019 08:52:05 POWYSCC\sandraf

[Go Back](#)





## Delegated List

### 81 Applications

Llanidloes Community	Approve	17/01/2019	19/0053/FUL	Full Application	05/03/2019	Erection of a spectator stand	Llanidloes Town Football Ground Victoria Avenue Llanidloes Powys SY18 6AS
	Approve	12/02/2019	19/0272/ELE	Electricity Overhead Line	11/03/2019	Section 37 application under the Electricity Act 1989 Overhead Lines (exemption)(England and Wales) Regulations 2009 to divert an existing overhead line	Llys Clywedog Llanidloes Powys SY18 6HW
Llanidloes Without Community	Approve	07/01/2019	19/0022/FUL	Full Application	11/03/2019	Erection of an agricultural building	Land Adjacent To Mount Pleasant Llanidloes Powys SY18 6JH
Llanigon Community	Approve	13/02/2019	19/0264/CLE	Certificate of Lawfulness - Existing	04/03/2019	Section 191 application for lawful development certificate for the siting of a static caravan	Land Adjoining Little Fforddfawr Hay-on-wye Hereford Powys HR3 5PR
	Approve	04/03/2019	19/0405/NMA	Non-Material Amendment	13/03/2019	Application for non-material amendment following planning permission P/2015/0337 in relation to approved drawings.	Lower Ffordd Fawr Hay-On-Wye Hereford Powys HR3 5PR

CODE: IDOX.PL.REP.05

14/03/2019 08:52:05 POWYSCC\sandraf

[Go Back](#)



## Delegated List

### 81 Applications

Llanrhaeadr-Ym-Mochant Community	Approve	03/01/2019	19/0068/HH	Householder	04/03/2019	Erection of a two storey side extension	16 Hafan Y Dorlan Llanrhaeadr-ym-mochnant Oswestry Powys SY10 0LW
Llansantffraid Community	Approve	15/10/2018	18/0821/FUL	Full Application	21/02/2019	Proposed change of use of land from agricultural and leisure to tourism use for the siting of 5 camping pods and all associated works	The Cross Keys Inn Llansantffraid-ym-mechain Powys SY22 6XS
	Approve	25/10/2018	18/0731/LBC	Listed Building Consent	04/03/2019	Internal and external renovation works to include changes to doors and windows, installation of a kitchen and bathroom suite, re-wiring and repairing of external brickwork	Cartrefle Llansantffraid-ym-mechain Powys SY22 6AR
Llansilin Community	NMA Approved	20/02/2019	19/0311/NMA	Non-Material Amendment	11/03/2019	Application for non-material amendment to planning permission P/2012/1144	Land Opposite Wynnstay Inn Llansilin Oswestry Powys SY10 7QB
Llanwrthwl Community	Approve	04/06/2018	P/2018/0234	Full application	04/03/2019	Full: Construction of a Hydro Electric Scheme, to include the erection of a Powerhouse, Transformer and Intake, and all associated works	The River Claerwen Elan Valley Rhayader Powys

## Delegated List

### 81 Applications

Llanwrtyd Wells Community	Approve	06/10/2017	P/2017/1159	Full application	08/03/2019	Full: To resurface an existing car park / layby off the public road	Washpools Car Park Irfon Forest Llanwrtyd Wells Powys LD5 4TN
Machynlleth Community	Approve	13/06/2018	18/0056/FUL	Full Application	04/03/2019	Full: Erection of a two storey extension to replace single storey wing, 2 x single storey extensions, erection of gas store building, some demolition works, proposed car park layout alterations and all associated works	Ysbyty Cymedol Bro Dyfi Maengwyn Street Machynlleth Powys SY20 8AD
	Approve	11/02/2019	19/0250/NMA	Non-Material Amendment	25/02/2019	Application for a non material amendmennt to planning permission 18/0675/HH in respect of air source heat pump position	4 Rock Terrace Tanrallt Road Machynlleth Powys SY20 8AP
Montgomery Community	Approve	11/07/2018	18/0309/DIS	Discharge of Condition	06/03/2019	Application to discharge conditions 3 and 5 of approved planning permission P/2017/0761	Town Hall Arthur Street Montgomery Powys SY15 6PA
	Approve	02/11/2018	18/0862/LBC	Listed Building Consent	13/03/2019	Listed building consent for removal of flat roof and replacement with pitched roof including new rooflight.	Manor House Pool Road Montgomery SY15 6QY

## Delegated List

### 81 Applications

Nantmel Community	Approve	06/12/2018	18/1069/LBC	Listed Building Consent	22/02/2019	Internal alterations to attic, remove existing rear dormer window and replace with 2 dormer windows and replacement of front elevation windows	Cartref Princes Street Montgomery SY15 6PY
	Approve	18/01/2019	19/0087/HH	Householder	06/03/2019	Construction of dormer windows	Cartref Princes Street Montgomery SY15 6PY
	Approve	18/01/2019	19/0111/HH	Householder	22/02/2019	Erection of a two storey extension and front porch to dwelling	Greenfields School Bank Montgomery SY15 6QA
	Approve	28/11/2018	18/0969/HH	Householder	04/03/2019	Proposed extension and alterations	Brookside Crossgates Llandrindod Wells Powys LD1 6RF
	Approve	03/01/2019	19/0010/FUL	Full Application	13/03/2019	Erection of a rural enterprise dwelling, detached garage / outbuilding, formation of vehicular access, installation of a sewage treatment plant and all associated works	Land At Dolfyr Farm Rhayader LD6 5NT
	Refused	05/12/2018	18/1098/FUL	Full Application	22/02/2019	Erection of an affordable dwelling, creation of new access driveway, sewerage treatment plant and all associated works	Land Directly East Of Tan Yr Allt Nantmel Llandrindod Powys

CODE: IDOX.PL.REP.05

14/03/2019 08:52:05 POWYSCC\sandraf

[Go Back](#)



## Delegated List

### 81 Applications

Newtown And Llanllwchaearn Community	Approve	21/11/2018	18/0973/FUL	Full Application	04/03/2019	Erection of extension to existing warehouse including office / canteen facilities	Unit 80 Mochdre Industrial Estate Newtown Powys SY16 4LF
	Approve	17/12/2018	18/1146/FUL	Full Application	22/02/2019	Replacement of external door and removal of step to enable disabled access	12 High Street Newtown SY16 2NX
	Approve	19/12/2018	18/1202/FUL	Full Application	21/02/2019	Proposed extension and alterations to industrial unit, alterations to car park and associated engineering works	Unit 66 Mochdre Industrial Estate Newtown Powys SY16 4LE
	Approve	15/01/2019	19/0079/FUL	Full Application	04/03/2019	Erection of security fencing and gates	Unit 86 Mochdre Industrial Estate Newtown Powys SY16 4LE
Old Radnor Community	Approve	16/07/2018	18/0073/FUL	Full Application	22/02/2019	Erection of 5 glamping pods, improvement of access road, installation of package treatment plants, and associated works	Land At Trebanog Kinnerton Presteigne Powys LD8 2PF
Pen-y-bont Fawr Community	Approve	10/12/2018	18/0888/RES	Reserved Matters	12/03/2019	Application for approval of reserved matters for appearance, landscaping, layout scale in connection with proposed 2 no. dwellinghouses	Land Near Glanaber Pen-y-bont-fawr Oswestry Powys SY10 0PD



## Delegated List

### 81 Applications

Rhayader Community	Approve	19/12/2018	18/1206/FUL	Full Application	21/02/2019	Siting of 9 additional cabins (Nos 9-17), together with extension of site roadway, landscaping and stormwater drainage on approved site for holiday home park	Land At St Harmon Rhayader Powys LD6 5NP
Talgarth Community	Refused	04/12/2018	18/0830/FUL	Full Application	04/03/2019	Change of use, extension and conversion of double garage to create a 2 storey annexe	Maesgwyn Trefecca Brecon Powys LD3 0PW
Trefeglwys Community	Approve	22/01/2019	19/0044/HH	Householder	11/03/2019	Replacement of soft wood timber windows with slim line flush aluminium windows. Removal and replacement of car port and storage shed.	Talgarth Mews U2575 From Junction With U2574 At Talgarth To End Of Metal At Ty-Mawr Trefeglwys Caersws SY17 5PU
Welshpool Community	Approve	27/11/2018	18/0975/FUL	Full Application	22/02/2019	Erection of 2 dwellings (pair of semi-detached) and all associated works	Land Adjacent To Hafod Severn Lane Welshpool Powys SY21 7BB
	Approve	07/12/2018	18/1048/DIS	Discharge of Condition	25/02/2019	Discharge of planning condition no. 21 attached to planning permission P/2018/0337 - details of external surfaces / materials	Welshpool Church In Wales Primary School Salop Road Welshpool Powys SY21 7FA

CODE: IDOX.PL.REP.05

14/03/2019 08:52:05 POWYSCC\sandraf

[Go Back](#)



## Delegated List

### 81 Applications

	Approve	21/01/2019	19/0076/FUL	Full Application	12/03/2019	Erection of an agricultural building and all associated works	Wernllwyd Belan School Lane Berriew Welshpool SY21 8AA
Whitton Community	Approve	20/12/2018	18/1089/FUL	Full Application	04/03/2019	Erection of 2 agricultural buildings and associated works	Lower Litton Whitton Knighton LD8 2NS
Ystradgynlais Community	Approve	13/07/2018	18/0214/DIS	Discharge of Condition	08/03/2019	Discharge of condition 7 from planning approval P/2017/0917 in regards to a remediation verification report	The Ticking River Wind Road Ystradgynlais SA9 1AD
	Approve	28/01/2019	19/0004/FUL	Full Application	28/02/2019	Change of use from residential (C3) to commercial	22 Commercial Street Ystradgynlais Powys SA9 1HD

**Application 81**

CODE: IDOX.PL.REP.05

14/03/2019 08:52:05 POWYSCC\sandraf

[Go Back](#)

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**SECTION 19 – PLANNING PROTOCOL**


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**INDEX**

<b>Title, Commencement, Application and Effect</b>	<b>19.1 to 19.5</b>
<b>Interpretation</b>	<b>19.6</b>
“Agent”	19.6.1
“Applicant”	19.6.2
“Call-in”	19.6.3
“Clear Working Days”	19.6.4
“Councillor with a Dispensation”	19.6.5
“Councillor with a Personal Interest”	19.6.6
“Councillor with a Prejudicial Interest”	19.6.7
“Councillor’s Family or a Relative of a Councillor”	19.6.8
“Decision Maker”	19.6.9
“Decision Making Process”	19.6.10
“Friend(s)”	19.6.11
“Lobbying”	19.6.12
“Local Representative”	19.6.13
“Member Representative”	19.6.14
“Objector”	19.6.15
“Planning Application”	19.6.16
“Public Speaking Procedures”	19.6.17
“Representative”	19.6.18
“the Council”.	19.6.19
“The Professional Lead - Development Management”	19.6.20
“the Planning Committee”	19.6.21
“the Planning Functions”	19.6.22
<u>“Quorum”</u>	<u>19.6.23</u>
<b>Protocol’s Aims</b>	<b>19.7 to 19.14</b>
<b>Delegation of the Planning Functions</b>	<b>19.15 to 19.18</b>
<b>Roles of Councillors</b>	<b>19.19 to 19.24</b>
<b>Role of Decision Maker</b>	<b>19.25 – 19.33</b>
• Decision Maker Role	19.25 to 19.27
• Obligations of Decision Maker	19.28 to 19.31
• Decision Maker Who Has Exercised Power of Call-In	19.32 to 19.33
<b>Local Representative Role</b>	<b>19.34 to 19.45</b>

---

## SECTION 19 – PLANNING PROTOCOL

---

- Local Representative Role 19.34 to 19.38
- Obligations of Local Representative 19.39 to 19.44
- Rights of Local Representative 19.45

**Non Planning Committee Councillor Role 19.46**

**Member Representative 19.47 to 19.50**

**Call-In 19.51 to 19.61**

**Members' Interests 19.62 to 19.88**

**Councillors with Personal and Prejudicial Interests. 9.62 to 19.72**

- Councillor with a Personal Interest 19.62
- Definition of Councillor with a Personal Interest 19.63
- Examples of Personal Interests 19.64 to 19.65
- Councillor with a Prejudicial Interest 19.66 to 19.69
- Definition of Councillor with a Prejudicial Interest 19.70

**Councillors with a Dispensation 19.71 to 19.75**

- Councillor with a Dispensation 19.71 to 19.72
- Definition of Councillor with a Dispensation 19.73 to 19.75

**Members' Code of Conduct 19.76**

**Predisposition and Predetermination 19.77 to 19.78**

**A Councillor's Direct Connection with Applicants and Others 19.79 to 19.81**

**Development Proposals Involving Councillors 19.82 to 19.87**

**Councillors Should Seek Advice 19.88**

**Decision Making Process 19.89**

**Decision Making by the Planning Committee 19.91 to 19.123**

---

Section 19 – Page 2

Version 34 – Effective from 7<sup>th</sup> March, 2017

---

## SECTION 19 – PLANNING PROTOCOL

---

• Planning Committee Determination Principles	19.91 to 19.96
• Deferrals	19.97
• Reconsidered Applications	19.99
• Decisions Contrary to Officer Recommendations	19.100 to 19.102
• Modifying Planning Conditions	19.103 to 19.104
• Predetermination	19.105
• Correspondence and Other Relevant Information Received by members of the Planning Committee	19.106 to 19.108
• Site Inspections	19.109 to 19.110
• Report on a Planning Application by the Professional Lead - Development Management	19.111 to 19.112
• Speaking at Planning Committee Meetings	19.113 to 19.117
• Roles and Duties of the Committee Chair / Vice-Chair	19.118 to 19.123
 Development Management	 19.124 to 19.133
 Decision Making by the Professional Lead - Development Management	 19.134 to 19.136
 Planning Applications Submitted by Officers	 19.137 to 19.142
 Planning Appeals	 19.143 to 19.149
 Training	 19.150 to 19.152
 Regular Review of Decisions	 19.153 to 19.154

## SECTION 19 – PLANNING PROTOCOL

---

### TITLE, COMMENCEMENT, APPLICATION AND EFFECT

#### TITLE

19.1 The title of this Protocol is “Planning Protocol”.

#### COMMENCEMENT

19.2 This Revision of the Protocol shall come into force on 20th April, 2016.

19.3 This Protocol shall be reviewed at least every 2 years by the Planning Committee ~~and the Democratic Services Committee~~.

#### APPLICATION

19.4 This Protocol:

- 19.4.1 regulates, guides and informs Councillors and Officers of Powys County Council in all matters concerning the exercise of the Planning Functions.
- 19.4.2 explains which of the Planning Functions will be dealt with and determined by the Planning Committee and which will be dealt with and determined by the Professional Lead - Development Management
- 19.4.3 aims to help Applicants, Agents, and anyone likely to be affected by development and planning related issues have a greater insight to the Council's processes and procedures for dealing with the Planning Functions.

#### EFFECT

19.5 Failure to follow this Protocol without good reason could be taken into account in investigations into possible maladministration or alleged breaches of the Members' Code of Conduct or have implications for the standing of Councillors and professional officers

#### INTERPRETATION

19.6 In this Protocol:

- 19.6.1 “**Agent**” means a person (other than a Member Representative) authorised by an “Applicant” or “Objector” to represent them, which can include a professional person, employed by the Applicant.
- 19.6.2 “**Applicant**” means a person who has instigated a planning application for whatever purpose.
- 19.6.3 “**Call-in**” means the procedure set out in Rules ~~19.38–51~~ to ~~19.49~~ 61.
- 19.6.4 “**Clear Working Days**” means for the purposes of this Planning Protocol only days which do not include the day of the meeting, the day on which the request is made, weekends and bank holidays.

## SECTION 19 – PLANNING PROTOCOL

- 19.6.5** “**Councillor with a Dispensation**” has the meaning given by Rules ~~19.73~~ **19.74** to **19.75** of this Protocol.
- 19.6.6** “**Councillor with a Personal Interest**” has the meaning given by Rules **19.62** to **19.64** of this Protocol.
- 19.6.7** “**Councillor with a Prejudicial Interest**” has the meaning given by Rule ~~19.65~~ **19.66** to **19.69** of this Protocol.
- 19.6.8** “**Councillor’s Family or a Relative of a Councillor**” means the wife, husband, partner, son, daughter, son-in-law, daughter-in-law, grandchild, grandfather, grandmother, uncle, aunt, nephew, niece, and cousin of the Councillor, or the Councillor’s spouse or partner, or any other person related by birth or marriage to the Councillor or the Councillor’s spouse or partner, with whom they live, or with whom the Councillor or the Councillor’s spouse or partner has regular personal contact. For the purposes of the above definition “marriage” shall be taken to include co-habitation.
- 19.6.9** **Decision Maker** has the meaning given by Rules ~~19.76–25~~ **19.84–33** of this Protocol.
- 19.6.10** “**Decision Making Process**” has the meaning given by Rules ~~19.90–89~~ **19.91** of this Protocol.
- 19.6.11** “**Friend(s)**” means close personal associate(s) of the Councillor or the Councillor’s spouse or partner including neighbours and individuals with whom the Councillor or the Councillor’s spouse or partner has regular social contact, including membership of the same club, association or organisation as the Councillor or the Councillor’s spouse or partner.
- 19.6.12** “**Lobbying**” means any attempt (successful or not) to persuade or influence a Councillor or planning officer towards a particular point of view in relation to a planning application. A Member Representative may not lobby on behalf of an “Applicant” or “Objector”.
- 19.6.13** “**Local Representative**” has the meaning given by Rules ~~19.82 34 to 19.80–45~~ **19.82 34 to 19.80–45** of this Protocol and for the avoidance of doubt more than one Councillor can undertake the role of Local Representative in relation to a Planning Application.
- 19.6.14** “**Member Representative**” means a Councillor who has agreed to represent a person able to speak at meetings of the Planning Committee and can perform the functions set out in Rules ~~19.34 47 to 19.37–50~~ **19.34 47 to 19.37–50** below.
- 19.6.15** “**Objector**” means a person or body (other than a Town or Community Council or a Local Representative) who has lodged an objection to any planning application.
- 19.6.16** “**Planning Application**” means any application to the Council for an approval, agreement, permission, determination, consent, certificate or authorisation of any kind in respect of a Planning Function.
- 19.6.17** “**Public Speaking Procedures**” has the meaning given by Rules ~~19.1123 to 19.1167~~ **19.1123 to 19.1167** of this Protocol.
- 19.6.18** “**Representative**” means any non professional person who is not a Member who is asked by an Applicant or Objector to

## SECTION 19 – PLANNING PROTOCOL

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represent him / her in relation to the application and who may carry out all the roles or functions of an “Agent”.

**19.6.19** “the Council” means Powys County Council.

**19.6.20** “the Professional Lead - Development Management” means Head of Property, Planning and Public Protection and / or Professional Lead – Development Management including any officer authorised by that Head of Service in writing to exercise those powers, duties, responsibilities and decision making on their behalf.

**19.6.21** “the Planning Committee” means the Committee appointed by the Council (currently the Planning, Taxi Licensing and Rights of Way Committee) under its Constitution to exercise the Planning Functions.

**19.6.22** “the Planning Functions” means all those functions set out in Section 13 of the Constitution (Responsibility for Functions) and reference to “Planning Function” or “a Planning Function” shall be construed accordingly.

**19.6.23** “Quorum” means that the number of members who must be present at a meeting of the Planning Committee must be 50% or more of the total membership in accordance with The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017.

### PROTOCOL’S AIMS

#### PROTOCOL AIMS TO:

- 19.7 Regulate, guide, inform and assist Councillors and Officers, potential developers, interested parties and members of the public in relation to the exercise of the Planning Functions.
- 19.8 Supplement the Members’ Code of Conduct contained in the Council’s Constitution, the Code of Professional Conduct of the Royal Town Planning Institute and the Protocol on Member / Officer Relations (Council Constitution Section 21).
- 19.9 Provide specific guidance on ethical matters.
- 19.10 Ensure that decisions taken are based on informed judgement within a firm policy and legal context and made in an open, transparent, impartial way with justifiable reasons.
- 19.11 Recognise the need to control development in the public interest whilst acknowledging that decisions in this area necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings.
- 19.12 Assist Councillors with their duties, obligations and responsibilities:
  - 19.12.1 to their constituents (including those who did not vote for them)
  - 19.12.2 to the whole community and County (in respect of which they have an overriding duty); and
  - 19.12.3 to all individuals and bodies directly and indirectly concerned with Planning Applications:

## SECTION 19 – PLANNING PROTOCOL

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- 19.12.3.1 not to favour, or be seen to favour, any individuals or groups or be unduly influenced by the opinions of others, and discharge the responsibility that they alone have to decide what view to take; and
- 19.12.3.2 to decide (where they are members of the Planning Committee) all Planning Applications which fall to be determined by the Planning Committee as required by law in accordance with the statutory development plan (i.e. the Powys Unitary Development Plan or Local Development Plan) having taken into account the advice of appropriate officers and relevant representations made in respect of such Planning Applications and, what weight should be attached to them.

### **PUBLICATION OF THE CODE**

- 19.13 This Planning Code of Conduct is publicised and made publicly available, and is incorporated into the Council's Constitution.

### **COUNCILLORS SHOULD SEEK ADVICE**

- 19.14 A Councillor in any doubt as to his position under this Protocol or the Members' Code of Conduct should always seek the advice of the Monitoring Officer.

## **DELEGATION OF THE PLANNING FUNCTIONS**

### **DELEGATION TO THE PLANNING COMMITTEE AND THE PROFESSIONAL LEAD - DEVELOPMENT MANAGEMENT**

- 19.15 The Council has delegated responsibilities for the Planning Functions to the Planning Committee and to the Professional Lead - Development Management.
- 19.16 The Council may from time to time review these delegation arrangements and it is essential that Councillors, Officers, Applicants, Agents and others always refer to the latest version of the Protocol.
- 19.17 The Professional Lead - Development Management is responsible for ensuring that proper and timely procedures and arrangements are in place so that all Councillors may be aware of:
  - 19.17.1 Planning Applications within or affecting their electoral divisions received and being dealt with and determined by the Professional Lead - Development Management; and
  - 19.17.2 Decisions made in respect of those Planning Applications by the Professional Lead - Development Management.
- 19.18 Nothing prevents the Planning Committee from delegating a function to an officer in consultation with the Chair of the Committee.

## **ROLES OF COUNCILLORS**

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Section 19 – Page 7

Version 34 – Effective from 7<sup>th</sup> March, 2017

## SECTION 19 – PLANNING PROTOCOL

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### INTRODUCTION

- 19.19 The Council has one Planning Committee comprising 21 Councillors which determines those Planning Applications referred to it for decision in accordance with the Decision Making Process.
- 19.20 A Planning Application will, however, in accordance with the “Decision Making Process”, more often than not be determined by the Professional Lead - Development Management rather than the Planning Committee. In this situation those Councillors who sit on the Planning Committee will have no role to play in the decision making process.
- 19.21 In respect of a Planning Application in their electoral division or which affects their electoral division a Councillor may exercise the power of Call-in (so that the application is dealt with by the Planning Committee and not the Professional Lead - Development Management).
- 19.22 A Councillor may also in respect of a Planning Application in their electoral division or which affects their electoral division attend a meeting of the Planning Committee when that application is determined to put forward the views of those constituents they represent (See **Rule 19.24** below).
- 19.23 The roles and powers of Councillors may be restricted where there are conflicts between their position as Councillors and their private or outside interests.
- 19.24 These roles and powers of Councillors are defined in more detail below.

### ROLE OF DECISION MAKER

#### DECISION MAKER ROLE

- 19.25 A Councillor who is a member of the Planning Committee and who takes part (or who intends to take part) at a meeting of the Planning Committee in the determination of a particular Planning Application will for the purposes of this Protocol be a Decision Maker in relation to such Planning Application.
- 19.26 A Councillor who is a Decision Maker shall comply with the provisions of the Decision Making Process and with the Members' Code of Conduct generally.
- 19.27 For the avoidance of doubt a Councillor who is a Decision Maker shall not make representations on behalf of a Town or Community Council under the Public Speaking Procedures.

#### OBLIGATIONS OF DECISION MAKER

- 19.28 A Decision Maker in relation to any Planning Application to be determined by the Planning Committee:
- 19.28.1 **shall not** discuss such a Planning Application with, or seek information about that Planning Application from, an Applicant / Objector or any third party (including another Councillor – whether a member of the Planning Committee or not) other than the Professional Lead - Development Management or the Monitoring Officer prior to the Planning Committee considering



## SECTION 19 – PLANNING PROTOCOL

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- and determining that Planning Application. In the event that any such individual attempts to hold such discussions with or impart information to the Decision Maker that individual shall be advised by the Decision Maker of the fact that under the requirements of this Protocol they are not allowed to discuss or receive information concerning such Planning Application and that the proper course of action is for the individual to discuss or relay information about the Planning Application to the Professional Lead - Development Management; the Decision Maker shall also notify the Professional Lead - Development Management of such approach to them forthwith. Members must take account of the provisions of Rule 19.28.9 (Councillor keeping an open mind) and Rule 19.28.15 (attendance at meetings of Town and Community Councils) in this circumstance;
- 19.28.2 **shall not** allow themselves to be lobbied or influenced by any other person (including another Councillor – whether a member of the Planning Committee or not) or body such as a political or other interest group concerning such a Planning Application and its determination prior to the Planning Committee considering and determining that Planning Application. If a Councillor acting as a Decision Maker is approached by Applicants, Objectors and others interested in the outcome of a Planning Application they should not allow themselves to be lobbied – whether for or against an application and should inform the person seeking to lobby them, that if they discuss the application with that person this will disqualify them from taking part in the decision making process on the application. Potential lobbyists should be advised to contact an appropriate officer within Development Management. The Decision Maker shall also notify the Professional Lead - Development Management of such approach to them forthwith. Members must take account of the provisions of Rule 19.28.9 in this circumstance;
- 19.28.3 **shall not** lobby or influence or attempt to lobby or influence another Decision Maker or the Professional Lead - Development Management concerning such a Planning Application and its determination prior to the Planning Committee considering and determining that Planning Application;
- 19.28.4 **shall not** become involved in organised local support or opposition to such application;
- 19.28.5 **shall not** accept any gifts or hospitality from anyone connected with such Planning Application and take immediate steps to register any offers of gifts or hospitality refused in the Register kept for that purpose by the Solicitor to the Council;
- 19.28.6 **shall not** accept or indicate that they will accept any letter, pamphlet or other written material (including email and FAX)

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## SECTION 19 – PLANNING PROTOCOL

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- concerning such a Planning Application before it is determined by the Planning Committee. **Where a Decision Maker gratuitously receives such material they shall forthwith forward it to the Professional Lead - Development Management who will arrange for the material to be referred to, in the Officer's Committee Report. Members must take account of the provisions of Rule 19.28.9 in this circumstance;**
- 19.28.7 **shall not** attend any Meeting, Briefing or Discussion concerning such Planning Application which is not arranged by or attended by the Professional Lead - Development Management or otherwise authorised in writing by the Monitoring Officer;
- 19.28.8 **shall not** indicate or express publicly or privately the likely decision on or the merits of/objections to, such Planning Application prior to the Planning Committee considering and determining that Planning Application. **In the event of a Decision Maker doing so they must take advice from the Monitoring Officer regarding their continuing in the role of Decision Maker;**
- 19.28.9 **shall not** give a commitment in relation to that Planning Application prior to its consideration at the Planning Committee. **It is of vital importance that Councillors come to meetings with an open mind and can demonstrate that they are open-minded;**
- 19.28.10 **shall not** bring detailed presentations with them to be read out at the meeting. **This could be perceived as indicating that the Councillor had already decided in favour of, or against an application prior to attending the meeting.** (It is recommended that Councillors make notes of points raised at the meeting as they occur for use in any presentations);
- 19.28.11 **shall not** vote or take any part in the Planning Committee meeting if they have not been present to hear the entire debate, including the officer's presentation concerning the application;
- 19.28.12 **shall not** resume their seat in the Planning Committee room or chamber (having left the room or chamber before the debate on the application began or during the debate on the application) until consideration of the application being determined at that time is concluded. **Until so concluded the Councillor must sit in the public gallery;**
- 19.28.13 **shall not** propose, second or support a decision contrary to the Development Plan or the recommendations of the Professional Lead - Development Management without clearly identifying and articulating the planning reasons supporting that proposed decision. **Those reasons must be given prior to the vote and be recorded in the Minutes;**
- 19.28.14 **shall not** move a motion that the Planning Application be deferred without clearly identifying and articulating the reasons

## SECTION 19 – PLANNING PROTOCOL

- justifying such deferral. **Those reasons must be recorded in the Minutes if the planning application is deferred;**
- 19.28.15 **shall not** remain in the room, vote on or take part in discussions where planning applications are considered at a meeting of a Town or Community Council whether they are a member of the Town or Community Council or not. **In the event of a Decision Maker having not adhered to this Rule, they must take advice from the Monitoring Officer regarding their continuing in the role of Decision Maker.**
- 19.29 If, during a Planning Committee meeting a Decision Maker concludes that (for whatever reason) they are prejudiced and unable to continue to undertake the role of Decision Maker in relation to a particular Planning Application, **they cannot change their role to that of Local Representative and address the meeting in relation to that application (subject to Rules 19.97 to 19.99).** A Councillor in this situation may, however, ask the Committee to defer the application for consideration at a future meeting and must then leave the room during any subsequent discussion of the application in question by the Planning Committee.
- 19.30 **A Councillor who is a member of the Planning Committee and who wishes to undertake the Local Representative role in relation to a Planning Application which is to be determined by the Planning Committee shall comply with the provisions in this Protocol relating to the Local Representative in Rules 19.39 to 19.45.**
- 19.31 A Councillor who is a member of the Planning Committee shall comply with the provisions of the **Decision Making Process** and the provisions of this Protocol relating to **Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation** and with the **Members' Code of Conduct** generally and is reminded in particular that if they have in respect of a Planning Application to be determined by the Planning Committee:-
- 19.31.1 a Personal Interest - the requirements as to disclosure;
- 19.31.2 a Prejudicial Interest – the need to obtain a dispensation from the Standards Committee – or otherwise be unable to undertake the role of Decision Maker.

### DECISION MAKER WHO HAS EXERCISED POWER OF CALL-IN

- 19.32 If a specific planning application falls to be determined by the Planning Committee as a result of a Call-in request from a member of the Committee then that Councillor needs to consider carefully the role which they are able to play when the Planning Committee comes to consider and determine the application in question. **In particular where the member of the Planning Committee who has made the Call-in request:**
- 19.32.1 **has couched the Call-in request in language which might indicate that they have already formed a clear and settled view as to the appropriate outcome of the application ;or**
- 19.32.2 **has made the Call-in request following discussions with the application /Agent /Objector and / or any third party**

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## SECTION 19 – PLANNING PROTOCOL

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(including another Councillor whether a member of the Planning Committee or not)

- 19.33 The Councillor should seek advice from the Monitoring Officer regarding their continuing in the role of Decision Maker.

### LOCAL REPRESENTATIVE ROLE

#### LOCAL REPRESENTATIVE ROLE

- 19.34 A Councillor who is not a member of the Planning Committee but who, in respect of a Planning Application in their electoral division or which affects their electoral division, attends (or who intends to attend) a meeting of the Planning Committee when it considers the Planning Application in question to make representations about the Planning Application on behalf of their constituents will for the purposes of this Protocol be a Local Representative in relation to that Planning Application. For the avoidance of doubt a Councillor is not a Local Representative on the basis that the Applicant or any person who has made representations in respect of the Planning Application resides in their electoral division.
- 19.35 A Councillor who is a member of the Planning Committee and who decides not to be a Decision Maker in relation to a Planning Application which is in their electoral division or which affects their electoral division, but who attends (or intends to attend) a meeting of the Planning Committee when it considers the Planning Application in question to make representations about the Planning Application on behalf of their constituents will for the purposes of this Protocol be a Local Representative in relation to that Planning Application. For the avoidance of doubt a Councillor is not a Local Representative on the basis that the Applicant or any person who has made representations in respect of the Planning Application resides in their electoral division.
- 19.36 A Councillor who is a member of the Planning Committee and who decides to be a Decision Maker in relation to a Planning Application which is in their electoral division or which affects their electoral division may arrange for another Councillor to represent their constituents in relation to the Planning Application in question and to make representations about the Planning Application on behalf of their constituents at meetings of the Planning Committee. In this situation this other Councillor will for the purposes of this Protocol be a Local Representative in relation to that Planning Application.
- 19.37 A Councillor who is a Local Representative shall comply with the Public Speaking Provisions set out in Rules 19.113 to 19.117 and with the Members' Code of Conduct generally. Further provisions relating to the Local Representative role are also contained in Rules 19.39 to 19.45.
- 19.38 For the avoidance of doubt a Councillor may choose (where they are a Town or Community Council member) to make representations on behalf of a Town or Community Council in their electoral division but that Councillor shall not also make representations as Local Representative under the Public Speaking Procedures.

## SECTION 19 – PLANNING PROTOCOL

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### OBLIGATIONS OF LOCAL REPRESENTATIVE

- 19.39 A Councillor wishing and, under this Protocol, entitled to act as a Local Representative at a meeting of the Planning Committee and address the Committee, make representations and answer questions must notify the Professional Lead - Development Management of such wish **“no later than 4 clear working days in advance of the meeting”** unless the application has been Called-In by that Councillor in which event the Councillor has an automatic right to speak under Rule 19.52. Applicants will be informed by means of a circular letter prior to the meeting that the Local Representative may exercise their right to speak at the Committee meeting.
- 19.40 A Councillor acting as a Local Representative (whether a member of the Planning Committee or not):
- 19.40.1 Shall not sit with members of the Planning Committee, when attending a meeting of the Planning Committee concerning the Planning Application in question, and must wait to be called to make any representations in the public area of the room.
  - 19.40.2 Shall not speak to any member of the Planning Committee in relation to the Planning Application in question, either during a meeting of the committee or otherwise.
  - 19.40.3 May, in relation to the Planning Application in question with the consent of the Chair, respond to questions from members of the Committee, the Applicant or his Agent and any other party allowed to speak at the meeting.
  - 19.40.4 Shall if the Councillor has a prejudicial interest (unless as a Councillor with a Dispensation the Councillor has a dispensation to remain) withdraw from the room, chamber or place where the meeting of the Planning Committee is taking place once they have concluded their representations and dealt with any questions asked and in any event before further consideration of the Planning Application begins.
  - 19.40.5 Shall not accept any gift or hospitality from anyone connected with the Planning Application in question and take immediate steps to register any offers of gifts or hospitality refused in the Register kept for that purpose by the Solicitor to the Council.
- 19.41 Councillors who are not on the Planning Committee are expected to undertake training provided by the Council at regular intervals to enable them to properly carry out their role as Local Representative.
- 19.42 When acting in the role of Local Representative in relation to a specific Planning Application a Councillor can attend meetings held in the Community by lobby groups and others and participate in those meetings if the Councillor so wishes, but the Councillor must not communicate any information, views or recommendations arising from such meetings to members of the Planning Committee determining the Planning Application in question in advance of a meeting of the Planning Committee and should only express any such views as part of their formal presentations to the

## SECTION 19 – PLANNING PROTOCOL

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- Planning Committee at a public meeting of the Committee called to determine the application.
- 19.43 When acting in the role of Local Representative in relation to a specific Planning Application, a Councillor who does not have a prejudicial interest may decide not to address the Planning Committee, but may submit written comments either supporting or objecting to the application prior to the meeting to the Professional Lead - Development Management. The comments will be included in the Planning Officer's report to the Committee where it is practicable to do so and will be displayed on the Planning Portal. The Applicant can make a written response to the Local Representative's written comments. Such a Member is allowed to sit in the public gallery during consideration of the application.
- 19.44 A Councillor acting as a Local Representative who requires further information on the Planning Application in question should seek such information from the relevant planning officers and not from members of the Planning Committee.

### RIGHTS OF LOCAL REPRESENTATIVE

- 19.45 For the avoidance of doubt a Local Representative will have those rights set out in Rule 19.46 of this Protocol under the heading of "Non-Planning Committee member role" that is to say:
- 19.45.1 Subject to the provisions in this Protocol relating to a Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and to the provisions of the Members' Code of Conduct generally a Councillor who is a Local Representative will be free to:
- 19.45.1.1 discuss any Planning Application with the Applicant /Agent /Objector /lobby group etc;
  - 19.45.1.2 attend any locally organised meeting concerning the application
  - 19.45.1.3 attend any Town or Community Council Meeting concerning the application and speak about the application (including expressing a view either for or against the application) and (if a member of the Town or Community Council) vote upon the application
  - 19.45.1.4 relay relevant information about the application to a planning officer.
  - 19.45.1.5 seek information / clarification about the application from a planning officer.

**PROVIDED ALWAYS** that in so doing the Councillor must never seek to lobby or improperly influence a Decision Maker, the Professional Lead - Development Management or a Planning Officer in relation to the determination of a Planning Application.

## SECTION 19 – PLANNING PROTOCOL

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### NON-PLANNING COMMITTEE COUNCILLOR ROLE

19.46 Subject to the provisions in this Protocol relating to a Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and to the provisions of the Members' Code of Conduct generally a Councillor who is not a member of the County Planning Committee (whether or not they play or intend to play the role of Local Representative) will be free to:

- 19.46.1 discuss any Planning Application with the Applicant /Agent /Objector /lobby group etc;
- 19.46.2 attend any locally organised meeting concerning the application;
- 19.46.3 attend any Town or Community Council Meeting concerning the application and speak about the application (including expressing a view either for or against the application) and (if a member of the Town or Community Council) vote upon the application;
- 19.46.4 relay relevant information about the application to a planning officer;
- 19.46.5 seek information / clarification about the application from a planning officer.

**PROVIDED ALWAYS** that in so doing the Councillor must never seek to lobby or improperly influence a Decision Maker, the Professional Lead - Development Management or a Planning Officer in relation to the determination of a Planning Application.

### MEMBER REPRESENTATIVE

19.47 A Councillor can act as a Member Representative on behalf of persons entitled to speak at meetings of the Planning Committee PROVIDED THAT:

- 19.47.1 the Councillor cannot act for a person living within their electoral division unless the Member has handed over their responsibilities as Local Representative to another Councillor pursuant to Rule 19.68.
- 19.47.2 the Councillor notifies the Professional Lead - Development Management or a Planning Officer that they are acting as a Member Representative on behalf of an objector entitled to speak at meetings of the Planning Committee **no later than 4 clear working days in advance of the meeting.**
- 19.47.3 Where a Councillor wishes to act as a Member Representative for an applicant s/he must notify the Professional Lead - Development Management **no later than 2 clear working days in advance of the meeting.**

19.48 A Councillor acting as a Member Representative cannot:

- 19.48.1 be a Decision Maker if they are a member of the Planning Committee;

## SECTION 19 – PLANNING PROTOCOL

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- 19.48.2 Call-in an application to the Planning Committee.
  - 19.48.3 seek to influence / lobby fellow Councillors or officers;
  - 19.48.4 attend site visits.
- 19.49 A Councillor acting as a Member Representative at a meeting of the Planning Committee must:
- 19.49.1 when the Chair calls them prior to speaking to advise the Committee:
    - 19.49.1.1 that they are not acting in the role of Local Representative;
    - 19.49.1.2 that they are not acting in the role of a County Councillor;
    - 19.49.1.3 that they are acting as a Member Representative;
    - 19.49.1.4 whether they have a personal or a personal and prejudicial interest in respect of the application.
  - 19.49.2 not speak to members of the Planning Committee regarding the application;
  - 19.49.3 sit in the public gallery and not sit with members of the Committee
- 19.50 A Councillor acting as Member Representative who has a personal and prejudicial interest must disclose that interest prior to making a presentation to the Committee, and having completed their presentation must leave the room prior to the Committee discussing the application.

### CALL-IN

- 19.51 A Councillor (whether a member of the Planning Committee or not) may:
- 19.51.1 in respect of a Planning Application in their electoral divisions, or which affect their electoral division, request, that such Planning Application which ordinarily would be determined by the Professional Lead - Development Management will be determined by the Planning Committee and in this Protocol a Councillor making such a request will be referred to as exercising "the power of Call-in".
  - 19.51.2 in respect of a planning application in their electoral division, or which affect their electoral division, where they believe that application is likely to be controversial, exercise the power of Call-in, but may withdraw that Call-in in accordance with Rules **19.57**.
- ~~19.30 A Councillor exercising the power of Call in may withdraw the Call in by written notification to the Head of Development Management at any time before the agenda for the meeting has been published in accordance with Section 14 of the Constitution.~~
- 19.52 A Councillor exercising the power of Call-in will have an automatic right to speak, ~~and the applicant notified of this.~~

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Section 19 – Page 16

Version ~~34~~ – Effective from ~~7th March~~, 20179



## SECTION 19 – PLANNING PROTOCOL

- 19.53 An objection from a Town or Community Council will not automatically trigger an application being considered by the Planning Committee.

**Call-in Procedure relating to a Councillor making a request for a planning application to be determined by the Planning Committee and not by the Professional Lead - Development Management.**

- 19.54. Subject to Rule 19.56 below, a Councillor (whether a member of the Planning Committee or not) may, in respect of a Planning Application in their electoral divisions, or which affect their electoral division, request in writing (by letter, email or fax), in accordance with Rule 19.55 below, that such Planning Application which ordinarily would be determined by the Professional Lead - Development Management be determined by the Planning Committee;
- 19.55 A written request (by letter, email or fax) by a County Councillor for a Planning Application within their Electoral Division or which affects their electoral division to be considered by the Planning Committee shall be sent or forwarded to the Professional Lead - Development Management so as to be received by them within the period of 21 consecutive days from the County Councillor receiving notification registration of of the Planning Application and such request must set out the specific planning grounds justifying the request ~~and vague or general reasons may not be acceptable~~;
- 19.56 A Councillor shall not be entitled to make a request under Rule 19.54 above in relation to re-submitted applications where no substantial change has been made to an original application which has been refused.
- 19.57 A Councillor who has exercised the Call-in of a Planning Application may request that the Call-in be withdrawn by written notification to the Professional Lead - Development Management at any time before the agenda for the meeting has been published in accordance with Section 14 of the Constitution ~~by giving notice in writing (Email / fax / letter) no later than 4 clear working days in advance of the meeting.~~
- 19.58 The decision of the Chair of the Planning Committee as to whether a request complies with the procedure in Rules 19.51 to 19.61 shall be final.
- 19.59A Councillor exercising the power of Call-in who has an automatic right to speak shall comply with the provisions of this Protocol relating to Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and with the Members' Code of Conduct generally.
- 19.60 Members of the Planning Committee are cautioned that if, in exercising the power of Call-in:
- 19.60.1 they express an opinion for or against the Planning Application, they will only be able to undertake the role of Local Representative; and
- 19.60.2 if they have previously discussed the application with Applicant and / or Agent and / or Objector and / or third party they will only be able to undertake the role of Local Representative.

In these situations the advice of the Monitoring Officer should be sought.

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## SECTION 19 – PLANNING PROTOCOL

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- 19.61 Where a Councillor requests determination by the Planning Committee and is unable to attend the meeting to speak thereon, consideration of a letter from that Councillor relating to the Planning Application will be allowed as an alternative to an oral presentation made by that Councillor. Alternatively a Councillor acting as Local Representative, where they are unable to attend the meeting of the Committee when the application is considered, may hand over their Local Representative role to another County Councillor.

### COUNCILLORS WITH PERSONAL AND PREJUDICIAL INTERESTS

#### COUNCILLOR WITH A PERSONAL INTEREST

- 19.62 A Councillor with a Personal Interest in relation to a Planning Application who attends a meeting of the Planning Committee (whether as a member of the Committee or not) when that Planning Application is considered must, in accordance with the Members' Code of Conduct, disclose orally to that meeting the existence and nature of the Personal Interest in question before or at the commencement of the consideration of the Planning Application or when the Personal Interest becomes apparent to the Councillor. The role of a Councillor with a Personal Interest who also has a prejudicial interest under the Members' Code of Conduct is further limited as detailed in Rules 19.66 to 19.68 below.

#### DEFINITION OF COUNCILLOR WITH A PERSONAL INTEREST

- 19.63 Under the Members' Code of Conduct a Councillor (whether a member of the Planning Committee or not) must consider whether they have a Personal Interest (as defined in the Members' Code of Conduct) in respect of a Planning Application and whether the Members' Code of Conduct requires them to disclose that interest in the event of the Councillor attending a meeting of the Planning Committee which considers that Planning Application. A Councillor who is required to declare a personal interest in respect of a Planning Application at a meeting of the Planning Committee will for the purposes of this Protocol be a Councillor with a Personal Interest in relation to that Planning Application.

#### EXAMPLES OF PERSONAL INTERESTS

- 19.64 Paragraph 10 of the Members' Code of Conduct details what will constitute a "Personal Interest" for the purposes of the Code and, by extension through Rule 19.63 above. Illustrative of the types of interest referred to in Paragraph 10 are the categories listed below. They must not be taken as authoritative. Reference to Paragraph 10 must always be made to ascertain with certainty whether a Councillor is a Councillor with a Personal Interest.
- 19.65 Planning Applications concerning:
- 19.65.1 The Councillor
  - 19.65.2 The Councillor's family;
  - 19.65.3 The Councillor's friends;
  - 19.65.4 The Business interests of the Councillor;
  - 19.65.5 The Land interests of the Councillor or their family;

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Section 19 – Page 18

Version 34 – Effective from 7th March, 2017

## SECTION 19 – PLANNING PROTOCOL

- 19.65.6 An organisation of which the Councillor is a member (including those to which the Councillor has been elected, appointed or nominated by the Council;
- 19.65.7 Projects and schemes in respect of which the Councillor (or members of the family of the Councillor) has drawn plans for their family / friends or for other people or acted as Agents for their family friends or for other people.

### COUNCILLOR WITH A PREJUDICIAL INTEREST

- 19.66 A Councillor with a Prejudicial Interest in relation to a Planning Application who is a member of the Planning Committee may not in respect of that Planning Application (unless granted a dispensation by the Standards Committee to be a Decision Maker) be a Decision Maker but may undertake the role of Local Representative in respect of that Planning Application.
- 19.67 A Councillor with a Prejudicial Interest in relation to a Planning Application who is not a member of the Planning Committee may undertake the role of Local Representative in respect of that Planning Application and may apply to the Standards Committee for a dispensation as detailed in the provisions of this Protocol below and in Rules 19.71 to 19.72 relating to a Councillor with a Dispensation.
- 19.68 A Councillor with a Prejudicial Interest in relation to a Planning Application ~~who is whether they are a member of the committee or not, a member of the Planning Committee who is undertaking the Local Representative Role,~~ may if s/he determines that their prejudicial interest is so significant that it would prejudice their ability to undertake the Local Representative role, appoint another Councillor to undertake the Local Representative role by giving written notice to the Professional Lead - Development Management who will arrange for the appointment to be placed on the relevant application file. The Councillor who takes over the Local Representative role may not be a Decision Maker or have a significant Prejudicial Interest which would prejudice their ability to act as the Local Representative.
- 19.69 A Councillor with a Prejudicial Interest in relation to a Planning Application whether they are a member of the committee or not, who is undertaking a Local Representative role and are unable to attend the meeting may submit a written statement and must advise Development Management that they are intending to submit a written submission at least 4 clear working days before the meeting. The applicant will have a right of response to this submission at the committee either orally or in writing.

### DEFINITION OF COUNCILLOR WITH A PREJUDICIAL INTEREST

- 19.70 Where a Councillor (whether a member of the Planning Committee or not) is a Councillor with a Personal Interest in relation to a Planning Application that Councillor will, for the purposes of this Protocol, also be a Councillor with a Prejudicial Interest in respect of that Planning Application if the interest of that Councillor is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice that Councillor's judgement of the public interest.

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## SECTION 19 – PLANNING PROTOCOL

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### COUNCILLOR WITH A DISPENSATION

#### COUNCILLOR WITH A DISPENSATION

- 19.71 A Councillor with a Dispensation attending a meeting of the Planning Committee (whether a member of the Committee or not) to which the dispensation is relevant may only participate in the meeting subject to:-
- 19.71.1 Stating at the Meeting that they are relying on the dispensation; and
  - 19.71.2 Giving to the Solicitor to the Council a written notification before or immediately after the close of the Meeting containing:
    - 19.71.2.1 Details of the Prejudicial Interest;
    - 19.71.2.2 Details of the Planning Application to which the Prejudicial Interest relates;
    - 19.71.2.3 Details of, and the date on which, the dispensation was granted; and
    - 19.71.2.4 The Councillor's signature.
- 19.72 A Councillor with a Dispensation making written or oral representations in reliance upon the dispensation must provide details of the dispensation within such written or oral representations, and in the latter case, provide written notification to the Solicitor to the Council within 14 days of making the representations.

#### DEFINITION OF COUNCILLOR WITH A DISPENSATION

- 19.73 A Councillor with a Prejudicial Interest who is a member of the Planning Committee may
- 19.73.1 undertake the Role of Local Representative, but shall leave the meeting room after making their presentation; or
  - 19.73.2 if a Local Representative with a Prejudicial Interest wishes to remain in the meeting room s/he may apply for a dispensation from the Council's Standards Committee well in advance of the meeting of the Planning Committee.
  - 19.73.3 A Councillor undertaking the role of Local Representative with a prejudicial interest is allowed to make written representations in lieu of their right to speak at the meeting.
  - 19.73.4 where he / she does not wish to act as a Decision Maker or Local Member but does wish to act as a Member Representative may apply for a dispensation from the Council's Standards Committee well in advance of the meeting of the Planning Committee.
- 19.74 A Councillor with a Prejudicial Interest who is not a member of the Planning Committee may undertake the Role of Local Representative (or Member Representative), but shall leave the meeting room after making their presentation. If a Local Representative (or a Member Representative) with a prejudicial interest wishes to remain in the meeting room s/he may apply for a dispensation from the Council's Standards Committee well in

## SECTION 19 – PLANNING PROTOCOL

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advance of the meeting of the Planning Committee. A Councillor undertaking the role of Local Representative with a prejudicial interest is allowed to make written representations in lieu of their right to speak at the meeting.

- 19.75 A Councillor who has obtained such dispensation as is mentioned in Rules **19.73 and 19.74** shall for the purposes of this Protocol be a Councillor with a Dispensation.

### MEMBERS' CODE OF CONDUCT

- 19.76 The Members' Code of Conduct in force ~~at the time for the time being (as supplemented by this Protocol)~~, **must be followed at all times.**

### PREDISPOSITION AND PREDETERMINATION

- 19.77 A Councillor who is a Decision Maker may be predisposed to a particular view. However the Councillor must be open to the possibility that they will hear arguments during the debate about the Planning Application that, will change their mind about how they intend to vote. As long as the Councillor is willing to keep an open mind about the Planning Application they are entitled to take part on any vote on it.
- 19.78 A Decision Maker must exercise care not to predetermine a Planning application. Predetermination is where the Councillor's mind is closed to the merits of any arguments which differ from their own about a Planning Application. A Decision Maker should avoid giving the appearance that they have decided how they will vote at the meeting and that nothing will change their mind.

### A COUNCILLOR'S DIRECT CONNECTIONS WITH APPLICANTS AND OTHERS

- 19.79 If a Councillor advises Applicants, Agents, Objectors or other interested parties about the likely acceptability of planning proposals then in relation to planning applications relating to those proposals that Councillor cannot undertake the role of Decision Maker and may need to consider whether they fall within the category of a Councillor with a Prejudicial Interest.
- 19.80 A Councillor who wishes to ensure that they remain eligible to carry out the role of Decision Maker should advise prospective Applicants to contact a Planning Officer for advice on both merits and procedures.
- 19.81 **A Councillor should never seek to influence / lobby fellow Councillors or officers in these circumstances.**

### DEVELOPMENT PROPOSALS INVOLVING COUNCILLORS

- 19.82 A Planning Application by a Councillor (~~or their own business~~) or their family and relatives, close friends and business associates can easily give rise to suspicions of impropriety. It is vital that it is handled in a way that gives no grounds for accusations of favouritism.
- 19.83 A serving Councillor who prepares plans or generally acts as an Agent for people submitting a Planning Application should never be a Decision

## SECTION 19 – PLANNING PROTOCOL

Maker or Local Representative in relation to that Planning Application and should not seek to lobby / influence fellow Councillors or officers.

19.84 Where a Councillor is the Applicant for a planning permission they:

- 19.84.1 must appoint an Agent or Representative to act on their behalf;
- 19.84.2 must notify, in writing, the Professional Lead - Development Management that such application has been submitted;
- 19.84.3 should take no part in the processing of that application or endeavour to influence the final decision on the application;
- 19.84.4 must not seek to influence / lobby fellow Councillors or officers;
- 19.84.5 must not attend any meeting of the Planning Committee whilst it is considering their application;
- 19.84.6 must regard themselves as being both a Councillor with a Personal Interest and a Councillor with a Prejudicial Interest.
- 19.84.7 must not act as a Local Representative and must advise Democratic Services who will liaise with neighbouring Members and agree a replacement Local Representative and advise Development Management – as in Rule 19.68.

19.85 Any Planning Application submitted by a Councillor will be determined by the Planning Committee and shall never be dealt with by officers under 'delegated powers'. The Council's Planning Solicitor should confirm in the Planning Officer's report to the Planning Committee that the application has been processed normally and therefore must be given the opportunity to review the file.

19.86 Where a Planning Application is made by a member of a Councillor's family, a friend or business associate of the Councillor or an organisation in which the Councillor holds a position of responsibility the Councillor shall advise the Professional Lead - Development Management of the submission of that application, and the relationship between the Councillor and that individual. The Professional Lead - Development Management shall determine whether the nature of the relationship would warrant the application being referred to the Planning Committee for determination or whether it could be determined by him. In any event the Councillor should not seek to influence / lobby fellow Councillors or officers in respect of the application.

19.87 A Councillor must have regard to the Members' Code of Conduct when dealing with a Planning Application involving another Councillor.

### COUNCILLORS SHOULD SEEK ADVICE

19.88 A Councillor in any doubt as to his position under this Protocol or Members' Code of Conduct should always seek the advice of the Monitoring Officer.

### DECISION MAKING PROCESS

19.89 Subject to Rule 19.90 below the Committee will perform the functions and follow the delegation set out in Section 13 (Responsibility for Functions).

## SECTION 19 – PLANNING PROTOCOL

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- 19.90 The Professional Lead - Development Management will not exercise their delegated responsibility for functions in the following circumstances whereupon the function will be dealt with by the Planning Committee:
- 19.90.1 the Professional Lead - Development Management considers that the Planning Function should be dealt with by the Planning Committee and not by him / herself;
  - 19.90.2 a Councillor registers a Call-in request under Rules **19.51 to 19.61** that a Planning Application be referred to the Planning Committee for decision and not determined by the Professional Lead - Development Management;
  - 19.90.3 the Planning Application in question constitutes a material departure from the Development Plan and the view of the Professional Lead - Development Management is that the Planning Application should be approved;
  - 19.90.4 the Planning Application is made by or on behalf of the County Council or relates to or affects Council land or premises (whether or not actually occupied by the Council);
  - 19.90.5 the Planning Application is required to be accompanied by an Environmental Statement under the EIA Regulations;
  - 19.90.6 the Planning Application is submitted by or on behalf of any member of the Council or any member of staff employed in Development Management, the Chief Executive, Strategic Directors and Directors, Heads of Service, or officers who are in regular contact with Development Management.

## DECISION MAKING BY THE PLANNING COMMITTEE

### PLANNING COMMITTEE DETERMINATION PRINCIPLES

- 19.91 In considering and determining a Planning Application the Planning Committee shall:
- 19.91.1 have regard to the regulatory and quasi-judicial nature of the Committee's proceedings;
  - 19.91.2 disregard irrelevant considerations;
  - 19.91.3 act impartially, fairly and not take into account any political considerations;
  - 19.91.4 determine the application in accordance with the Statutory Development Plan unless material planning considerations indicate otherwise;
  - 19.91.5 acknowledge the emphasis in determining applications is upon a 'plan-led' system;
  - 19.91.6 reflect the basis of the planning system is the consideration of private proposals against the wider public interest;
  - 19.91.7 recognise much is often at stake in this process and opposing views are often strongly held by those involved;
  - 19.91.8 take into account representations made to the local planning authority as a result of consultation with interested bodies or as a result of public notice or neighbour notification;

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Section 19 – Page 23

Version ~~34~~ – Effective from ~~7th March~~, 20179

## SECTION 19 – PLANNING PROTOCOL

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- 19.91.9 decide which representations are material to the decision to be made, and, if so, what weight to attach to them;
- 19.91.10 not reach any conclusion on the merits until all the relevant facts have been considered including the officer's report and the matter appropriately debated;
- 19.91.11 ensure that the Public Speaking Provisions are implemented fairly.

### Statutory Duties

- 19.92 The Council is also subject to a number of statutory duties which it must comply with when carrying out its statutory functions. These will apply to the planning function except when such matters are clearly immaterial because they are not capable of relating to the use of development land. Examples of these duties include:

### Equality Act 2010

- 19.93 Section 149 provides that:

- 19.93.1 A council must, in the exercise of its functions, have due regard to the need to:
  - 19.93.1.1 eliminate discrimination, harassment, victimisation and any other conduct which is prohibited by or under the Equality Act 2010;
  - 19.93.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - 19.93.1.3 foster good relations between persons who share a protected characteristic and persons who do not share it.
- 19.93.2 The above powers relate to the following protected characteristics:
  - 19.93.2.1 age;
  - 19.93.2.2 disability;
  - 19.93.2.3 gender reassignment;
  - 19.93.2.4 marriage and civil partnership;
  - 19.93.2.5 pregnancy and maternity;
  - 19.93.2.6 race (including colour, nationality and ethnic or national origins);
  - 19.93.2.7 religion or belief;
  - 19.93.2.8 sex; or
  - 19.93.2.9 sexual orientation.

### Human Rights

- 19.94 Section 6(1) of the Human Rights Act 1998 provides that:

"It is unlawful for a public authority to act [or fail to act] in a way which is incompatible with a Convention right."



## SECTION 19 – PLANNING PROTOCOL

### Best Value

- 19.95 Section 3(1) of the Local Government Act 1999 and Part 1 of the Local Government (Wales) Measure 2009 provides that:

“A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.”

### Crime and Order

- 19.96 Section 17(1) of the Crime and Disorder Act 1998 provides that:

“Without prejudice to any other obligation imposed on it, it shall be the duty of a [local authority] to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

### DEFERRALS

- 19.97 In the event of consideration of a Planning Application being deferred at a meeting of the Planning Committee then (unless deferral of the application is agreed at the outset of the consideration of the application by the Planning Committee and no further discussion about it takes place at that meeting) only those Decision Makers present during the meeting when the application is deferred will be eligible to reconsider the application at a subsequent meeting of the Planning Committee. Please refer also to Rule 19.117.8.4

- 19.98 Where the quorum of a meeting falls below 50%, any application where this occurs will be automatically deferred and considered at the next available meeting.

### RECONSIDERED APPLICATIONS

- 19.99 Where an application which has been previously considered and / or determined by the Committee, is subsequently ~~resubmitted~~ reconsidered, the Professional Lead - Development Management in consultation with the Chair and Vice-Chair should consider whether:

- 19.99.1 the application is materially the same as the previous application considered. If so only those Councillors who were present when the application was considered can take part in any subsequent consideration of the ~~resubmitted~~ reconsidered application. Speaking rights at this meeting will be in accordance with Rule ~~19.1167.8.4~~ 19.117.8.4 as follows:

“If representations are made by a Councillor acting as a Local Representative / an Objector/ a representative of a Town or Community Council / an Applicant or their Agent to a Planning Committee meeting and the matter is deferred to a subsequent meeting, then there will be no right for any of these individuals to make a second oral representation to the reconvened meeting and any further representations shall be made in writing only. However additional comments are

## SECTION 19 – PLANNING PROTOCOL

~~allowed at the discretion of the Chair in consultation with the Vice-Chair at the subsequent meeting where additional information has been received”.~~

- 19.99.2 the application is significantly different to the previous application considered. If so the application will be considered to be a new application and all members of the Planning Committee can take part in any subsequent consideration of the ~~resubmitted~~ reconsidered application and full speaking rights will be allowed.
- 19.99.3 the length of time between the original consideration and subsequent consideration is 6 months or more. If the length of time is 6 months or more (the timescale starts from the date of the meeting when the matter was first considered), then it will be considered to be a new application and all members of the Planning Committee can take part in any subsequent consideration of the ~~resubmitted~~ reconsidered application and full speaking rights will be allowed.

### DECISIONS CONTRARY TO OFFICER RECOMMENDATION

- 19.100 When members of the Planning Committee are minded to either approve or refuse a Planning Application contrary to the recommendation of the Professional Lead - Development Management (in a written report to the Committee or communicated orally at a meeting of the Committee) those members shall clearly identify and articulate the planning reasons supporting their view before a vote is taken on the application in question and those reasons shall be recorded in the Minutes of the meeting if the Planning Committee makes a decision contrary to the recommendation of the Professional Lead - Development Management and a copy of the minute containing the Committee's reasons shall be placed on the relevant application file.
- 19.101 If the Planning Committee is minded to refuse or grant an application contrary to Officer recommendation, it may wish to consider whether to defer the confirmation of reasons for granting or refusal ~~conditions of the application~~ to the next available committee. This will allow members the opportunity to obtain further planning and legal advice on the proposed reasons for acting contrary to the recommendation based on material planning considerations.
- 19.102 If the Planning Committee is minded to grant an application contrary to Officer recommendation, it should either delegate the conditions to the Professional Lead – Development Management or defer the confirmation of conditions to the next available committee. This will allow members the opportunity to obtain further planning and legal advice on the proposed reasons for acting contrary to the recommendation based on material planning considerations.

**Commented [WR1]:** Question to Committee – which option would you prefer?

### MODIFYING PLANNING CONDITIONS

- 19.103 Where members of the Planning Committee wish to add, modify or amend conditions which are recommended by the Professional Lead -

Section 19 – Page 26

Version 34 – Effective from ~~7th March~~, 20179

## SECTION 19 – PLANNING PROTOCOL

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Development Management those members shall clearly identify and articulate the planning reasons supporting their view before a vote is taken on the application and/or the conditions in question and those reasons shall be recorded in the Minutes of the meeting if the Planning Committee makes a decision contrary to the recommendation of the Professional Lead - Development Management **PROVIDED ALWAYS** that the wording of the final version of those conditions shall be delegated to the Professional Lead - Development Management ~~in consultation with the Chair and Vice-Chair.~~

- 19.104 Where the Professional Lead - Development Management considers that they would be unable to defend a proposed decision of the Planning Committee on appeal they shall make this point known to the Committee before the final vote is taken. In such cases the Minutes of the meeting shall record the proposer and seconder of the motion to pass a resolution contrary to the recommendation of the Professional Lead - Development Management.

### **PREDETERMINATION**

- 19.105 Where the Monitoring Officer (or their representative at a meeting of the Planning Committee meeting) considers that a member of the Planning Committee has prejudiced their position as a Decision Maker, by expressing a clear and settled view on an application before its determination by the Planning Committee, the Monitoring Officer (or their representative at a meeting of the Planning Committee) shall advise the Councillor in question and the Chair of the Committee of the effect of that Councillor continuing to play the role of a Decision Maker. The decision as to whether that Councillor shall continue to play the role of Decision Maker shall rest with that Councillor.

### **CORRESPONDENCE AND OTHER RELEVANT INFORMATION RECEIVED BY MEMBERS OF THE PLANNING COMMITTEE**

- 19.106 A member of the Planning Committee may receive from time to time correspondence and other relevant information from persons or groups who have an interest in the outcome of a planning application to be determined by the Planning Committee and there will be pressure to reply. A member of the Planning Committee will occasionally receive a significant amount of unsolicited correspondence and other information on more contentious applications. The Councillor shall not reply or respond to this correspondence but instead shall refer it to the Professional Lead - Development Management. This will prevent any delay in the process. The Professional Lead - Development Management shall also:

- 19.106.1 if time permits, send a copy of such correspondence / other information to the Applicant or their Agent (provided neither is the author) so as to allow them an opportunity to respond;
- 19.106.2 place a copy of all such correspondence/other information on the relevant Planning file;
- 19.106.3 if time permits, ensure that their report to the Planning Committee refers to such correspondence / other information; otherwise the Professional Lead - Development Management

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## SECTION 19 – PLANNING PROTOCOL

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should refer to such correspondence / other information orally at the meeting of the Planning Committee giving it such prominence and weight as its relevance requires.

- 19.107 On occasions the new information may be so substantial as to lead to a deferment of the application. Where the Planning Application is not deferred the Chair will allow members an appropriate period of time to read the new material before proceeding with consideration of the item.
- 19.108 The Professional Lead - Development Management shall be responsible for reporting any correspondence or new information of relevance to the Planning Committee.

### SITE INSPECTIONS

- 19.109 There will be no Site Inspections undertaken by the Planning Committee unless there are exceptional circumstances justifying a site inspection (that is to say it must be clearly demonstrated that a site inspection is essential to the decision making process i.e. that a proper decision cannot be made without a site inspection taking place). For the avoidance of doubt, it will be the expectation that Local Representatives will make any request for Site Inspections well in advance of the meeting:

- 19.109.1 as recommended ~~in the report to the committee~~ by the Professional Lead - Development Management in consultation with the Solicitor to the Council and the Chair and Vice-Chair of the Planning Committee; or
- 19.109.2 as determined by the Committee itself to deal with unresolved site specific planning issues in which case these wholly exceptional circumstances justifying the site visit shall be recorded in the minutes of the meeting at which the decision is taken.
- 19.109.3 as determined by the Chair and Vice-Chair of the Planning Committee on the application of one or more Councillors in whose electoral division(s) the development in question will take place or whose electoral division will be affected by the development in question subject to consultation with the Professional Lead - Development Management and the Solicitor to the Council.

- 19.110 Where Site Inspections are held the following Policies shall apply.

#### POLICY 1: ARRANGEMENTS FOR HOLDING SITE INSPECTIONS

- 19.110.1 Wherever practicable Site inspections shall be arranged to take place on the same day as and immediately prior to the formal public Planning Committee meeting considering the application.

#### POLICY 2: ATTENDANCE AT SITE INSPECTIONS

- 19.110.2 ALL members of the Planning Committee shall be invited to attend Site Inspections together with planning officers.
- 19.110.3 Councillors acting as a Local Representative shall, be allowed to attend site visits ~~(but not travel with the committee)~~ to provide

## SECTION 19 – PLANNING PROTOCOL

planning specific information to the committee ~~unless~~ except where they have a Personal and Prejudicial Interest. Alternatively a Local Representative may provide to a planning officer only in writing, additional relevant planning information relating to the site, prior to a site inspection, and the planning officer will inform those present at the site inspection of this additional information except where the Member has a Personal and Prejudicial Interest.

- 19.110.4 In exceptional circumstances the Chair may, after consultation with the Professional Lead - Development Management and the Vice-Chair, invite other council officers to attend site inspections for the sole purpose of providing information only, in relation to specialist matters, concerning the application and to answer such questions as Councillors may wish to raise.
- 19.110.5 **Landowners / representative of a Town and Community Council / Applicants / Objectors / supporters or any other third party shall not be allowed to attend site inspections.**

### **POLICY 3: NON ATTENDANCE BY COUNCILLORS**

- 19.110.6 All members of the Planning Committee shall use their best endeavours to attend a Site Inspection where they intend to play the role of Decision Maker in relation to the Planning Application in question. A Councillor's position to undertake the role of Decision Maker in relation to such application may be in doubt if they did not attend a relevant Site inspection (i.e. as a consequence of which the Councillor is unable to take a decision with knowledge of all relevant matters) and in that situation the Councillor shall seek the advice of the Monitoring Officer, which shall wherever practicable be obtained in writing and a copy given to the Chair and Vice-Chair of the Planning Committee prior to the commencement of the meeting in question.
- 19.110.7 **Councillors who, as a result of such advice from the Monitoring Officer, conclude that they are unable to undertake the role of Decision Maker shall either move to the public gallery, or may leave the room during consideration of the application in question.**

### **POLICY 4: ACCESS TO PRIVATE LAND**

- 19.110.8 Where Councillors need to enter onto private land the landowner's prior consent shall be sought by the Professional Lead - Development Management. If consent is not forthcoming, the site shall, if practicable, be viewed from the public highway.

### **POLICY 5: NOTIFICATION OF SITE INSPECTIONS**

- ~~19.109.9 The Applicant / Objectors / and the relevant Town or Community Council shall be informed of the site inspection in advance but will not be permitted to be present during the inspection or to make any representations at the Site Inspection. However a Town or Community Council may provide to a planning officer only in writing, additional relevant planning information relating to~~

## SECTION 19 – PLANNING PROTOCOL

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~~the site, prior to a site inspection, and the planning officer will inform those present at the site inspection of this additional information.~~

### **POLICY 6: PURPOSE OF SITE INSPECTION**

19.110.9 The sole purpose of the site inspection will be for the planning officers to explain in the context of the site, the planning issues relating to the application and for Councillors to view the site. **There shall be no discussions at the site inspection concerning the merits of the application and the site inspection will not be used as a forum for debate. No recommendations shall be made at the site inspection.**

### **POLICY 7: REPORT TO PLANNING COMMITTEE**

19.110.10 The Chair of the Planning Committee shall report if a Site Inspection has been undertaken.

### **REPORT ON A PLANNING APPLICATION BY THE PROFESSIONAL LEAD - DEVELOPMENT MANAGEMENT**

- 19.111 All Planning Applications considered by the Planning Committee shall be the subject of a full written report by the Professional Lead - Development Management, including a detailed assessment of the proposal, including any reasonable options available to the Committee and a reasoned recommendation.
- 19.112 Any new matters that have arisen between the preparation of the report and the date of the Planning Committee considering the planning application or planning matter in question will be the subject of a written update report circulated prior to the commencement of the proceedings of the Planning Committee meeting or referred to orally at the meeting. Only exceptionally should planning officers report only orally to the Planning Committee. The update report will be filed with the signed minutes and the other reports on the Planning Application and added to the published agenda on the Council's website, where possible, prior to the meeting. All submissions should be received where possible no later than 48 hours before the meeting of the Planning Committee, ~~and submissions submitted less than 48 hours before the meeting will only be allowed at the discretion of the Chair and Vice Chair of the Committee in consultation with the Head of Development Management.~~

### **SPEAKING AT PLANNING COMMITTEE MEETINGS**

#### **WHO MAY SPEAK**

- 19.113 For the purposes of Rules **19.114 to 19.117 and 19.121**, an Applicant and Objector may speak either directly or via an Agent, Member Representative, or Representative.
- 19.114 Where in relation to a specific Planning Application to be determined by the Planning Committee:

## SECTION 19 – PLANNING PROTOCOL

- 19.114.1 a person or body (other than a statutory consultee) has lodged an **objection** to that application and has notified the Professional Lead - Development Management (in accordance with Rule 19.116 below) of their wish to exercise the right to speak against the application at the relevant meeting of the Planning Committee; or
- 19.114.2 a **Town or Community Council** has indicated a wish to be heard regarding that application as a ~~statutory~~ consultee (in accordance with Rule 19.115 below); or
- 19.114.3 **(a) Local Representative(s)** has / have indicated a / their wish to speak (in accordance with Rule 19.116 below); or
- 19.114.4 The **Applicant** exercises the right to respond to any representations made to the Committee by an Objector, Town/Community Council or Local Representative(s)

the **PUBLIC SPEAKING PROCEDURES** set out Rule 19.116 below shall apply.

### MATTERS NOT INCLUDED

19.115 For the avoidance of doubt Rules 19.113 to 19.116 shall not apply to, (and there shall be no right for any person to speak in relation to) the following:

- 19.115.1 enforcement cases;
- 19.115.2 applications for listed building consent;
- 19.115.3 advertisements;
- 19.115.4 lawful use certificates;
- 19.115.5 appeal decisions and proposals to remove legal obligations under Section 106 of the Town & Country Planning Act;
- 19.115.6 ancient / important hedgerows.

### OBTAINING THE RIGHT TO SPEAK

19.116 A right to speak at a meeting of the Planning Committee will only be obtained in the following situations:-

- 19.116.1 A member of the public shall be allowed to speak as an **Objector** to a planning application at the Planning Committee where:
  - 19.116.1.1 They have duly made, within prescribed time limits, a written objection to a planning application;
  - 19.116.1.2 A member of the public will need to register an “intention to speak” when a submission is made to the Council i.e. advanced notice of an intention to speak at the Committee which will need to be confirmed at least 4 clear working days before the date of the relevant committee; and
  - 19.116.1.3 Has submitted the request to be heard by the Planning Committee with Development Management at least 4 clear working days before

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## SECTION 19 – PLANNING PROTOCOL

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the date of the relevant meeting of the Planning Committee. For the avoidance of doubt the relevant meeting is the first meeting of the Planning Committee where that Planning Application is on the agenda. Where additional information is submitted, additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair at a subsequent meeting.

**PROVIDED ALWAYS** that:

- 19.116.1.4 Where more than one person or body (other than a statutory consultee) has lodged an objection to a planning application (as mentioned in Rule 19.114.1 above) and the Chair of the Planning Committee in consultation with the Vice-Chair concludes that the substance of the objections by those persons are identical or similar then only one such person so objecting shall be permitted to exercise the right to speak against the application in accordance with the Public Speaking Procedures, and that person shall be the individual agreed by all the Objectors who have raised the same or similar objection or in the absence of such agreement the individual who first submitted an objection in writing to Development Management.
- 19.116.1.5 Where in relation to the above situation the Chair of the Planning Committee in consultation with the Vice-Chair concludes that different persons or bodies have made objections which are different in substance each person or body making a different substantive objection shall be allowed to exercise the right to speak in opposition to the planning application in accordance with the Public Speaking Procedures.
- 19.116.1.6 Where more than one person or body (other than a statutory consultee) has submitted an objection, the Professional Lead - Development Management shall, ~~at least 3 days before~~ prior to the meeting of the Planning Committee in question, notify (by the most appropriate means) the persons or bodies of the conclusions of the Chair and Vice-Chair as to whether the objections are different in substance and accordingly as to those individuals and bodies who are entitled to exercise the right to speak under the Public Speaking Procedures.



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## SECTION 19 – PLANNING PROTOCOL

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- 19.116.2 A **Town or Community Council** (by its clerk or one of its members who can be a County Councillor (if a member of the Town or Community Council) will be allowed to speak as a ~~statutory~~ consultee to a Planning Application at a Planning Committee where that Council has submitted a request to be heard by the Planning Committee with Development Management at least 4 clear working days before the date of the relevant meeting of the Planning Committee. (A Town or Community Council will need to register an “intention to speak” when a submission is made to the Council i.e. advanced notice of an intention to speak at the Committee) which will need to be confirmed at least 4 clear working days before the date of the relevant committee. For the avoidance of doubt:
- 19.116.2.1 the relevant meeting is the first meeting of the Planning Committee where that Planning Application is on the agenda. Where additional information is submitted, additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair at a subsequent meeting.
- 19.116.2.2 The County Councillor choosing to speak on behalf of a Town or Community Council cannot also be a Local Representative.
- 19.116.3 (A) Councillor(s) exercising the role of **Local Representative(s)** will be allowed to speak in relation to a Planning Application at a Planning Committee where that / those Councillor(s) has/have submitted a request to be heard by the Planning Committee with Development Management at least 4 clear working days before the date of the relevant meeting of the Planning Committee **unless the application has been Called-In by that Councillor in which event the Councillor has an automatic right to speak under Rule 19.40**. For the avoidance of doubt the relevant meeting is the first meeting of the Planning Committee where that Planning Application is on the agenda. Where additional information is submitted, additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair at a subsequent meeting.
- 19.116.4 The **Applicant** will be allowed to speak (if they wish) where an Objector, Town or Community Council or Local Representative has spoken.

### PUBLIC SPEAKING PROCEDURES

- 19.117 Where an Objector, and / or representative of a Town or Community Council, and / or (a) Councillor(s) in the role of Local Representative has duly complied with the above provisions enabling that individual or Council to speak at a meeting of a Planning Committee in relation to a specific

## SECTION 19 – PLANNING PROTOCOL

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Planning Application then the procedures to be followed at a meeting of the Planning Committee will be as follows.

- 19.117.1 The Chair will briefly outline these procedures that allow Councillor(s) acting as (a) Local Representative(s), Objectors, and representatives of Town and Community Councils the right to address the Committee, and the Applicant's right of reply.
- 19.117.2 Prior to making their representations to the Planning Committee these individuals shall sit in the public gallery or wait outside the meeting room.
- 19.117.3 For the purposes of making their representations to the Planning Committee an individual entitled to address the Planning Committee under these provisions will be invited by the Chair to take a seat allocated for this purpose where a microphone will be available. A maximum time limit of 5 minutes will be available for each presentation which will be strictly observed save for:
- 19.117.3.1 in applications where there are multiple speakers objecting to the application, the Applicant will be allowed the same aggregate time allowed to the Objectors.
- 19.117.3.2 In Planning Applications classified by the Professional Lead - Development Management as major applications a maximum time limit of 8 minutes will apply but this will be subject to Rule **19.117.3.1** above (e.g. **those applications with a Welsh Office Planning Statistics (WOPS) Code 1 to 6 inclusive plus any application subject to an Environmental Impact Statement (EIA).**
- 19.117.4 Those making presentations cannot ask questions of one another, members of the Committee or officers ~~but members of the Committee may ask questions of a person making a presentation to the Committee. A person making a presentation, can at the discretion of the Chair ask a question in relation to procedure only, prior to the start of their allotted speaking time.~~
- 19.117.5 Those individuals making representations under these provisions must avoid making personal or derogatory remarks, confine their presentation to relevant planning issues and shall not use plans, photographs or other display material (but may refer to plans, documents etc included in the formal application material to be considered by the Committee).
- 19.117.6 At the end of the each presentation, the individual making the presentation will either take a seat in the public gallery or leave the meeting room **PROVIDED ALWAYS** that a Local Representative who is also a Councillor with a Prejudicial Interest having completed their presentation to the Committee and answered any questions shall (unless they have received

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## SECTION 19 – PLANNING PROTOCOL

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a dispensation from the Standards Committee to remain throughout the proceedings) immediately leave the room or chamber where the meeting is taking place.

19.117.7 The order in which individuals shall exercise their right in making representations to a Planning Committee shall be as follows:

- 19.117.7.1 The Local Representative (s).
- 19.117.7.2 Representative(s) of Town or Community Council.
- 19.117.7.3 Objector(s) entitled to speak under Rule 19.115.1.
- 19.117.7.4 Applicant and / or Agent(s).
- 19.117.7.5 Professional Lead - Development Management

**PROVIDED ALWAYS** that the Applicant is not obliged to exercise a right of reply to representations / objections made to the committee if they do not wish to do so.

19.117.8 For the avoidance of doubt

19.117.8.1 where an Applicant does exercise the right to reply to representations / objections the time limits and other procedures referred to in Rules 19.117.3, 19.117.3.1 and 19.117.3.2 above shall apply.

19.117.8.2 An Applicant has no right to make representations to a Planning Committee in the absence of presentations by the Local Representative(s), and / or representatives of Town or Community Councils, and / or Objector.

19.117.8.3 In respect of proposals where there are lodged duplicate applications or several linked applications relating to the same site, these shall be deemed to relate to one overall development and the rights to address the Committee will be interpreted accordingly.

19.117.8.4 If representations are made by a Councillor acting as a Local Representative / an Objector / a representative of a Town or Community Council / an Applicant to a Planning Committee meeting and the matter is deferred to a subsequent meeting, then **there will be no right for any of these individuals to make a second oral representation to the reconvened meeting and any further representations shall be made in writing only. However public speaking and additional comments are allowed at the discretion of the Chair in consultation with the Vice-Chair at the subsequent meeting**

## SECTION 19 – PLANNING PROTOCOL

~~where additional information has been received~~  
there has been a change of circumstances.

- 19.117.8.5 A Councillor who chooses to be a Local Representative shall not also make representations on behalf of a Town or Community Council under the Public Speaking Procedures set out above.
- 19.117.8.6 A Councillor who is a Decision Maker shall not make representations on behalf of a Town or Community Council under the Public Speaking Procedures set out above.
- 19.117.8.7 Public speaking is expected to take place at the first meeting where the application is determined unless the application is deferred, a site meeting recommended or there is additional information submitted, in which case additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair.
- 19.117.9 Following oral presentations by individuals under the above provisions, the Chair of the Planning Committee shall invite the Professional Lead - Development Management (if he / she wishes) to respond as necessary to those presentations before proceeding with his / her presentation of the application in the normal way **including where appropriate an update to the Committee concerning any correspondence or additional information received since publication of the Committee Agenda papers.**
- 19.117.10 The Professional Lead - Development Management shall keep a record of all notices received under these provisions.
- 19.117.11 At a meeting of the Planning Committee where representations under these provisions fall to be made in respect of a specific Planning Application every effort should be made for that application to be dealt with at the earliest opportunity.
- 19.117.12 The relevant plans shall be displayed as appropriate and a description of the application given before any oral representations are heard.
- 19.117.13 The minutes of the Planning Committee shall record the receipt of representations made under these arrangements but shall not record the substance of the representations.

~~Following the presentation by the Head of Development Management, members of the Committee shall debate the application and reach a decision unless it is decided to defer the application in question. Members of the Committee speaking at a Planning Committee shall not do so for longer than 5 minutes.~~

### ROLE AND DUTIES OF THE COMMITTEE CHAIR / VICE CHAIR

Section 19 – Page 36

Version 34 – Effective from ~~7th March~~, 20179

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## SECTION 19 – PLANNING PROTOCOL

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### ELECTION OF THE CHAIR

19.118 The Chair of the Planning Committee shall:

- 19.118.1 be a Councillor elected by the Committee at the first meeting of the Committee following the Annual Meeting of the Council or at an ordinary meeting in the event of a vacancy occurring between Annual Meetings.
- 19.118.2 hold office until:
  - 19.118.2.1 the Annual Meeting of the County Council next following their appointment; or
  - 19.118.2.2 they resign from the office; or
  - 19.118.2.3 they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
  - 19.118.2.4 they are disqualified from being a Councillor under Part III of the Local Government Act 2000; or
  - 19.118.2.5 a vote of no confidence in the Chair of the Planning Committee is passed by the Council following a Notice on Motion; or
  - 19.118.2.6 they are no longer a Councillor;

whichever shall first occur.

### ELECTION OF VICE-CHAIR

19.119 The Vice-Chair of the Planning Committee shall:

- 19.119.1 be a Councillor elected to that position by the Planning Committee at the first meeting of the Committee following the Annual Meeting of the Council, or in the event of a vacancy occurring at the next convenient meeting of the Committee following the occurrence of the vacancy.
- 19.119.2 hold office until:
  - 19.119.2.1 the first meeting of the Planning Committee which follows the next Annual Meeting of the County Council after the Councillor's appointment; or
  - 19.119.2.2 they resign from the office; or
  - 19.119.2.3 they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
  - 19.119.2.4 they are disqualified from being a Councillor under Part III of the Local Government Act 2000; or
  - 19.119.2.5 in the event of a vote of no confidence in the

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Section 19 – Page 37

Version 34 – Effective from 7th March, 2017

## SECTION 19 – PLANNING PROTOCOL

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- Vice-Chair of the Planning Committee being passed by the Council following a Notice on Motion; or
- 19.119.2.6 they are no longer a Councillor;

whichever shall first occur.

### CHAIRING THE PLANNING COMMITTEE

- 19.120 In the absence of the Chair for the whole or part of a meeting of the Planning Committee the Vice-Chair shall preside. If the Vice-Chair shall be absent the Planning Committee shall choose one of its number present to preside as Chair for that meeting or part of it until the Chair (or Vice-Chair) returns to the meeting.

### RESPONSIBILITY OF THE CHAIR PRESIDING AT A MEETING OF THE PLANNING COMMITTEE

- 19.121 The Councillor presiding as Chair at a meeting of the Planning Committee shall have the following general responsibilities:-

- 19.121.1 to preside over the meeting so that the Committee's business can be carried out efficiently and with proper regard to the rights of Councillors, Applicants, Objectors, officers and the interest of the community as a whole.
- 19.121.2 to ensure that the Committee meeting is properly conducted as a forum for debate on planning applications.
- 19.121.3 to ensure that the business of the meeting is carried out in accordance with the relevant provisions contained within the Council's Constitution, the Members' Code of Conduct, the Protocol on Member / Officer Relations, and this Protocol; and shall in particular have the following duties, obligations and responsibilities:

- 19.121.3.1 at the commencement of the meeting:
- (a) to request declarations of interests from members of the Committee relating to items to be considered on the agenda;
  - (b) to receive notification that a Member of the Planning Committee is a member of a ~~members-of-the-Committee's requests that a record be made of their membership of~~ Town and Community Councils, and in relation to an application to be considered by the Planning Committee whether they:
    - (i) took part in a meeting of the Town and Community Council where the application was considered – in which case they can only take a Local Representative Role; or
    - (ii) left the room during the meeting of the Town and Community Council where

## SECTION 19 – PLANNING PROTOCOL

the application was considered – in which case they can continue to undertake a Decision Maker Role.

~~where discussion has taken place of matters for the consideration of the 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 receive details of Councillors (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.

- 19.121.3.2 prior to the consideration of each application to call out the application number (whereupon any Councillor undertaking the role of Local Representative in relation to that application, and who is a member of the committee, will withdraw to the public gallery and the withdrawal of the Local Representative will be recorded in the minutes of the committee);
- 19.121.3.3 to amend if necessary the order in which planning applications are to be considered by the committee in order wherever practicable that Planning Applications where members of the Planning Committee will; be undertaking the role of Local Representative are dealt with first;
- 19.121.3.4 to introduce each agenda item for discussion or for information; and
- 19.121.3.5 to report where a site inspection has taken place.
- 19.121.3.6 following the officer presentation relating to a Planning Application to facilitate the debate of Councillors and allow them to participate in the discussion in the order in which they acknowledge their wish to speak;
- 19.121.3.7 to consider whether an officer of the Council other than an officer of Development Management should be allowed to address the Planning Committee or answer questions and to ensure that only such officers as they consider necessary do so (it being acknowledged that it will not normally be the practise for such officers to address the Committee or answer questions);
- 19.121.3.8 to consider whether a representative of a statutory consultee should be allowed to address the Planning Committee or answer questions and to ensure that only such representatives as they

## SECTION 19 – PLANNING PROTOCOL

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- consider necessary do so (it being acknowledged that it will not normally be the practise for such representatives to address the Committee or answer questions);
- 19.121.3.9 not to differentiate between Councillors (Members of the Planning Committee represent the whole community of Powys) and not to afford any preferential treatment of or special privileges to a Councillor on the basis that they are the local electoral division Councillor for the application;
- 19.121.3.10 to ensure so far as is reasonable that all Councillors and Officers attending the meeting shall abide by the provisions of the Council's Constitution, the Members' Code of Conduct, the Protocol on Member / Officer Relations, and this Protocol;
- 19.121.3.11 to ensure that Decision Makers refrain from making speeches and address the Committee on material 'planning matters' only. (The Chair will be expected to intervene and curtail Councillors who are making repetitious, or irrelevant statements);
- 19.121.3.12 where officers response to comments or questions from Councillors is required to ensure that officers are given that opportunity;
- 19.121.3.13 a general discretion in relation to the protocol in consultation with the Professional Lead - Development Management and Legal Officers.

### BRINGING DISCUSSIONS TO A CONCLUSION

- 19.121.4 at the conclusion of the discussion relating to a specific Planning Application the Chair shall not sum up but shall request those Councillors on the Planning Committee exercising the role of Decision Maker to move and second motions and any amendments and to vote on them (taking amendments first);
- 19.121.5 to ensure that votes are properly recorded and that the result is clearly communicated to the meeting so that the outcome is in no doubt;
- 19.121.6 to rule on all questions of procedure and process at the Committee meeting (the Chair's decision shall be final and not open to discussion);
- 19.121.7 to ensure that proper regard is had by all Councillors to the advice given by officers at the Committee meeting.

### THE ROLE OF OFFICERS IN SUPPORTING THE CHAIR

- 19.122 The Lead Professional, Legal and the Professional Lead - Development Management and relevant officers representing them shall provide professional advice to the Councillor presiding as Chair of a meeting of the



## SECTION 19 – PLANNING PROTOCOL

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Planning Committee in order to assist the Chair in discharging the duties of the post and in particular officers shall provide advice as follows:

- 19.122.1 at pre-Committee meetings so that the Chair and Vice-Chair are fully briefed on issues that may arise at meetings;
- 19.122.2 at any post-Committee meetings (if relevant);
- 19.122.3 during Committee meetings where questions are directed towards the Chair for response.

### RESPECT FOR OFFICE OF CHAIR

19.123 All Councillors and officers shall respect the position of Chair.

## DEVELOPMENT MANAGEMENT

### CONDUCT OF OFFICERS

19.124 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute (RTPI) Code of Professional Conduct. All officers whether members of the Institute or not shall abide by the same principles namely they shall:

- 19.124.1 act with competence, honesty and integrity;
- 19.124.2 fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;
- 19.124.3 discharge their duty to their employers, clients, colleagues and others with due care and diligence in accordance with the provisions of this Planning Code of Conduct;
- 19.124.4 Shall not bring the profession or the Royal Town Planning Institute into disrepute;
- 19.124.5 not disclose or use to the advantage of themselves or the Authority information acquired in confidence in the course of their work;
- 19.124.6 decline any discounts, gifts or commissions offered by any third parties in connection with their work as professional planners.

19.125 Any officer supporting or advising the Planning Committee if they have a personal and prejudicial interest relating to an application being considered, should disclose the interest at the meeting and leave the room whilst the application is being considered.

### RELATIONSHIPS BETWEEN COUNCILLORS AND OFFICERS

19.126 In order to engender a committed professional relationship between both planning officers and Councillors each shall have respect and regard for the roles both play within the decision making process. Councillors and officers have different, but complementary, roles. Both serve the public but Councillors are responsible to the electorate, while officers are responsible to the Council as a whole. Officers must act in accordance with their professional codes of conduct. As a result, planning officers' views,

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Section 19 – Page 41

Version 34 – Effective from 7th March, 2017

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## SECTION 19 – PLANNING PROTOCOL

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opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which occasionally may be at odds with the views, opinions or decisions of the Committee or its members. Officers should also have regard to, and comply with the Protocol on Member / Officer Relations (Council Constitution Section 21).

### REPORTS AND PRESENTATIONS TO THE PLANNING COMMITTEE

19.127 The report by the Professional Lead - Development Management to the Planning Committee in relation to a Planning Application shall:

- 19.127.1 be a report based on the professional judgement of planning officers;
- 19.127.2 include the observations, recommendations and comments of consultees, Objectors and others including other departments of the Council;
- 19.127.3 be supported by the use of still photographs, video etc., to assist Councillors in determining that application (i.e. to provide a balanced view of the site, including a 360° view of the site, contours and topography) which shall specifically include points and issues raised by the Councillor for the electoral division concerned and address and deal with the observations, recommendations, comments of other departments of the Council.

19.128 Recommendations in such report may not always accord with the views and opinions of individuals, groups, statutory consultees etc. However, the report will always follow this Protocol. A Councillor acting as a Decision Maker shall respect the advice given by planning officers at the Committee or when dealing with delegated applications and shall not lobby, seek to influence, or bring pressure to bear on a planning officer for a particular recommendation or decision.

### PRE-APPLICATION AND PRE-DETERMINATION DISCUSSIONS BY OFFICERS WITH APPLICANTS ETC

19.129 In any discussions involving the Professional Lead - Development Management or a member of their department regarding proposed development or other planning issues, it shall always be made clear at the outset, that such discussions shall not bind the local planning authority to make a particular decision, and that any views expressed are based on the officers' provisional professional judgement but do not commit the local planning authority to any particular decision.

19.130 Any advice given by the Professional Lead - Development Management or a member of their department shall be consistent and based upon the Development Plan and other material considerations. Furthermore any advice given shall be impartial; the best that the officer can give in the circumstances and shall highlight any apparent problems and where appropriate discuss possible options that may be open to the developer or other party to the discussions.

### PUBLIC MEETINGS RELATING TO DEVELOPMENT PROPOSALS

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Section 19 – Page 42

Version ~~34~~ – Effective from ~~7th March~~, 20179

## SECTION 19 – PLANNING PROTOCOL

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- 19.131 Officers involved in the processing or determining of planning applications or planning matters should not attend public meetings in connection with development proposals or submitted planning applications, unless their attendance has been authorised by the Monitoring Officer. In some situations attendance by officers at such meetings could lead to allegations of bias or prejudice in relation to a particular point of view. If authorised to attend such meetings officers should take great care to maintain impartiality, concentrate on providing factual information, listen to comments and avoid giving views on the merits or otherwise of the proposal.

### GIFTS AND HOSPITALITY

- 19.132 Officers during the course of carrying out their duties may be offered hospitality from people with an interest in a planning proposal. Officers should refuse offers of gifts and hospitality ~~of any kind~~ in accordance with the Council's policy. Officers must record any offers of hospitality refused in a register to be kept by the Professional Lead - Development Management.

### RECORD KEEPING

- 19.133 Every planning file (including one relating to an enforcement matter) shall contain an accurate account of events throughout its life including minutes and notes of meetings of all descriptions, ~~and telephone conversations~~. Where appropriate, ~~the case officer shall visit each site to which the file relates and~~ detailed site notes a record shall be maintained on file. Managers and team leaders within Development Management will undertake monitoring of record keeping on a regular basis.

### DECISION MAKING BY THE PROFESSIONAL LEAD - DEVELOPMENT MANAGEMENT

- 19.134 Section 13 (Responsibility for Functions) stipulates those Planning Functions which are the responsibility of the Professional Lead - Development Management.

### DELEGATED DECISION MAKING

- 19.135 In determining Planning Applications under the delegated powers the Professional Lead - Development Management shall have regard to:

- 19.135.1 the Planning Committee Determination Principles; and
- 19.135.2 the necessity of ensuring that Councillors are made aware of such Planning Applications which relate or affect their electoral division;
  - 19.135.2.1 when submitted ; and
  - 19.135.2.2 when approved or refused (together with the officer's report).
- 19.13353 the requirement for the relevant line manager to countersign case officer reports on delegated decisions.

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Section 19 – Page 43

Version ~~34~~ – Effective from ~~7th March~~, 20179

## SECTION 19 – PLANNING PROTOCOL

19.136 Where the Professional Lead – Development Management has a conflict of interest in relation to a planning application to be determined under the Scheme of Delegation, determination of that application will be taken by 2 Principal Planning Officers in his / her place.

### PLANNING APPLICATIONS SUBMITTED BY OFFICERS

19.137 Proposals for development by officers of Development Management and their relatives and close friends can easily give rise to suspicions of impropriety. It is vital that they are handled in a way that gives no grounds for accusations of favouritism.

19.138 Any member of staff within Development Management shall not prepare plans or act as Agent for any person or body (including themselves, members of their own family) pursuing a planning application or planning matter with the Council. If such an officer submits their own application, they shall take no part in the processing of that application and shall appoint an Agent or Representative. Such proposals shall be reported to the Planning Committee for consideration and determination. The Solicitor to the Planning Committee must confirm that these requirements have been complied with.

19.139 A Planning Application by an officer within Development Management must be processed by an officer under different line management

19.140 A Planning Application submitted to the Council by- an officer within the Senior Leadership Team or any other officer who has regular contact with Development Management in the planning process shall be determined by the Planning Committee. In the event of any doubt the matter shall be determined by the Solicitor to the Planning Committee in consultation with the Chair and Vice-Chair of the Planning Committee.

19.141 Any officer who is related to a Member, when submitting a planning application should refer to Rule 19.86.

~~19.135 Any member of staff within Development Management shall not prepare plans or act as Agent for any person or body (including themselves, members of their own family) pursuing a planning application or planning matter with the Council. If such an officer submits their own application, they shall take no part in the processing of that application and shall appoint an Agent or Representative. Such proposals shall be reported to the Planning Committee for consideration and determination and shall not be dealt with by the Development Management officers. The Monitoring Officer must confirm in the committee report that these requirements have been complied with.~~

19.142 An officer (not within Development Management) shall not prepare plans or act as Agent for any person or body other than themselves or close members of their family (i.e. spouses, partners, parents, grandparents, children, brothers or sisters) ~~and in all cases the Head of the Planning Service shall be made aware of the officer's involvement and the matter shall be referred to the Planning Committee for consideration and determination.~~

~~19.137 A Planning Application by an officer within Development Management must be processed by officers of a different Planning Office to that where~~

## SECTION 19 – PLANNING PROTOCOL

~~the Applicant officer works before being considered by the Planning Committee for determination.~~

~~19.138 A Planning Application submitted to the Council by the Chief Executive, Executive Director, Head of Service or any other officer who has regular contact with Development Management shall be determined by the Planning Committee.~~

### PLANNING APPEALS

#### PROCEDURE FOR DEALING WITH APPEALS

- 19.143 The Lead Professional, Legal is responsible for determining who should present a case at appeal / examinations and which witnesses should be called on behalf of the planning authority and generally for the care and conduct of the Appeal or hearing. ~~They shall consult with the Head of Development Management, Chair of the Planning Committee, Portfolio Holder and relevant local Councillors as appropriate.~~
- 19.144 Officers of Legal and Development Management will organise the Council's case and generally the latter will appear as witnesses at planning inquiries and other proceedings on behalf of the Council. In some circumstances it may be necessary to appoint consultants to appear for the Council, particularly where specialist support is necessary.
- 19.145 In giving evidence Development Management officers will present the best possible case on behalf of the Council whilst also complying with the RTPI Code of Professional Conduct.
- 19.146 Where a Planning Committee decision contrary to officer recommendation is subject to an appeal and officers have previously made known to the Planning Committee that they are unable to defend such decisions, the Professional Lead - Development Management shall report notice of the appeal to the next planning meeting of the Planning Committee.
- 19.147 Where a Planning Committee decision contrary to the recommendation of the Professional Lead - Development Management is the subject of an appeal and officers have previously made known to the Committee that they are unable to defend such decisions, members of the Planning Committee who supported the decision may be called to present evidence at the appeal if deemed necessary by the Lead Professional, Legal. Councillors shall be provided with support in preparing their submissions for an Inquiry by the Council's own officers or by consultants. The Lead Professional, Legal shall provide a level of professional support for Councillors who are required to present an appeal to a Planning Inquiry.
- 19.148 The Professional Lead - Development Management shall regularly report on appeal decisions
- 19.149 The Professional Lead - Development Management will advise the Planning Committee of the outcome of enforcement appeal decisions.

### TRAINING

#### TRAINING OF PLANNING COMMITTEE COUNCILLORS

- 19.150 The Council shall ensure that members of the Planning Committee satisfactorily complete Induction Training before first serving on the

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Section 19 – Page 45

Version 34 – Effective from ~~7th March~~, 20179

## SECTION 19 – PLANNING PROTOCOL

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Planning Committee and undertake from time to time additional / refresher training in accordance with a training programme agreed by the Council.

- 19.151 Attendance records for planning training events shall be monitored. ~~A 6 monthly report shall be presented to the Council's Standards Committee and the County Council advising of any non-attendances by a member of the Planning Committee~~ A Member who fails to attend the training sessions shall not be permitted to sit on the Planning Committee, until such training has been completed. A new member of the Council shall undertake a training session before they are permitted to sit on the Planning Committee.

### TRAINING OF OTHER COUNCILLORS

- 19.152 Appropriate training for Councillors who do not sit on the Planning Committee will be arranged at regular intervals so as to enable them to properly discharge the role of Local Representative.

### REVIEW OF DECISIONS

- ~~19.149 The Audit Commission's Report, "Building in Quality", recommended that elected Councillors should visit a sample of implemented planning permissions to assess the quality of decisions. This can improve the quality and consistency of decision making and help with reviews of planning policy.~~
- 19.153 Visits to application sites previously considered by the Council shall be organised in tandem with visits to current application sites, as appropriate. Briefing notes shall be prepared in each case.
- 19.154 Attendance at the review site visits shall be restricted to ~~m~~Members of the ~~e~~Committee.

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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### Schedule 1 – Functions NOT to be the responsibility of the Cabinet.

For the sake of clarity, the functions set out in Column 1 of the Schedule below include:

- the imposition of any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted, and the determination of any other terms to which any approval, consent, licence, permission or registration is to be subject (Regulation 3(2)(a) and 3(2)(b)).
- the determining whether, and in what manner, to enforce
  - any failure to comply with an approval, consent, licence, permission or registration granted in the exercise of a function specified in this column.
  - any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject; or
  - any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of an executive of the authority. (Regulation 3(3))
- the amending, modifying or varying any such approval, consent, licence, permission or registration granted or any condition, limitation, restriction or term or the suspension or the revoking any such approval, consent, licence, permission or registration(Regulation 3(4))

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1 Function (including): <sup>1</sup>	Column 2 Provision of Act or Statutory Instrument	Column 3 Delegated to	Column 4 Sub-Delegation	Column 5 Conditions and / or Limitations on Delegation and Sub-Delegation
<b>A Functions relating to town and country planning and development control</b>				
<b>A1</b> Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c 8).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the <del>Strategic Director – Place, and / or the Head of Regeneration, Property and Commissioning</del> <u>Head of Property, Planning and Public Protection</u> and / or the Lead Professional – Development Management (together called “Relevant Planning Officer”) with the ability to further sub-delegate.	In the following circumstances the responsibility will lie with the Planning, Taxi Licensing and Rights of Way Committee and not the Relevant Planning Officer.  A. Where the Relevant Planning Officer considers that the planning function should be dealt with by the Planning, Taxi Licensing and Rights of Way Committee and not by a Relevant Planning Officer.  B. Where the planning application in question constitutes a material departure from the Development Plan and the view of the Relevant Planning Officer is that
<b>A2</b> Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Lead Professional – Development Management <del>in consultation with the Chair of the Planning, Taxi Licensing and Rights of Way Committee</del> .	
<b>A3</b> Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	
<b>A4</b> Power to decline to determine application	Section 70A of the Town and Country Planning Act	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant	

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<sup>1</sup> Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007



## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	for planning permission.	1990.		Planning Officer with the ability to further sub-delegate	the planning application should be approved;
<b>A5</b>	Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made there under.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	C. Where the planning application is made by or on behalf of the County Council or relates to or affects Council land or premises (whether or not actually occupied by the Council) ;  With the exception of:
<b>A6</b>	Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town Country Planning General Regulations 1992 (SI 1992/1492).	Planning, Taxi Licensing and Rights of Way Committee	<del>No delegation</del> <u>Subject to column 5</u> <u>Delegated to Relevant Planning Officer</u>	<ul style="list-style-type: none"> <li>• <u>Discharge of conditions applications;</u></li> <li>• <u>Non-material amendment application;</u></li> <li>• <u>Application and notifications relating to Trees</u></li> </ul>
<b>A7</b>	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	<ul style="list-style-type: none"> <li>• <u>Prior notifications as specified in Part 6, 7, 11 &amp; 31 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended);</u></li> </ul>
<b>A8</b>	Power to enter into planning obligation, regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate  PROVIDED ALWAYS that when exercising this power the Relevant Planning Officer (and the Planning, Rights of Way and Taxi Licensing	<ul style="list-style-type: none"> <li>• <u>Hedgerow notifications;</u></li> <li>• <u>Applications for pre-application advice</u></li> <li>• <u>Land which forms part of the highway verge</u></li> </ul> <p><del>D. Where the planning application is required to be accompanied by an</del></p>

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

			Committee in the event of that committee exercising that power) shall stipulate the time limit within which such agreement shall be concluded. In the event that it is not concluded within such time limit, the Relevant Planning Officer (or as the case may be the Planning, Rights of Way and Taxi Licensing Committee) shall refuse any related Planning Application, unless satisfied that the delay is unavoidable and that there is sufficient evidence for him / her / the committee to conclude that the matter will be concluded within a further reasonable time period, whereupon a fresh time limit shall be imposed.	<p><b>Environmental Statement under the EIA Regulations;</b></p> <p><b>E</b><u>D</u>. Where the planning application is submitted by or on behalf of any Member or any member of staff employed in Development <b>Control</b><u>Management</u>, the Chief Executive, <b>Strategic Directors and</b> Directors, Heads of Service, or officers who are in regular contact with Development <b>Control</b><u>Management</u>.</p> <p><b>F</b><u>E</u>. Where a Councillor registers a request in accordance with the Planning Call-In Procedure set out in the Planning Protocol in Section 19 that a planning application be referred to the Planning, Taxi Licensing and Rights of Way Committee for decision and not determined by the Relevant Planning Officer;</p>
<b>A9</b>	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
<b>A10</b>	Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
<b>A11</b>	Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
<b>A12</b>	Power to authorise	Section 196A of the Town	Planning, Taxi Licensing and	Subject to column 5

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

entry onto land.	and Country Planning Act 1990.	Rights of Way Committee	Delegated to Relevant Planning Officer with the ability to further sub-delegate	
<b>A13</b> Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
<b>A14</b> Power to serve a planning contravention notice, breach of condition notice or stop notice, <u>enforcement warning notice</u> and <u>temporary stop notice</u> .	Sections 171C, <u>171E</u> , <u>173ZA</u> , 187A and 183(1) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate  PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Local Representative for the electoral division affected so that the Councillor may be fully appraised and have a proper opportunity of making his / her views known.	(See conditions at the top of the column)  (See conditions at the top of the column)  (See conditions at the top of the column)  (See conditions at the top of the column)
<b>A15</b> Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate  PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative	(See conditions at the top of the column)  (See conditions at the top of the column)

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

			may be fully appraised and have a proper opportunity of making his / her views known.	
<b>A16</b> Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.  PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Local Representative for the electoral division affected so that the Councillor may be fully appraised and have a proper opportunity of making his / her views known.	(See conditions at the top of the column)
<b>A17</b> Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c 10).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
<b>A18</b> Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be,	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25) and paragraph 6(5) of Schedule 14 to that Act.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate  PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall	

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

are to be subject.			have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.	(See conditions at the top of the column)
<b>A19</b> Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
<b>A20</b> Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.	
<b>A21</b> Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	
<b>A22</b> Duties relating to applications for listed building consent and conservation area consent.	Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 <del>and paragraph 127 of the Welsh Office circular 64/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas.</del>	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column)
<b>A23</b> Power to serve a building preservation	Sections 3(1) and 4(1) of the Planning (Listed	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant	(See conditions at the top of the column)

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

notice, and related powers.	Buildings and Conservation Areas) Act 1990.		Planning Officer with the ability to further sub-delegate	
<b>A24</b> Power to issue a listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.  PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.	(See conditions at the top of the column)  (See conditions at the top of the column)
<b>A25</b> Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
<b>A26</b> Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.  PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so	(See conditions at the top of the column)  (See conditions at the top of the column)

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

			that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.	the column)
<b>A27</b> Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.	
<b>A28</b> Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
<b>A29</b> Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative subject to consultation with Development Management.	(See conditions at the top of the column)
<b>A30</b> Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c 33).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
<b>A31</b> Duties in relation to purchase notices.	Sections 137-144 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	(See conditions at the top of the column)
<b>A32</b> Powers related to blight notices.	Sections 149-171 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	(See conditions at the top of the column)
				(See conditions at the top of the column)
				(See conditions at the top of the column)

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
<b>B</b> Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: <sup>2</sup>	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<b>B1(a)</b> Power to issue licences (not the granting of Planning Permission) authorising the use of land as a caravan site for static holiday homes and touring sites ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c 62).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the appropriate officer with the ability to further sub-delegate.	A licence cannot be given before appropriate planning permission has been obtained.
<b>B1(b)</b> Power to issue licences (not the granting of Planning Permission) authorising the use of land as a caravan site for residential purposes ("site licences").	Mobile Homes (Wales) Act 2014.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the appropriate officer with the ability to further sub-delegate.	A licence cannot be given before appropriate planning permission has been obtained.
<b>B2</b> Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c 49).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the appropriate officer with the ability to further sub-delegate.	A licence cannot be given before appropriate planning permission has been obtained.

<sup>2</sup> Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007



## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
B	Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: <sup>3</sup>	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation
B3	Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict c 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict c 55), and section 15 of the Transport Act 1985 (c 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Planning, Taxi Licensing and Rights of Way Committee	(i) <del>(i) – Power to issue hackney carriage and private hire vehicle licences delegated to the relevant officer.</del> (ii) In respect of unfit vehicles, power is delegated to the relevant officer to suspend the use of the vehicle. (iii) Issues relating to the suitability of a vehicle are to be considered by a Sub-Committee. (iv) <del>(i)</del> Issues relating to the use of a vehicle contrary to the Intended Use Policy for Hackney Carriages are to be considered by a Sub-Committee.

<sup>3</sup> Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
<b>B</b> Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: <sup>4</sup>	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<b>B4</b> Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Planning, Taxi Licensing and Rights of Way Committee	<p>(i) <u>Power to license driver</u>  <del>D</del>delegated to the relevant officer.</p> <p>(ii) <u>Where in the officers opinion the applicant does not meet</u>  <del>(with the ability to further sub-delegate) save where there is consideration as to whether the applicant has satisfied</del> the "Fit and Proper Criteria" in general and in particular to the Council's Policy on Treatment of Convictions, Cautions and Charges and the DVLA medical fitness criteria  <u>the matter will be referred to the</u></p>	

<sup>4</sup> Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

			<p>(iii) <u>sub-committee</u> In respect of <u>licensed drivers</u> <u>who in the</u> <u>officers opinion</u> <u>no longer meet</u> <u>the 'Fit and</u> <u>Proper' criteria,</u> <u>power is</u> <u>delegated to the</u> <u>relevant officer</u> <u>to suspend the</u> <u>licence.</u></p> <p>(iv) <u>Following</u> <u>suspension</u> <u>under (iii) above,</u> <u>for those</u> <u>licensed drivers</u> <u>who in the</u> <u>officers opinion</u> <u>no longer meet</u> <u>the 'Fit and</u> <u>Proper' criteria,</u> <u>power is</u> <u>delegated to the</u> <u>sub-committee</u> <u>to revoke the</u> <u>licence</u></p>	
<b>B5</b>	Power to license operators of private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Planning, Taxi Licensing and Rights of Way Committee	<p>(i) <u>Power to license</u> <u>operator</u> <u>delegated to the</u> <u>relevant officer.</u></p> <p>(ii) <u>Where in the</u> <u>officers opinion</u> <u>the applicant</u> <u>does not meet</u> <u>the "Fit and</u> <u>Proper Criteria"</u> <u>in general and in</u></p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

			<p><u>particular to the Council's Policy on Treatment of Convictions, Cautions and Charges the matter will be referred to the sub-committee</u></p> <p>(iii) <u>In respect of licensed operators who in the officers opinion no longer meet the 'Fit and Proper' criteria, power is delegated to the relevant officer to suspend the licence.</u></p> <p>(iv) <u>Following suspension under (iii) above, for those licensed operators who in the officers opinion no longer meet the 'Fit and Proper' criteria, power is delegated to the sub-committee to revoke the licence</u></p> <p><u>Delegated to the relevant officer (with the ability to further sub-delegate) save</u></p>	
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

			where there is consideration as to whether the applicant has satisfied the "Fit and Proper Criteria" in general and in particular to the Council's Policy on Treatment of Convictions, Cautions and Charges.	
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## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
<b>B</b> Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: <sup>5</sup>	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<b>B12</b> Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c 12)	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B13</b> Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Planning, Taxi Licensing and Rights of Way Committee	Uncontested applications delegated to the relevant officer with the ability to further sub-delegate. Contested applications will be considered by a Sub-Committee.	
<b>B14</b> Power to license performances of hypnotism.	The Hypnotism Act 1952 (c 46).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B15</b> Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B16</b> Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c 53).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B17</b> Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

<sup>5</sup> Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: <sup>6</sup>	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<b>B19</b> Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c 32); sections 2 to 16 of the Game Licences Act 1860 (c 90), section 4 of the Customs and Inland Revenue Act 1883 (c 10), section 27 of the Local Government Act 1894 (c 73), and section 213 of the Local Government Act 1972 (c 70).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B20</b> Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c 16).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

<sup>6</sup> Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
<b>B</b> Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: <sup>7</sup>	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<b>B21</b> Power to license scrap yards.	Scrap Metal Dealers Act 2013.	Planning, Taxi Licensing and Rights of Way Committee	Sub-delegation to the relevant officer with the ability to further sub-delegate unless the applicant has relevant convictions under the Scrap Metal Dealers Act 2013 (Prescribed Offences and Relevant Enforcement Action) Regulations 2013 when such applications are to be determined by a Sub-Committee.	
<b>B22</b> Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c 52).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B23</b> Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c 27).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

<sup>7</sup> Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007



## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
<b>B</b> Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: <sup>8</sup>	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<b>B25</b> Power to license premises for the breeding of dogs.	The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B26</b> Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c 35); section 1 of the Animal Boarding Establishments Act 1963 (c 43); the Riding Establishments Acts 1964 and 1970 (1964 c 70 and 1970 c 70); section 1 of the Breeding of Dogs Act 1973 (c 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B27</b> Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c 38).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B28</b> Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c 37)	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

Column 1	Column 2	Column 3	Column 4	Column 5
<b>B</b> Licensing and registration functions (in so far as not	<b>Provision of Act or Statutory Instrument</b>	<b>Delegated to</b>	<b>Sub-Delegation</b>	<b>Conditions and / or Limitations on Delegation and Sub-Delegation</b>

<sup>8</sup> Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

covered by any other paragraph of this Schedule) including: <sup>9</sup>				
<b>B29</b> Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c 38).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B30</b> Power to enforce regulations in relation to animal by-products	Regulation 49 of the Animal By-products (Wales) Regulations 2006 (SI 1292 (W 127))	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B31</b> Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c 12), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c 37).	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
<b>B32</b> Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.	Section 46A of the Marriage Act 1949 (c 76), section 6A of the Civil Partnership Act 2004 (c 33) and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the Solicitor to the Council with the ability to further sub-delegate.	

<sup>9</sup> Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
<b>B</b> Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: <sup>10</sup>	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<b>B33</b> Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to-- (a) an exchange of lands effected by an order under section 19(3) or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67); or (b) an order under section 7 of the Commons Act 2006.	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843).  The Commons Deregulation and Exchange Orders (Interim Arrangements) (Wales) Regulations 2012	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
<b>B34</b> Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471).	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
<b>B35</b> Power to issue a permit to conduct charitable collections.	Section 68 of the Charities Act 1992.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

<sup>10</sup> Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
<b>B</b> Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: <sup>11</sup>	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<b>B36</b> Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c 40).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B37</b> Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c 22).	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B38</b> Duty to register the movement of pigs.	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (SI 2004/996 (W 104)).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B39</b> Power to enforce regulations in relation to the movement of pigs.	Regulation 27(1) of the Pigs (Records, Identification and Movement (Wales) Order 2004/996 (W 104)).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B40</b> Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
<b>B41</b> Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c 35).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

<sup>11</sup> Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
<b>B</b> Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: <sup>12</sup>	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<b>B42</b> Duty to enforce and execute Regulations (EC) No 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

<sup>12</sup> Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
<b>C</b> Functions relating to health and safety at work	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<b>C1</b> Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc Act 1974 (c 37).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

## **SECTION 13 – RESPONSIBILITY FOR FUNCTIONS**

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### **Schedule 2 – Council functions may be delegated to the Executive and other Member Bodies pursuant to Regulation 4 of the 2007 Regulations.**

For the sake of clarity, Full Council has delegated the functions set out in Column 1 of Schedule 2 to the Member Body set out in Column 3. Full Council reserves the right to remove such delegation.

Pursuant to Regulation 4(2), the functions in Column 1 so delegated may also be exercised by Full Council.

Nothing in this Schedule prevents the exercise of functions delegated to the Cabinet under Column 1 of this Schedule being sub-delegated by the Executive Leader under Rule 5.9.

For the purposes of this Schedule 2 “Rights of Way Officer” means either the Strategic Director, or the Director or the Head of Service responsible for the rights of way functions.

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2 Provision of Act or Statutory Instrument	Column 3 Delegated to	Column 4 Sub-Delegation	Column 5 Conditions and / or Limitations on Delegation and Sub-Delegation
<b>18</b> Any of the following functions in respect of highways:				
(b) the functions contained in the following provisions of Part III of the Highways Act 1980 (creation of highways):	Part III of the Highways Act 1980 (c.66)	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
(i) section 25-- creation of footpath, bridleway or restricted byway by agreement;	Part III of the Highways Act 1980 (creation of highways) – Section 25	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative.	<u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u>  (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;



## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(ii) section 26-- compulsory powers for creation of footpaths, bridleways or restricted byways;	Part III of the Highways Act 1980 (creation of highways) – Section 26	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative.	<p>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</p> <p>(a) consent of local member(s);  (b) consent of community council;  (c) consent of landowner;</p>
(c) the functions contained in the following provisions of Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc):				
(i) section 116--power of magistrates' court to authorise stopping up or diversion of highway;	Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 116	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
(ii) section 117-- application for order under section 116 on behalf of another person;	Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 117	Planning, Taxi Licensing and Rights of Way Committee	No delegation	

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2 Provision of Act or Statutory Instrument	Column 3 Delegated to	Column 4 Sub-Delegation	Column 5 Conditions and / or Limitations on Delegation and Sub-Delegation
(iii) section 118-- stopping up of footpaths, bridleways and restricted byways;	Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 118	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative.	<u>Conditions for Sub- Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u>  (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(iv) section 118ZA-- application for a public path extinguishment order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative.	<u>Conditions for Sub- Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u>  (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(v) section 118A--stopping up of footpaths, bridleways and restricted byways crossing railways;	Section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c.42)	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s);  (b) consent of community council;  (c) consent of landowner;</p>
(vi) section 118B--stopping up of certain highways for purposes of crime prevention etc;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s);  (b) consent of community council;  (c) consent of landowner;</p>

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2 Provision of Act or Statutory Instrument	Column 3 Delegated to	Column 4 Sub-Delegation	Column 5 Conditions and / or Limitations on Delegation and Sub-Delegation
(vii) section 118C-- application by proprietor of school for special extinguishment order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p>
(viii) section 119-- diversion of footpaths, bridleways and restricted byways;	Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 119	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p>

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2 Provision of Act or Statutory Instrument	Column 3 Delegated to	Column 4 Sub-Delegation	Column 5 Conditions and / or Limitations on Delegation and Sub-Delegation
(ix) section 119ZA-- application for a public path diversion order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p>
(x) section 119A-- diversion of footpaths, bridleways and restricted byways crossing railways;	Section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c.42)	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p>

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2 Provision of Act or Statutory Instrument	Column 3 Delegated to	Column 4 Sub-Delegation	Column 5 Conditions and / or Limitations on Delegation and Sub-Delegation
(xi) section 119B-- diversion of certain highways for purposes of crime prevention etc;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p>
(xii) section 119C-- application by proprietor of school for special diversion order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p>

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(xiii) section 119D-- diversion of certain highways for protection of sites of special scientific interest;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s);  (b) consent of community council;  (c) consent of landowner;</p>
(xiv) section 120-- exercise of powers of making public path extinguishment and diversion orders;	Part VIII of the Highways Act 1980 (consultation with other authorities on cross boundary stopping up and diversion of highways etc) – Section 120	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative.	
(xv) section 121B-- register of applications;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	No delegation	

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(e) exercising functions under section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders); and	Section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders) (c.69) as amended by paragraph 83 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c.16); by Section 27AA of the 1981 Act Section 34 has effect as if references to Natural England were references to the Countryside Council for Wales.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
(f) exercising functions under section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review).	Section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review) as amended by the Countryside and Rights of Way Act 2000 (c.37) (Section 51 and Part 1 of Schedule 5) and the Natural Environment and Rural Communities Act 2006 (c.16) (Section 70)	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
<b>Miscellaneous Functions:</b>				
Cycle Track Conversion Orders	Cycle Tracks Act 1984 Cycle Tracks Regulations 1984	Cabinet	Planning, Taxi Licensing and Rights of Way Committee.	
<u>Powers relating to trees</u>	<u>Sections 197 to 214D of the Town and Country</u>	<u>Planning, Taxi Licensing and Rights of Way Committee</u>	<u>Subject to column 5 Delegated to the Relevant</u>	



## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	<u>Planning Act 1990 &amp; Town and Country Planning (Trees) Regulations 1999 (as amended).</u>		<u>Planning Officer with the ability to further sub-delegate</u>	
<u>Powers relating to the protection of important hedgerows.</u>	<u>The Hedgerows Regulations 1997 (S.I. 1999/1892)</u>	<u>Planning, Taxi Licensing and Rights of Way Committee</u>	<u>Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate</u>	
<u>Powers to issue Screening and Scoping Opinions.</u>	<u>Sections 5, 7, 9, 10, 13 &amp; 15 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.</u>	<u>Planning, Taxi Licensing and Rights of Way Committee</u>	<u>Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate</u>	
<u>Power to determine applications for non-material amendments.</u>	<u>Sections 96A of the Town and Country Planning Act 1990.</u>	<u>Planning, Taxi Licensing and Rights of Way Committee</u>	<u>Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate</u>	
<u>Power to respond to consultation from other Local Planning Authorities on development proposals</u>	<u>Regulation 14 of the Town and Country (General Development Management Procedure) Order (Wales 2012 (S.I. 2012/808 (W.110)).</u>	<u>Planning, Taxi Licensing and Rights of Way Committee</u>	<u>Subject to column 5 Delegated to the Relevant Planning Officer in consultation with the Chair of the Planning, Taxi Licensing and Rights of Way Committee</u>	
<u>Powers to modify or discharge planning obligations regulating development or use of land.</u>	<u>Section 106A and 106B of the Town and Country Planning Act 1990</u>	<u>Planning, Taxi Licensing and Rights of Way Committee</u>	<u>Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate</u>	
<u>Powers to determine applications for pre-application advice.</u>	<u>Section 61Z1 of the Town and Country Planning Act 1990</u>	<u>Planning, Taxi Licensing and Rights of Way Committee</u>	<u>Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate</u>	
<u>Powers to issue a notice that application is not valid.</u>	<u>Section 62ZA of the Town and Country Planning Act 1990.</u>	<u>Planning, Taxi Licensing and Rights of Way Committee</u>	<u>Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate</u>	
<u>Powers to provide pre-</u>	<u>Part 2 of The</u>	<u>Planning, Taxi Licensing and</u>	<u>Subject to column 5</u>	

## SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

<u>application services</u>	<u>Developments of National Significance (Wales) Regulations 2016</u>	<u>Rights of Way Committee</u>	<u>Delegated to the Relevant Planning Officer</u>	
<u>Powers to submit a local impact report</u>	<u>Section 62I of the Town and Country Planning Act 1990</u>	<u>Planning, Taxi Licensing and Rights of Way Committee</u>	<u>Subject to column 5 Delegated to the Relevant Planning Officer in consultation with the Chair of the Planning, Taxi Licensing and Rights of Way Committee</u>	
<u>Power to determine discharge of condition applications</u>	<u>Section 71ZA of the Town and Country Planning Act 1990 and Part 23 of the Town and Country Planning (General Development Procedure) Order (Wales) 2012.</u>	<u>Planning, Taxi Licensing and Rights of Way Committee</u>	<u>Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate</u>	
<u>Powers to object to the grant of an application for an operator's licence</u>	<u>Section 12 of the Goods Vehicles (Licensing of Operators) Act 1995</u>	<u>Planning, Taxi Licensing and Rights of Way Committee</u>	<u>Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate</u>	

**Commented [WR2]:** What Conditions to be included in Column 5? Are they the same ones as on pages 4 and 5?