

# Planning, Taxi Licensing & Rights of Way Committee

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Meeting Venue  
**By Teams**

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Meeting Date  
**Thursday, 20 May 2021**

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Meeting Time  
**10.00 am**

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



County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

13 May 2021

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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

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

<b>2.</b>	<b>MINUTES OF THE PREVIOUS MEETINGS</b>
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To authorise the Chair to sign the minutes of the previous meetings of the Committee held on 29 April 2021 and 13 May 2021 as correct records.

(To Follow)

<b>Planning</b>
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<b>3.</b>	<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 Property, Planning and Public Protection and to make any necessary decisions thereon.

(Pages 5 - 6)

**4.1. Updates**

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

**4.2. Local Impact Report for a Development of National Significance Application for an Energy Recovery Facility at Buttington Quarry, Welshpool. PINS Reference: DNS/3214813, PCC Reference: 21/0733/DNS**

(Pages 7 - 56)

**4.3. 20/2087/FUL Land at Ael Y Bryn, Aberhafesp, Newtown, Powys**

(Pages 57 - 132)

**4.4. 20/2128/FUL Rhos Farm, Trelystan, Leighton, SY21 8JB**

(Pages 133 - 168)

**4.5. 21/0094/OUT Land Adjacent To The Cemetery , Llanfihangel-Yng-  
Ngwynfa, Llanfyllin, Powys, SY22 5JH**

(Pages 169 - 192)

<b>5.</b>	<b>DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS</b>
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To receive for information a list of decisions made by the Head of Property, Planning and Public Protection under delegated powers.

(Pages 193 - 208)

<b>6.</b>	<b>APPEAL DECISION</b>
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To receive the Planning Inspector's decision regarding an appeal.  
(Pages 209 - 212)

<b>Taxi and other licensing</b>
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<b>7.</b>	<b>ANIMAL LICENSING FEES</b>
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To consider the report regarding objections raised to the increase in animal licensing fees introduced in 2020/21, which was deferred from the previous Committee meeting.

(To Follow)

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**Planning, Taxi Licensing and Rights of Way Committee**  
**20<sup>th</sup> May 2021**

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

**Applications for consideration by Committee:**

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

<p><b>21/0733/DNS</b></p> <p>Trewern</p> <p>326727 310097</p> <p>19/04/2021</p>	<p>Development of National Significance: Application for an Energy Recovery Facility</p> <p>Buttington Quarry</p> <p>Alistair Hilditch Brown, Broad Energy (Wales) Limited</p> <p><b>Recommendation:</b> To approve the Local Impact Report (as set out in this report) for submission to the Planning Inspectorate to assist the appointed Inspector in their consideration of the DNS application.</p>
<p><b>20/2087/FUL</b></p> <p>Caersws Community</p> <p>304151 293359</p> <p>17.12.2020</p>	<p>Full: Construction of an all-new crematorium, including the erection of a crematorium building, change of use to provide a green burial site, creation of landscaped grounds to include a garden of remembrance, improved and new access arrangements , car parking</p> <p>Land at Ael Y Bryn, Aberhfesp, Newtown</p> <p>Miss A Barrett</p> <p><b>Recommendation:</b> Conditional Consent [subject to Welsh Government withdrawing a holding direction]</p>

<p><b>20/2128/FUL</b></p> <p>Trewern Community</p> <p>328442 307357</p> <p>15.01.2021</p>	<p>Full: Erection of 3 holiday lodges, including improvements to existing access road network (C2162 &amp; U2475) including junction improvements and the provision of 1 passing bay, installation of a package treatment plant and other associated works.</p> <p>Rhos Farm, Trelystan, Leighton SY21 8JB</p> <p>Cambrian Birds Ltd</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>21/0094/OUT</b></p> <p>Llanfihangel Community</p> <p>307975 316479</p> <p>23.02.2021</p>	<p>Outline: Erection an affordable dwelling, creation of access, installation of treatment plant and all other associated works (some matters reserved)</p> <p>Land Adjacent To The Cemetery, Llanfihangel-Yng-Ngwynfa, Llanfyllin, Powys, SY22 5JH</p> <p>Mr Eamon Pryce</p> <p><b>Recommendation:</b></p> <p>Refuse</p>

# 4.2

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

**Application Number:** DNS/3214813  
(PINS Reference)  
21/0773/DNS  
(PCC Reference)

**Grid Ref:** E: 326727  
N: 310097

**Community Council:** Trewern

**Valid Date:** 19.04.2021

**Applicant:** Mr Alistair Hilditch-Brown, Broad Energy (Wales) Limited

**Location:** Buttington Quarry, Welshpool, Powys, SY21 8SZ.

**Proposal:** Application for an Energy Recovery Facility at Buttington Quarry, Welshpool, Powys, SY21 8SZ.

**Application Type:** Development of National Significance (DNS)

**The reason for Committee determination** - The Local Member has requested to the Professional Lead – Planning, who is in agreement, that the Committee should consider and approve the contents of the Local Impact Report prepared to assist the appointed Inspector in their consideration of the DNS application.

Unlike conventional Committee Reports, this Local Impact Report is written in the format required by the Planning Inspectorate's: Developments of National Significance Appendix 5: Local Impact Reports, 1 June 2019

### RECOMMENDATION

**To approve the Local Impact Report (as set out in this report) for submission to the Planning Inspectorate to assist the appointed Inspector in their consideration of the DNS application.**

**Full Description:** Proposed construction and operation of an energy recovery facility for the importation, storage and treatment of municipal, commercial and industrial waste and generation of heat and electricity, involving partial re-profiling of quarry void, earth works, alteration to existing residential access and provision of new vehicular site access from the A458 and site haul roads, ancillary buildings, structures, transformer, sub-station and grid connection, parking, hardstanding including laydown areas for materials storage and plant, workshop, weigh bridge, offices, welfare/mess facilities, fencing, gates, security and CCTV, bicycle storage and electric vehicle charging facilities, sustainable drainage measures, landscape works and ecological enhancements. Buttington Quarry Buttington Welshpool Powys SY21 8SZ

## **1. Introduction**

1.1 This Local Impact Report is prepared to assist the appointed Planning Inspector in their consideration of the proposals for an Energy Recovery Facility at Buttington Quarry, Buttington, Welshpool, which constitutes a 'Development of National Significance (DNS).

1.2 Under the relevant legislation for DNS proposals, this report provides a factual, objective view of the likely impact of the proposed development on the area, based on Powys County Council's local knowledge and robust evidence of local issues. The impacts are presented in terms of their positive, neutral and negative effects.

1.3 In line with the Planning Inspectorate's guidance to Local Planning Authorities on the preparation of a Local Impact Report (LIR), this report does not form a representation on the merits of the DNS proposal and does not include a balancing of the planning issues. Representations, including any that interested persons, organisations, members of the Council or the County Council itself may wish to make, are to be submitted to the Planning Inspectorate.

1.4 No recommendation to grant or refuse planning permission is contained within this report.

1.5 The report contains the following sections:

- Site Context - Local Designations Relevant to the Site and its Surroundings;
- Planning History;
- Relevant Local Planning Policies, Guidance or other Documents;
- Likely Impact of the Development on the Area;
- Likely Impact of the Development in relation to any Secondary Consents Being Granted;
- Draft Conditions or Obligations (Offered Without Prejudice);
- Evidence of Publicity of the Application

## **2. Site Context**

2.1 The overall Buttington Quarry site occupies a total land area of 24 hectares with the area of this application measuring a total of 18ha, the site is bounded by the

A458 to the northwest, Sale Lane to the east and Heldre Lane to the south. The Welshpool – Shrewsbury railway line runs immediately northwest of the A458 in close proximity to the site. The site is accessed from the A458.

2.2 The quarry is surrounded by open countryside with the village of Buttington located approximately 2km to the south-west and Trewern approximately 1.5km to the north-east. 200m to the north-east of the Site is an outlying area of Trewern known as Cefn where Buttington Trewern County Primary School, some isolated houses and larger residential developments are located. Welshpool is located approximately 3 km to the south west and Shrewsbury approximately 20 km to the east of site.

2.3 The quarry worked as a brickworks from the late 19<sup>th</sup> Century until its closure in 1990. The quarry now operates in accordance with the planning permissions noted in section 3 and mainly serves the local construction and agricultural markets with predominantly bulk fill aggregate. Although there is a stockpile of suitable brick clay on site, very little is used in the manufacture of bricks by now. The former brickwork buildings to the South West are now used for various industrial, haulage and commercial uses.

2.4 Six hectares of the site, including the quarry void, the former brickworks have been allocated within Powys County Council's Local Development Plan, policies SP2, SP6 and E1 for B1, B2 and B8 uses.

2.5 There is a SSSI Geological designation located along the eastern section of the quarry, this however has been excluded from the planning boundary of this application. There are no other statutory conservation designations within the site.

### **3. Planning History**

3.1 20/0575/REM – S73 application to vary condition 1 (extension of time) of planning permission P/2015/0439 (construction of new vehicular access and alteration of existing residential access). Approved 24/09/2020

3.2 20/0445/REM– S73 application to vary condition 1 (extension of time) of planning permission P/2014/1318. Approved 23/07/2020

3.3 P/2014/1318 – S73 application to vary condition 1 (extension of time) of planning permission P/2011/0549. Approved 06/08/2015

3.4 P/2015/0439 – S73 application to vary condition 1 (extension of time) of planning permission P/2010/0400 (construction of new vehicular access and alteration of existing residential access). Approved 18/06/2015

3.5 P/2014/0833 – Full planning application to extend an existing single storey loading bay at Buttington Quarry. Approved 06/10/2014

3.6 P/2013/0740 – Full planning application for the removal of existing canopy and the erection of a loading bay at Buttington Quarry. Approved 09/10/2013

- 3.7 P/2013/0713 – Full planning application Erection of a general-purpose storage building at Buttington Quarry. Approved 07/10/2013
- 3.8 P/2012/0815 – Certificate of Lawful use or Development for existing uses namely A1, B1, B2 and B8. Approved 05/11/2012
- 3.9 P/2012/1445 – Certificate of Lawful Use or Development for an existing use namely the use of land for overflow storage area to the decorative stone business. Approved 11/09/2012
- 3.10 P/2011/0549 – Variation of planning approval P/2008/0519 to extend the time limit for extraction of material for a period of 4 years from 31st May, 2011. Approved 28/06/2011
- 3.11 P/2020/0165 – S73 application to vary condition 7 (hours of working) of planning permission M1997 0088. Approved 19/04/2011
- 3.12 P/2010/0400 – S73 application to vary condition 1 (extension of time) of planning permission M2005 0162 (construction of new vehicular access and alteration of existing residential access). Approved 07/12/2010
- 3.13 P/2009/1301 – Certificate of Lawful Use or Development for an existing use – B8 storage and distribution for area of land to the west of the A458. Refused 16/03/2010.
- 3.14 P/2008/0519 – S73 application to vary condition 1 (extension of time) of planning permission M2004 0439. Approved 07/01/2009
- 3.15 M/2005/0162 – S73 application to vary condition 1 (extension of time) of planning permission M/1999/1032. Approved 05/05/2005
- 3.16 M/2004/0439 – S73 application to vary condition 17 (extension of time) of planning permission M/96/088. Approved 27/07/2004
- 3.17 M/1999/1032 – Full application for the construction of vehicular access to quarry and alteration of existing access to residential access. Approved 20/03/2000
- 3.18 M/1997/088 – Initial Review of Old Mineral Permission under the Environment Act 1995. Conditions Approved 14/04/1997
- 3.19 M/96/088 – Full application to extend the quarry. Approved 17/03/1997
- 3.20 M/24402 – Full application for access improvement works onto the A458 – Approved 06/06/1994
- 3.21 P/P 4928 – Full application to extend the quarry area. Approved 04/07/1961

3.22 P/P 379 - Permission for the winning and working of mineral. Approved 02/08/1948

#### **4. Local Planning Policy Context**

4.1 The following policies from Powys Local Development Plan (2011 - 2026), adopted April 2018 are considered relevant:

- Strategic Policy SP2 – Employment Growth
- Strategic Policy SP6 – Distribution of Growth across the Settlement Hierarchy
- 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 DM8 – Minerals Safeguarding
- Policy DM9 – Existing Mineral Workings
- Policy DM10 – Contaminated and Unstable Land
- Policy DM13 – Design and Resources
- Policy DM14 – Air Quality Management
- Policy DM15 – Waste within Developments
- Policy DM16 – Protection of Existing Employment Sites
- Policy E1 – Employment Proposals on Allocated Employment Sites
- Policy E4 – Safeguarded Employment Sites
- Policy T1 – Travel, Traffic and Transport Infrastructure
- Policy T2 – Safeguarding of Disused Transport Infrastructure
- Policy W1 – Location of Waste Development
- Policy W2 – Waste Management Proposals
- Policy RE1 – Renewable Energy
- Policy M1 – Existing Minerals Sites
- Policy M5 – Restoration and Aftercare

4.2 The following Supplementary Planning Guidance (SPG) are considered to be relevant:

- Supplementary Planning Guidance Renewable Energy, Adopted April 2019
- Supplementary Planning Guidance Biodiversity and Geodiversity, Adopted October 2018
- Supplementary Planning Guidance Landscape, Adopted April 2019
- Supplementary Planning Guidance Planning Obligations, Adopted October 2019

#### **5. Likely Impacts of the Development on the Area**

The Need for an Energy Recovery Facility to deal with Residual Waste within the Region

- 5.1 Policy W1 of the Local Development Plan seeks to facilitate an integrated and adequate network of waste management facilities in sustainable locations in line with national policy and guidance and in accordance with the waste hierarchy. All proposals for waste management will be considered against the waste hierarchy, in line with Policy W1 and a key consideration within the policy is that there is an identified need within the Region for it.
- 5.2 Supporting information has been submitted by way of Chapter 3 – Need and Alternatives and Technical Appendix – Market Appraisal Report of the ES and the submission of a Waste Planning Statement.
- 5.3 The Market Appraisal Report and Need for the development is justified on the potential for the availability of residual waste from within the North Wales Region and also from a “2 hour drive from site” catchment which captures the following 21 Local Authorities. The applicant specifies that there may be approximately 640,000 – 690,000 tonnes of residual waste potentially available within the catchment.
- Isle of Anglesey
  - Gwynedd
  - Conwy
  - Denbighshire
  - Flintshire
  - Wrexham
  - Powys
  - Ceredigion
  - Cheshire West and Chester
  - Cheshire East
  - Birmingham City Council
  - Dudley MBC
  - Herefordshire
  - Sandwell MBC
  - Shropshire
  - Staffordshire
  - Stoke on Trent City Council
  - Telford and Wrekin Council
  - Walsall MBC
  - Worcestershire
  - Wolverhampton MBC
- 5.4 The site is located within the south of the North Wales Waste Region. In accordance with policy W1 of the Local Development Plan, from a local impact perspective one can only discuss the development within the confines of the North Wales region in accordance with Local Development Plan Policies.
- 5.6 The supporting information indicates there is potential for the proposal to accept around 15,000 – 20,000 tonnes per annum (whole of Powys) of



Residual Local Authority Collected Waste (Market Appraisal Report - page 7) available regionally. This information is supported by Annual Waste Monitoring Reports which suggests that Powys sent 15,757 tonnes of Local Authority Municipal Waste to landfill in 2017/18 (7,732 North & 8,025 South). Although this waste is uncontracted beyond 2021; it should be noted that this resource will become unavailable for a period of 5 to 7 years from mid 2021 as a consequence of a procurement contract currently being sought by the Local Authority

([https://www.sell2wales.gov.wales/search/show/search\\_view.aspx?ID=FEB359237](https://www.sell2wales.gov.wales/search/show/search_view.aspx?ID=FEB359237)). Coupled with the contractual obligation of all other Local Authorities in North Wales being tied up in long term contracts under the North Wales Residual Waste Treatment Partnership and Wrexham having entered their own Private Finance Initiative with FCC Environment for the Mechanical Biological Treatment of up to 75,000 tonnes per annum of residual waste, together with increased targets for recycling and reuse of wastes it is very unlikely that any Local Authority residual waste will be available for treatment within the indicative operational date of 2025 from within the region.

- 5.7 The information submitted in support of the possible availability of residual industrial and commercial waste is also submitted in section 5 of the Market Appraisal Report of Chapter 3, listing the same 21 local authorities noted above. Of these Local Authorities one can only comment on those that are within the waste region – namely Anglesey, Gwynedd, Conwy, Denbighshire, Flintshire, Wrexham and Powys. Based on 2017 datasets provided within the applicant’s submission, 78,000 tonnes may be available with no explanation given as to how this waste is currently being dealt with. In relation to existing ERF infrastructure within the Region; Parc Adfer became operational in late 2018 and has capacity to accept between 90,000 and 117,000 tonnes of Commercial and Industrial waste annually within the Northern Region. There is also dedicated capacity for Industrial and Commercial wastes within Trident Parc, Cardiff to account for waste from the Southern part of Powys that is included within the South Eastern Waste Region.
- 5.8 Notwithstanding the documentation submitted by the applicant. The Annual Waste Monitoring Report for North Wales 2018/2019 waste data is based on Natural Resources Wales Industrial and Commercial Waste Survey 2012 and notes that a total of 915,040 tonnes of Industrial and Commercial Waste was generated in the North Wales Region in 2012 with 140,890 tonnes landfilled. Based on information that recycling rates within these sectors have not advanced in the same way as municipal it can be estimated that current waste streams may be comparable. As such the figure of 140,890 tonnes is almost double that noted within the applicant’s ES, however with the capacity of Parc Adfer (which became operational in 2018) to deal with between 90,000 and 117,000 tonnes annually; based on 2012 rates there could be between 23,890 and 50,890 tonnes of Residual Industrial and Commercial waste available Regionally at present that went to landfill in 2012, with increased recycling rates for 2025 (operational due date), there is a possibility that this level will

have reduced.(adjustment for increased recycling rates for operational date of 2025).

- 5.9 As noted within the Authority's pre-application response dated 12<sup>th</sup> November 2020, the site's geographical location at the southern extremity of the North Wales Region is at a crossroads with other waste Regions of Wales and it was advised to seek information on the availability of residual waste from these Regions for submission. To this effect, the only Local Authority that has been mentioned within Chapter 3 of the ES and Waste Planning Statement is that of neighbouring Ceredigion which has in the region of 15,000 – 20,000 tonnes of possible Local Authority Contracted Waste available from 2022 onwards and potentially 7,000 tonnes of residual Industrial and Commercial waste also available. The procurement of the uncontracted Local Authority residual waste to this proposed facility in both the short and medium term (dependant on contractual arrangements for the LA) does not appear to coincide with the timing of the anticipated operation of the proposal (ERF to commence operations 2025 par 1.2.11 ES) and realistically there is potential for 7,000 tonnes of Industrial and Commercial waste being made available from Ceredigion. As no information has been submitted by the applicant for any other local authority in the South West or South East Regions, it is very difficult to comment on possible residual wastes that may be available as justification for the proposed ERF.
- 5.10 The applicant indicates that the development of an ERF represents a major step in helping Wales achieve zero waste to landfill or recovery by 2050. Although this is mentioned, the proposal appears to be for a permanent ERF on site. The Local Authority contends that should planning permission be granted, a planning condition should be included with an end date of 2050. It should also be noted that very little information is provided for the residual wastes / material produced as part of the ERF process, that includes Incineration Bottom Ash (IBA) and how it is dealt with on site. IBA can vary between 20% to 30% of the amount of feedstock processed, which could as part of this process vary between 30,000 and 50,000 tonnes per annum. With the exception of noting that 7 loads a day may leave site (45,000 tonnes on a 5 day week @ 25 tonne payload) and it will be re-used in the construction market, it is evident that this material will be dealt with off site and there is no commitment within the application documentation that it will be utilised as a secondary aggregate and not a waste. With the current quarry infrastructure in place to supply aggregate to the construction industry, it would have been expected for this material to be made available as secondary aggregate for the local construction industry also.
- 5.11 The aim of policy W1 is not to prevent disposal or recovery proposals from coming forward but to ensure that there is a justified need in the proposed location. Policy DM 13 criterion 6 also requires development proposals to respond to local need. Based on the information provided on need within the Region and information contained within the Annual Waste Monitoring Report for North Wales it is considered that the 167,000 tonnes per annum capacity of this proposed Energy Recovery Facility will substantially overprovide for the Region's waste treatment needs and will have a **Negative** effect locally.

## Renewable Energy Generation

- 5.12 Policy RE1 – Renewable Energy provides a presumption in favour of renewable energy schemes subject to meeting other relevant policies in the LDP, proposals shall make provision for the restoration and aftercare of the land for beneficial re-use and where necessary, additional compensatory benefits will be sought by Planning Obligations in accordance with Policy DM1.
- 5.13 The proposal is a Combined Heat and Power Energy Recovery Facility. It is anticipated that the treatment of 167,000 tonnes of non-hazardous residual waste will create in the region of 12.8 MW of electricity for export to the Grid and there will be the potential for waste thermal energy to be harnessed and made available locally with the plant being R1 enabled (Combined Heat and Power).
- 5.14 Due to the high dependence on waste imported from outside of the North Wales Region / Wales, it is questioned whether the low carbon / renewable energy benefits will be offset or diluted by the haulage implications of importing waste over large distances by road.
- 5.15 Limited information has been submitted relating to the restoration of the site after 2050, however it is considered that a detailed scheme of restoration together with beneficial after-use can be adequately controlled by way of planning conditions.

The site's location is predominantly rural in setting and although mention is given within the ES to potentially exporting excess heat and electricity to other heat users locally the proposal is not co-located to existing heat users as recommended by that of site selection criteria within TAN 21.

- 5.16 As previously stated 6 ha of land within the site's boundary is designated for employment uses. It is however unclear if part of this proposal is to also bring forward and develop designated employment land referred to within the application and masterplan as laydown area 1,2,3 and 4 or not. Mention is also given to the development "providing a renewable energy source for export into the local power network." (Technical Appendix 3-1 Market Appraisal Report). Within the Authority's Pre application response it was suggested that such gain was written into the application's description, but no firm commitment has been offered by the applicant to this effect.
- 5.17 Policy DM14 criterion 14 states that applicants should undertake investigations into the technical feasibility and financial viability of community / district heating networks wherever the development proposal's heat demand density exceeds 3MW/km<sup>2</sup>. It is not believed that this has been undertaken as part of this submission.

- 5.18 It is considered from a renewable energy generation perspective the proposal will have a **Neutral** local impact given that the development will generate electricity to supply the national Grid. Subject to securing a local energy network such an impact could potentially have a **Positive** impact.

### Economic Development

- 5.19 It is noted within the ES (Chapter 3) should an ERF be developed it is anticipated to generate up to 300 jobs throughout the 3 year construction period and when operational directly employ 30 permanent staff together with further employment opportunities within the supply chain.

- 5.20 The development in its entirety measures 18ha with the LDP showing Buttington Quarry as a Permitted Working Area for Minerals and Policy E1 allocating 6ha of land for B1, B2 and B8 employment development. In relation to the Masterplan submitted in support of this application (BUT-RCA-0-ZZ-DR-A-0201-GA\_Site\_Plan.) there are 4 laydown areas used in the construction of the ERF that will upon completion of the development be available for future employment uses within the wider site. Paragraph 3.2.4 of the ES notes the applicant's vision for the site and development:

*“Broad’s proposals to develop an Energy Recovery Facility within the quarry will not only address the need to drive non-recyclable materials away from landfill and generate renewable electricity and heat, but most importantly, it is anticipated that this anchor facility will open up the development of the wider business park for prospective businesses to build and develop their operations. The ERF will be able to provide sustainable energy, provided as either heat or power, as an economic and environmentally friendly incentive to ensure they can remain competitive in the wider national and international markets.”*

- 5.21 The above describes the proposal as an anchor facility that will “more/most importantly” be a catalyst to develop and bring forward the laydown areas for future employment uses together with the possibilities to provide sustainable energy (heat and power) infrastructure as an incentive to attract businesses to co-locate. Although this was specifically noted within the LPA’s pre-application advice of the 12<sup>th</sup> November 2020 for inclusion as part of the overall scheme; little definitive information is provided within the proposal by way of methodology, design and infrastructure as to how these 4 laydown areas are to be developed.
- 5.22 It is noted that the 4 laydown areas are within the red line boundary of the site, they are also within the employment allocation under policy E1.
- 5.23 Based on the information noted within the Geotechnical Section we are aware that considerable amount of land within laydown area 4 is being lost with the construction of a landscaping bund / green area. By raising the area in accordance with what is suggested by the Geotechnical Engineer and subject

to mitigating landscape and visual effects, it is considered that substantial employment land potential is lost within the present scheme.

- 5.24 Due to the inability to demonstrate a need locally for such a facility and that it may sterilise opportunities for the development of a locally needed business on site (such as that of the existing quarry that supplies aggregate to the local construction market), the proposal could be considered to have a negative economic impact. However, such a development would create undoubted employment opportunities during construction, operation, decommissioning and restoration that could move the proposal to having a neutral impact. If planning permission would be granted and the development of laydown area 1 to 4 to employment uses can be achieved, it is considered that the proposal may have a **Positive** local impact.

### Highways and Transportation

- 5.25 The application site is bordered by the A458 Trunk Road, C2044 Heldre Lane classified county highway and U2248 Sale Lane unclassified county highway. A single point of access to the site is proposed directly from the A458 Trunk Road for which Welsh Government is the highway authority. No comment is offered in respect of this access. Other access points currently exist along Heldre and Sale Lanes in the form of field gate type entrances that appear to be disused at present. No reference is made to these in the planning submission and the local highway authority [LHA] consider that any proposed future use of these would require an appropriate application to the LHA or relevant planning authority. Use of these during the construction, operational or dismantling phases would not be supported by the LHA.
- 5.26 The proposal for an energy recovery facility will generate a broadly comparable mix of traffic to existing operations at the site including Large Goods Vehicles [LGV] associated with material movement to and from the site together with smaller vehicles ranging from employee vehicles to service vehicles. An increase in traffic of up to 5.1% is forecast for the operational period. This would most likely be constrained to the Trunk Road network.
- 5.27 The operation will process 167,000 tonnes of inbound material per annum at a rate of 24 tonnes per hour [576t/day] and will operate for 24 hours daily. Deliveries will comprise 40 number 15 tonne loads per operational 12-hour day [average 3.3 per hour] with a further 10 ancillary daily LGV loads. The delivery rate is twice the consumption rate with a 4,100-tonne bunker provided to manage delivery/processing throughput variations. This bunker is projected to store sufficient for between 5 and 7 days operation during non-delivery periods.
- 5.28 Issues for the local highway network [non-Trunk Road] could arise for a number of reasons, the prime ones being:

- Closure of the A458 Trunk Road e.g. road traffic collision, maintenance works;
- Deliveries arriving in the region but not being able to access site e.g. arriving before delivery slot; bunkering at capacity [breakdown, reduced processing throughput, over-delivery], offloading facility not functioning.

This could give rise to vehicles seeking to access via the local road network or dispersing to the local road network as a “holding” facility.

- 5.29 Viable routing options to the site are constrained to the Trunk Road network from both the east and west. Local Authority maintained roads to the north and south of the site are generally constrained by traffic regulations for larger vehicles to the north due to Criggion quarry, and height restrictions due to bridges on Heldre and Sale Lanes to the south. Diversions during closures of the A458 are quite lengthy thus giving rise to the possibility that some will seek to use the local road network if access is not available via the A458. The potential for this exists currently.
- 5.30 Between 3 and 4 LGV's per hour would be entering the area for access during delivery times. If they cannot access the site then they will seek to disperse to “holding areas”. These may be designated LGV parking, roadside laybys [both limited in the area] or on-street parking on local highways.
- 5.31 The site has around 500 metres of access and operational road being sufficiently wide for two-way traffic at 7.4m width. This would offer stacking capacity for between 17 and 34 vehicles should delivery access and off-loading be delayed. Further parking may be available within the site.
- 5.32 The Transport Assessment refers to the Wales Parking Standards 2008 rather than the updated 2014 Standards. No formal calculations of provision against the Standards have been provided for car parking, operational or non-operational areas. cursory assessment suggests that the site should be capable of meeting the requirements.
- 5.33 It is probable that the construction and dismantling phases will require access for abnormal indivisible loads [AIL] e.g. cranes for plant assembly/dismantling. The number of movements required is likely to be limited. Routing options are already accommodated within the Trunk and local road networks for likely AIL movement requirements.
- 5.34 With no proposed access via Heldre and Sale Lanes, non-vehicle use [e.g. walking, cycling, equestrian] on these routes is not affected. The site itself generates limited transport movements in relation to staff and visitors. The provision of features such as cycle parking and electric charging points is noted. The production of a Travel Plan will provide an opportunity to encourage and support walking, cycling and use of public transport for the site in line with Planning Policy Wales requirements [Edition 11, February 2021].

- 5.35 The potential highway impacts from the routine operation of the site are likely to affect Trunk Roads in the area for which the Welsh Government are the highway authority.
- 5.36 Impacts for the local road network during routine operations are not considered to be significant. The most likely source of impacts on local roads will arise from closures of the A458 Trunk Road or failure to adequately manage deliveries to the site. Whilst infrequent, consideration needs to be given to these given the rate of LGV movement to/from the site.
- 5.37 Potential mitigation measures are identified in the application with the proposal that these be secured via planning conditions. The use of suitable planning conditions for a Construction Environment Management Plan [CEMP] Traffic Management Plan (incl. HGV routing strategy) [TMP] and Travel Plan is supported as a means to identifying and managing highway safety and operation issues. Should consent be given appropriately worded conditions should be applied to secure these.
- 5.38 In accordance with that of LDP policies DM13 and T1, the proposal as submitted does not adversely affect the safe and efficient flow of traffic along the non-trunk road highway network and will have a **Neutral** impact.

#### Design, Landscape and Visual Impact

- 5.39 The LPA finds the scope of the LVIA to be appropriate. The LVIA includes, in addition to a landscape and visual impact assessment, a night time effects assessment, a limited cumulative assessment and landscape capacity. Furthermore, it is understood that B&A's assessment work has informed the design development of the appearance of built form as well as the preparation of landscape mitigation proposals.
- 5.40 The LPA has several observations on the methodology employed in the Impact Assessment Methodology for the LVIA and, as a consequence the reliability of the findings. Including issues of landscape value and susceptibility, and some issues with the precise use of criteria and definitions for aspects of the visual impact assessment, which mean some caution when considering these aspects should be applied.
- 5.41 The LVIA provides a comprehensive record of the features and component parts of the landscape context of the study area and, to a large extent, relies on the findings of the various published landscape character assessments and LANDMAP for descriptions of characteristics, scenic quality, and perceptual characteristics of the landscape. In the LPA's assessment the landscape value of the host Visual and Sensory Aspect Area (VSAA) is Moderate-High and its overall susceptibility to this form of development is High, due to its predominantly rural, intimate, unspoilt character and its attractive views both in and out. Its overall sensitivity is judged to be High, in contrast to the LVIA's assessment of Medium.

- 5.42 In principle, the LPA supports the approach to the design of the building's cladding (i.e. Option 2 as defined in the DAS) and agrees that the building would, in most instances, be seen against a landscape backdrop, as opposed to the skyline, in respect of the area of views rather than the number of viewers that would experience these views. The current selection shown on the photomontages work relatively well in summer conditions but less so in winter, the LPA would suggest consideration should be given to a range that may work best throughout the year rather than those suitable for high summer. To this end a selection of 'murkier' greens and shades of brown may be a better compromise than the brighter lighter greens used for the images. It is recommended that this be covered by an appropriate planning condition should the decision-maker be minded to grant consent.
- 5.43 The landscape mitigation proposals for screen bunding and large-scale mass planting of native woodland on the bunds, as identified on the Landscape Masterplan, is considered appropriate and the LPA supports the approach.
- 5.44 For the assessment of the magnitude of landscape effects, for the application site, the LPA considers this to be Large, during operation, and, consequently when combined with its Very Low sensitivity, of only Minor-Moderate adverse significance, well below the level regarded as being a key material factor in the decision-making process.
- 5.45 For the host VSAA, its predominantly rural character would be significantly changed with the introduction of a prominent, large-scale industrial building with a tall stack and occasional plume, and the sparsely developed, more intimate and relatively unspoilt characteristics would be significantly diminished. The present quarry is not widely visible from within the VSAA and where it is noticeable it is only partially visible, largely screened behind the current screen bunds and partially wooded surrounds. The development would appear to emerge from the quarried landform, be seen against the skyline in some views and dominant, and it would become a new key characteristic of the VSAA. Attractive views from the VSAA to adjoining landscapes, especially those from the high ground across the floodplain to the hills beyond to the west, would be changed adversely. The design and coloured cladding would mitigate some of these effects, as would the bunding to some degree and the native woodland planting would, in time, be a slight benefit to the local character, but together these would not offset the significant harm to the landscape character of the VSAA. During operation, the magnitude of effect on landscape character of the host VSAA is considered to be Large adverse overall, and the significance of this effect would be Major adverse. For areas in close proximity to the development, a greater magnitude of change would be anticipated and, correspondingly, this would fall away slightly with distance. The LVIA considers the magnitude of effect to be Medium (neutral) and Moderate (neutral) significance at close range, and Small or potentially Very Small and a Minor (neutral) significance, at medium range.



5.46 The LPA's assessment of the magnitude of change and the significance of these for the other local VSAs are set out in Table 2 below and there is marked difference between these findings and those of the LVIA.

Landscape receptor	The LPA's assessment of landscape sensitivity	The LPA's assessment of magnitude of effect	The LPA's assessment of significance	LVIAs assessment of landscape sensitivity	LVIAs assessment of magnitude of effect	LVIA's assessment of significance
Application Site	Very Low	Large adverse	Minor – Moderate adverse	Low-medium	Medium (assumed neutral)	Moderate neutral
Host VSAA: Crewgreen to Forden Hill and Scarp	High	Large adverse	<b>Major adverse</b>	Medium	Medium neutral reducing to Small/Very Small Neutral	Moderate neutral to Minor neutral
Long Mountain VSAA	High	Medium adverse	<b>Moderate – Major adverse</b>	High	Small (assumed neutral)	Moderate neutral
Breidden Hill VSAA	High	Medium to Large adverse	<b>Moderate – Major adverse</b>	High	Very Small (assumed neutral)	Minor neutral
River Severn Flood Plain VSAA	Medium	Large adverse	<b>Moderate – Major adverse</b>	Medium	Medium (assumed neutral) to Very Small (assumed neutral)	Medium neutral to Minor neutral
Guilsfield Rolling Farmlands VSAA	High	Small adverse	Moderate adverse	High	Very Small (assumed neutral)	Minor neutral

5.47 Overall, there is marked difference in the LPA's assessment and that of the LVIA as reflected in Table 2 below

Viewpoint number, location and distance	The LPA's assessment of visual sensitivity	The LPA's assessment of magnitude of effect	The LPA's assessment of significance	LVIAs assessment of visual sensitivity	LVIAs assessment of magnitude of effect	LVIA's assessment of significance
<b>Immediate vicinity and close range views to the south-east, south and south-west</b>						
1. From Heldre Lane immediately west of Whitehouse Farm (300m)	High and Medium	Very Large adverse	<b>Major to Substantial adverse and Major adverse</b>	High and Low	Medium to Large (potentially)	<b>Major (adverse) to Moderate (adverse) worst case scenario</b>
2. From Heldre Lane (480m)	High and Medium	Large adverse	<b>Major adverse and Moderate</b>	Low	Medium to Large	Moderate (adverse)

			<b>to Major adverse</b>			
3. From public footpath immediately south of Nelly Andrews' Green (710m)	High	Large adverse	<b>Major adverse</b>	Medium	Medium	Moderate (adverse)
4. From Heldre Lane at Upper Heldre (990m)	High and Medium	Large adverse	<b>Major adverse to Moderate to Major adverse</b>	High to Low	Medium	<b>Moderate to Major (adverse) to Minor-Moderate (adverse)</b>
5. From public footpath south of Buttington leading towards the Long mountain (1.3km)	High	Medium to Large adverse	<b>Moderate to Major adverse</b>	Medium	Medium	Moderate (neutral)
6. From public footpath on Heldre Hill (1.4km)	High	Medium to Large adverse	<b>Moderate to Major adverse</b>	Medium	Medium	Moderate (neutral)
7. From Brunant, immediately south of Pob Ceiniog (1.65km)	High	Medium to Large adverse	<b>Moderate to Major adverse</b>	High to Medium	Small	Moderate (neutral) to Minor-Moderate (neutral)
<b>Close and Medium Range Views to the North, North-East and East</b>						
8. From A458 at Cefn (1.1km)	Medium	Medium to Large adverse	Moderate adverse	Medium to Low	Medium	Moderate (adverse) to Minor-Moderate (adverse)
9. From A458 at Trewern (1.9km)	Medium	Medium adverse	Moderate adverse	Medium to Low	Medium	Moderate (adverse) to Minor-Moderate (adverse)
10. From Garreg Bank (lower), Trewern (1.7km)	High and medium	Medium to Large adverse	<b>Moderate to Major adverse and Moderate adverse</b>	High to Low	Medium to Large	<b>Moderate to Major (adverse) to Moderate (adverse)</b>
11.	High and Medium		<b>Moderate to Major adverse</b>		Medium	Moderate (adverse)

From Garreg Bank (upper), Trewern (1.9km)		Medium to Large adverse	and Moderate adverse	Medium to Low		to Minor-Moderate (adverse)
12. From Criggion Lane, Trewern (1.7km)	High and Medium	Medium to Large adverse	<b>Moderate to Major adverse</b> and Moderate adverse	Medium to Low	Medium	Moderate (adverse) to Minor-Moderate (adverse)
13. From lane at Golfa Bank and adjacent to The Old Shop Cottage (2.3km)	High and medium	Medium adverse	<b>Moderate to Major adverse</b>	Medium to Low	Medium	Moderate (adverse) to Minor-Moderate (adverse)
14. From Bacheldre Lane adjacent to Oak Grange (3.5km)	High	Small adverse	Moderate adverse	High to Low	Small	Moderate (neutral) to Minor (neutral)
15. From A458 west of Wollaston (5.6km)	Medium	Very Small adverse	Minor adverse	Low	Very Small	Negligible (neutral)
16. From Moel y Golfa (3km)	High	Medium to Large adverse	<b>Moderate to Major adverse</b>	Medium	Medium	Moderate (neutral)
17. From Middletown Hill (5km)	High	Medium adverse	<b>Moderate to Major adverse</b>	Medium	Small	Minor-Moderate (neutral)
18. From Rodney's Pillar (5km)	High	Medium adverse	<b>Moderate to Major adverse</b>	High	Small	Moderate (neutral)
<b>Close Range Views to the North-West and West</b>						
19. From public footpath near Coppice East Farm (near Pool Quay) (2.3km)	High	Small adverse	Moderate adverse	High to Medium	Small	Moderate (neutral) to Minor-Moderate (neutral)
20. From A483 at Pool Quay (1.8km)	Very High and Medium	Small adverse	Moderate and Minor-Moderate adverse	High to Low	Small	Moderate (neutral) to Minor (neutral)
21. From A483 near Pool Quay at Strata Marcella Abbey (1.8km)	Very High and Medium	Very Small adverse	Minor-Moderate to Minor adverse	High to Low	Very Small	Minor (neutral)
<b>Close and Medium Range Views to the South-West</b>						
22.						

From A458 at Buttington Bridge (2.4km)	Very High and Low	Medium to Large adverse	<b>Major adverse to Moderate adverse</b>	High to Low	Medium	<b>Moderate to Major (adverse) to Minor-Moderate (adverse)</b>
23. From B4381 at Welshpool (5km)	High and Medium	Small adverse	Moderate adverse and Minor-Moderate adverse	Medium to Low	Small	Minor-Moderate (neutral) to Minor (neutral)
<b>Long Range Views to the South-West</b>						
24. From Powis Castle, Welshpool (6.4km)	Very High	Very Small adverse	Minor-Moderate adverse	Very High	Small	Moderate (neutral)
25. From Y Golfa (Welshpool Golf Club) (8.9km)	High	Negligible adverse	Negligible adverse	Medium	Very Small	Minor (neutral)
26. From A483 at Rhiw Bridge (Berriew) (12km)	Medium	No impact	None	Low	Negligible	Negligible (neutral)
27. From public footpath between Y Brywydd and Castle Caereinion (13.4km)	High	No impact	None	Medium	Very Small	Minor (neutral)
<b>Medium and Long Range Views to the North, North-East and North-West</b>						
28. From A483 at Ardleen (5km)	High and Medium	Small adverse	Moderate adverse and Minor-Moderate adverse	Medium and Low	Very Small	Minor (neutral) to Negligible (neutral)
29. From Castlehill Lane, Burgedin (5.7km)	Medium	Very Small adverse	Minor adverse	Low	Negligible	Negligible (neutral)
30. From the Severn Way, east of Trederwen (6.3km)	Very High	Very Small adverse	Minor-Moderate adverse	Medium	Negligible	Negligible (neutral)
31. From Llanymynech Hill (11.7km)	High and Low	No impact	None	Medium and Low	Negligible	Negligible (neutral)
32. From Quarry Lane and Offa's Dyke Path, Nantmawr (14.6km)	Very High	No impact	None	High	Negligible	Negligible (neutral)

33. From Green Hall Hill, Brynelltyn, Llanfyllin 14.1km)	High	No impact	None	Medium	Negligible	Negligible (neutral)
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5.48 In accordance with the EIA Regulations the LVIA appropriately considers the landscape and visual effects of construction and decommissioning. The LPA has reviewed these assessments and agrees with the broad principles of the assessment approach applied. The LPA notes that generally the LVIA considers the magnitude of the construction effects to be slightly greater than the operational effects and the decommissioning effects to be broadly similar to the operational effects. The LPA concurs with this approach as a worst case, noting that these are both essentially transient operations that within each period actual effects may be less or may be greater.

5.49 For the assessment of cumulative effects, the LPA notes the other developments that are considered to form part of the cumulative assessment but notes that these are all existing developments and, therefore, part of the existing baseline context. Cumulative effects are normally associated with assessing the proposed development alongside other similar development that is under construction but not yet complete, has planning consent but not yet under construction and, in some cases, development that is in the planning process but not yet consented, such as land allocated in a Local Plan. There is suggestion that this application is an “anchor facility and will open up the development of the wider business park” (laydown area 1-4). Accordingly, the LPA does not consider this to be an adequate cumulative landscape and visual impact assessment, at least not without further information to demonstrate that no other similar development is ‘coming forward’ that should be assessed in this LVIA and as part of this EIA.

5.50 The LPA concludes that there would be the following higher-level significant landscape and visual effects, in summary, arising from the development proposals, up to around 5km from the development and that these are considered to be key material factors for the decision-maker:

- A **Major** adverse significance of landscape effect on the host landscape receptor, the Crewgreen to Forden Hill and Scarp VSAA, which is a Moderate to High value landscape;
- A **Moderate-Major** adverse significance of landscape effect on three neighbouring landscape receptors, Long Mountain VSAA, Breidden Hill VSAA and the River Severn Flood Plain VSAA, of which Long Mountain is a High value landscape of regional/county importance and Breidden Hill VSAA is a Moderate to High value landscape;
- A **Major to Substantial** adverse significance of visual effect on residents and walkers on Heldre Lane west of Whitehouse Farm and **Major** adverse significance to users of vehicles (Viewpoint 1);

- A **Major** adverse significance of visual effect on walkers and users of Offa's Dyke Path National Trail at the A458 at Buttington Bridge at a distance of 2.4km from the development (Viewpoint 22);
- A **Major** adverse significance of visual effect on residents and walkers on other sections of Heldre Lane, including at Upper Heldre (Viewpoints 2 and 4) and **Major to Moderate** adverse significance to users of vehicles;
- A **Major** adverse significance of visual effect on walkers the public footpath immediately south of Nelly Andrews' Green (Viewpoint 3);
- A **Moderate to Major** adverse significance of visual effect on residents and pedestrians/walkers at Trewern and nearby (Viewpoints 10 to 13); and
- A **Moderate to Major** adverse significance of visual effect on walkers in the Breidden Hills at the summits of Moel y Golfa, Middletown Hill and Rodney's Pillar up to 5km distant from the development (Viewpoints 16 to 18).

5.51 LDP policies DM4, DM13, W2 and RE1 indicates that such a proposal must be able to demonstrate good design, have regard to the qualities and amenity of the surrounding area, there would be no adverse landscape impacts and visual impact is minimised through sensitive location and landscaping. It is considered that the proposal will have a significant and detrimental effect on the valued characteristics and qualities of the Powys landscape and will thus have a **Negative** impact.

### Ecology and Biodiversity

5.52 Having reviewed the relevant sections of the ES submitted to support the application the Local Authority are satisfied that the survey effort and assessment methodology undertaken is appropriate and in accordance with current National Guidelines, where deviations have been made from standard survey guidelines these have been adequately justified within the ES.

5.53 The site of the proposed development comprises an existing quarry site, the Ecology Chapter of the ES identifies that desk studies and an extended Phase 1 Habitat survey were undertaken to identify ecology constraints relevant to the proposed development including identification of notable habitats and an assessment of the suitability of the habitats present to support protects and invasive non-native species. An initial extended Phase 1 Habitat survey was undertaken in July 2018, this was updated in May 2020 and identified the presence of the following habitats:

- Bare Ground
- Open Mosaic Habitat on previously developed land - Ephemeral/short perennial vegetation
- Scrub
- Settlement Lagoons

- Ephemeral Pools
  - Stream
  - Tall Ruderal Vegetation
  - Woodland – coniferous and broadleaved
  - Hedgerows
  - Poor semi-improved grassland
  - Semi improved neutral grassland
- 5.54 Whilst several of the habitats identified above would qualify as Environment (Wales) Act 2016 Section 7 Habitats i.e. habitats of principal importance for the purposes of conserving biodiversity it is noted that the species diversity recorded with regards to these habitat types was generally low.
- 5.55 No invasive non-native species (INNS) were recorded during either the 2018 or 2020 survey.
- 5.56 Consideration was given to the potential for the site to support protected/priority species and where considered necessary further surveys were undertaken to establish their presence/absence. It is considered that there is sufficient controls by way of planning conditions and the need to obtain European Protected Species Licenses to protect and help mitigate the development's effects upon Species such as Great Crested Newts, Bats, Birds, Dormice, Otters, Badgers and Reptiles.
- 5.57 The proposed development site is not subject to any statutory designations, the Buttington Brickworks SSSI is immediately adjacent to the north eastern face of the existing quarry void – the SSSI is designated for its geological interest and has been excluded from the development boundary.
- 5.58 The following Statutory Designated sites were identified within the potential Zone of Influence of the proposed development:
- Montgomery Canal SAC/SSSI – approximately 1.8km from the proposed ERF
  - Granllyn SAC/SSSI – approximately 4.35km from the proposed ERF
  - Midland Meres and Mosses – Phase 1 – approximately 7.4km from the proposed ERF
  - Moel-y-Golfa SSSI – approximately 2km from the proposed ERF
- 5.59 No non-statutory designated sites were identified within the Zone of Influence.
- 5.60 12 areas of Ancient Woodland – as identified on the Ancient Woodland Inventory – were identified within 2km of the proposed development site – the closes of which is adjacent to the western part of the development site and includes Plantation on Ancient Woodland Site (PAWS) and Restored Ancient Woodland.
- 5.61 The ES details mitigation measures proposed to address the identified impacts associated with the construction phase of the proposed development.

Where habitat loss has been identified to accommodate the proposed development it has been identified that new habitat creation will provide to compensate for this and exceed the areas that would be lost and therefore result in an overall gain with regard to these habitats and would comply with the requirements of Powys LDP Policy DM2. The ES proposes that the provision of the identified compensation habitats would be delivered via a Habitat Management Plan for the lifetime of the ERF secured by a planning condition, although satisfactory, the ability for monitoring will also be essential to ensure that the management activities are appropriate and to identify any failures and should also be written into any planning condition.

- 5.62 Measures to address impacts associated with construction activities have been identified as being dealt with via a Construction Environmental Management Plan (CEMP), an outline CEMP has been provided within Chapter 4 of the ES - Technical Appendix 4.3 – Document reference ECL Document ECL.001.01.02/CEMP dated February 2021, the outline measures identified are considered to be appropriate and achievable – the measures currently lack site specific detail but it has been identified that this would be addressed via submission of a detailed CEMP following appointment of a contractor. A condition to this effect must address ecological survey works, protection zones, method statements, processes and mitigation.
- 5.63 The ES identifies that impacts of the operational phase of the proposed development can be summarised as:
- Aerial Emissions
  - Site Lighting
  - Pollution incidents associated with site traffic
  - Vehicle movements
- 5.64 Details regarding the assessment of the operational phase of the proposed development with regards to aerial emissions and designated sites and Ancient Woodland have been provided within the Ecology Chapter and the Air Quality of the ES and further assessment of the potential impacts to the Montgomery Canal SAC, Granllyn SAC and Midland Meres and Mosses – Phase 1 Ramsar Site have been provided in the shadow Habitats Regulations Assessment.
- 5.65 It is recommended that confirmation is sought from NRW with regards to the acceptability of the assessment and conclusions with regards to the significance of the predicted process contributions to the Moel y Golfa SSSI and Ancient Woodland Site – PPW identifies that in the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW.
- 5.66 With regards to the Montgomery Canal SAC, Granllyn SAC and Midland Meres and Mosses – Phase 1 Ramsar Site the shadow HRA concludes that whilst the proposed development will result in the generation of aerial pollutants modelling shows that these would be at very low levels and that the



proposed ERF plant is not likely to have a significant effect on the identified SACs and Ramsar Site – having reviewed the shadow HRA the LPA is satisfied with the assessment of the potential for likely significant effects as a result of the proposed development either alone or in combination with other plans and agree with the conclusion that there would be no likely significant effect to the SACs/Ramsar site.

- 5.67 An indicative operational lighting plan strategy has been provided in technical appendix 4-2 of the ES, the ecology chapter identifies that in order to minimise the impact of lighting during the operational phase lighting should be designed to maintain less than 1 lux spill on retained habitats and include use of motion activated lighting along access road at key points where high bat activity was recorded i.e. woodland edge to the west of the proposed development, having reviewed the information provided it is considered the indicative lighting strategy broadly adheres to these requirements with regards to retained habitats. It is recommended that a detailed external lighting plan should be secured through a planning condition and that this should require the submission of details as to how lighting will be installed in order to minimise impacts to nocturnal wildlife with regards to existing retained sensitive areas and new areas of habitat suitable to support nocturnal wildlife that would be created through the proposed development.
- 5.68 Potential for impacts to wildlife as a result of site traffic during the operation of the proposed development have been identified, it has been proposed that mitigation would be provided in the form of a low speed limit at night to avoid harm to newts, badgers and hedgehogs and installation of wildlife friendly kerbs within 250m of the new attenuation features and wildlife ponds – these measures are considered appropriate and implementation should be secured through appropriately worded planning conditions. In addition, as detailed above a Habitat Management and Monitoring Plan condition is required to ensure the long-term success of the proposed habitat creation during the operational lifetime of the ERF.
- 5.69 Limited information has been provided with regards to the impacts associated with the decommissioning phase of the proposed development, the ES identifies that the impacts are likely to be limited to impacts on the species and habitats that have become established within and around the ERF site during its operational lifetime and that impacts on Open Mosaic Habitat, ponds, reptiles, amphibians and invertebrates will need to be considered as a minimum as well as potential effects of deconstruction e.g. dust on ancient woodland habitat would need to be considered.
- 5.70 The ES recommends that a Decommissioning Phase Method Statement is secured via a planning condition and that this will need to be informed by appropriate survey work.
- 5.71 In conclusion subject to NRW confirming that they are satisfied with the conclusions of the Aerial Emissions assessment with regards to the SSSI and Ancient Woodland and the identified mitigation, management and monitoring

requirements and decommissioning strategy being secured through appropriately worded planning conditions it is considered that the proposed development would be compliant with relevant Powys LDP Policies DM2, DM4 and DM7 with regards to the Natural Environment. The proposed development includes appropriate measures to compensate for loss of habitat and the identified proposals would result in a net gain of habitats at the site in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which requires biodiversity to be maintained and enhanced through development.

- 5.72 With prospects of the site to remain in an unrestored state until 2042 and with limited control and influence for the site's restoration to high level biodiversity value; it is considered that there is ecological gain in the medium term by way of the landscaping proposal together with substantial enhancement upon the site's restoration post 2050. Impact of development is therefore considered to be **Positive**.

### Heritage

- 5.73 Given the nature of the development it is important to assess the impact of the development over a wide area. A Scoping Opinion was sought which identified a number of Scheduled Monuments, registered Historic Parks and Gardens, Listed Buildings and Conservation Areas within the study area.
- 5.74 It is noted that the setting of Scheduled Monuments and Registered Historic Parks and Gardens are undertaken by Cadw and as such for clarity comments are in respect of the listed buildings and Conservation Areas only
- 5.75 The advice has been given with reference to relevant national policies, guidance and legislation together with Local Development Plan policies SP7, DM13 (Theme 4 – Guardianship of natural, built and historic assets), LDP Objective 13 – Landscape and the Historic Environment.
- 5.76 National legislation, guidance and policy afford protection to the setting of listed buildings in Sections 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. However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 11th edition 2021
- 5.77 Preserving means “doing no harm” and the harm to the setting of the listed buildings identified should be afforded considerable weight.
- 5.78 The location of the historic assets as captured in the Heritage Assessment dated November 2020 by Orion Heritage Ltd, - Figure 3 – Designated Assets within 1KM and Figure 4 – Designated Assets within 5Km and would consider that these assets have been captured and recorded accurately.

- 5.79 It is commented that the 20 listed buildings identified in section 4.30 of the Heritage Assessment have been assessed, however there are a few other listed buildings that have also been assessed in the subsequent pages that are not on this list in section 4.30.
- 5.80 It is noted that stage 4 of the Cadw assessment requires mitigation measures to be considered. The additional landscaping, bunding and colour of the flue in relation to the impact on the setting of listed buildings together with any mitigation would be better served by consideration of landscape impact.
- 5.81 It should be noted that the impact on the views of the East Wing of Powis Castle have been assessed within viewpoint 24 within Chapter 9 – Landscape and Visual Assessment and as such the LPA are satisfied that the impact on the setting of the Registered Historic park and Garden will be assessed by Cadw and in many respects would carry greater weight than the impact on the listed building, given the lack of intervisibility of Powis Castle from the same viewpoints as the proposal. However the views from the RHPG will be a different consideration undertaken by others.
- 5.82 This designation was not assessed by the Historic Assessment prepared by Orion, but lies within Chapter 9 – Landscape and Visual Assessment. Given the distance and intervisibility with Welshpool Conservation Area the Authority would not disagree with the assessment on page 50 of that document.
- 5.83 The LPA considers that the Cadw Document Setting of Historic Assets has been followed and utilised in the assessment prepared by Heritage Assessment dated November 2020 by Orion Heritage Ltd in respect of listed buildings.
- 5.84 The likely effects of the development on Listed Buildings and Conservation areas locally is considered low and its impact is considered to be **Neutral**.

### The Water Environment

- 5.85 A drainage assessment has been completed which considers the current surface water drainage regime at the application site and which specifies onsite surface water management systems, including flood attenuation and controlled discharge, to ensure that existing rates and volumes of runoff are maintained and to prevent increases in flood risk to third party property. These measures include SuDS (Sustainable urban Drainage Systems) wherever possible to promote the onsite management of surface water discharges at source and the enhancement of water quality.
- 5.86 The potential impacts of the proposed development upon the water environment have been identified and assessed, and mitigation including water quality treatment and management measures, recommended ensuring that no detrimental impacts to the water quality of receptors arise from development proposals.

The site will also be operated in accordance with procedures detailed in an Environmental Permit and drainage will also be subject to a SuDS application demonstrating compliance with the statutory SuDs standards for the design, construction, operation and maintenance of surface water drainage systems serving new developments.

- 5.87 Due to the low risk potential to the water environment and that other regimes are better placed in determining the operational effects on the water environment, the impact is considered to be **Neutral**.

### Ground Contamination

- 5.88 The Environmental Statement (ES) considers the effects of activities at the development in relation to potential land contamination. The Contaminated Land Officer considers the proposal to have a low level of risk and in accordance with Policy DM10 of the LDP, recommend the following condition 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:

- 5.89 In the event that the presence of 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.

- 5.90 Due to the low risk potential of land contamination associated with the proposal, the impact is considered to be **Neutral**.

### Air Quality

- 5.91 During the consultation process, concerns have been raised by stakeholders regarding the potential impacts from the development on local air quality and health. The application is accompanied by an Environmental Statement that includes a specific chapter on Air Quality. Within this chapter, consideration is given to potential environmental effects the proposed ERF would have on the baseline environment; the mitigation measures required to prevent, reduce or offset any significant adverse effects; and the likely residual impacts after these measures have been employed.

- 5.92 As part of the Air Quality Assessment, detailed dispersion modelling of combustion emissions from the ERF has been undertaken and a Human Health Risk Assessment, which contains a broad assessment of general health concerns and key pathways during both the construction and operational stages of the proposed development, has been submitted. In addition, a dust assessment and a qualitative assessment of odour have also been undertaken.
- 5.93 The Air Quality Assessment notes the proposed development may have potential implications for local air quality through emissions to atmosphere from construction activities, vehicle movements (during construction / operation), combustion pollutants emitted through the stack, and fugitive odours should no mitigation measures be specified and adopted on site.
- 5.94 The Air Quality Assessment predicts that maximum ground level concentrations (GLCs) are within short and long term air quality objectives and are assessed as not significant for most pollutants. For those of potential significance, further assessment has demonstrated that predicted concentrations have a negligible impact on human health at the maximum point of GLC and at potentially significant human receptor locations. This assessment was carried out with pollutant emissions from the stack at worst-case scenario concentrations. This provides a conservative estimate, therefore in reality GLCs can be expected to be even lower for the vast majority of the time.
- 5.95 The study on potential construction dust impacts concluded that the risk of dust emissions from the excavation and construction process were low risk. By adopting appropriate mitigation measures for controlling dust emissions, it is considered that the impact would be 'negligible'. However, the construction phase of the development is going to entail the movement of extremely large amounts of earth off-site. The dust assessment makes mention of car and HGV movements in its vehicle assessment, but consideration should also be given to the number of earth-moving machinery and plant involved in excavation activities. The proposals for mitigation of construction phase dust should be finalised and agreed in the Construction Environmental Management Plan (CEMP). I would recommend that prior to the commencement of construction, a CEMP shall be submitted in writing to the Local Planning Authority for written approval and shall be implemented as approved throughout the construction phases of the project. The approved plan/scheme shall include a monitoring/mitigation and management plan for dust for the construction phases of the development.
- 5.96 At the pre-planning discussion stage, concerns were raised with regard to a local atmospheric phenomenon known as temperature inversion. As a result, further work was carried out as part of the assessment to ensure that the plume will disperse through the 'ceiling' of the inversion. To ensure the

optimum dispersion of emission from the stack, a detailed stack height screening assessment was undertaken, indicating that a height of 70m will achieve effective dispersion.

- 5.97 The assessment of odour impact concludes that the risk of odour generation from the waste material would be low and the potential for emission would be mitigated by the enclosure of all operations and the extraction of air from the tipping hall. Overall, the risk of impact is considered to be negligible and no further mitigation would be required. Issues relating to the storage of spare parts on site which are essential for enclosure and odour mitigation, would be a matter for the Environmental Permit regulated by Natural Resources Wales (NRW).
- 5.98 It is considered that the Air Quality Assessment and the Human Health Risk Assessment submitted in support of the application demonstrate that the development would not have a significant impact on air quality or human health. Likewise the development should not give rise to any significant odour impacts.
- 5.99 Policy W2 – Waste Management Proposals of the LDP states that developments will be permitted where there would be no adverse impact on amenity, human health or the environment by way of pollution, dust and odour. Policy DM 13 criterion 11 also notes that the amenities enjoyed by the occupants or users of nearby properties shall not be unacceptably affected. As such the LPA are satisfied that there will no adverse impacts associated with air quality, dust or odour associated with the development: **Neutral**  
Impact

#### Noise and Vibration

- 5.100 It is proposed that the construction period working times shall be 0700-1900 hours Monday to Friday, 0700-1200 hours Saturday, with no work on Sundays or Bank Holidays. It is recommended that these times be made a condition of any approval.
- 5.101 The noise assessment in the Environmental Statement predicts that any noise experienced at noise-sensitive receptors (NSRs) as a result of construction activities will not exceed the BS5228 guidance value of LA<sub>eq</sub> 65 dB. By way of planning condition it is recommend that an agreed noise monitoring programme be conducted at NSRs (Noise Sensitive Receptors) and that where limits are breached work should cease until a plan of corrective measures is put in place. This approach would rely less on complaints being received to prompt reactive or corrective measures.
- 5.102 The other proposals for mitigation of construction phase work and traffic noise should be finalised and agreed in the Construction Environmental Management Plan (CEMP). By way of planning condition it is recommended that prior to the commencement of construction, a CEMP shall be submitted in

writing to the Local Planning Authority for written approval and shall be implemented as approved throughout the construction phases of the project. The approved plan/scheme shall include a monitoring/mitigation and management plan for dust, noise and vibration for the construction phases of the development.

- 5.103 It is proposed that operational delivery times shall be 0700-1900 hours Monday to Friday, and 0700-1200 on Saturday. It is recommended that these times be made a condition of any approval.
- 5.104 Due to very quiet background sound levels at night, it was agreed that an absolute limit of  $L_{Aeq}$  (1hr) 30 dB at NSRs would be appropriate, as this complies with all standards for sleep disturbance. For daytime levels, the agreed limit was  $L_{Aeq}$  (1hr) 4 dB above background.
- 5.105 The noise assessment follows the BS4142 methodology insofar as it predicts rating levels for the development, which can be compared to background levels. However, it does not include any penalties for noise characteristics because it claims that these will all be eliminated by design. Predicted noise levels from the development have been assumed based on library data from similar plants around the UK. It is known that certain components of plant, such as turbines, generators, fans among others, have the potential to generate low frequency tonal noise. Given the prevailing very low background sound levels at NSRs overnight, the potential for disturbance from low frequency tonal noise is of particular concern. This is because low frequency tones can be very annoying and have the potential to disturb sleep even at low absolute decibel levels.
- 5.106 As the assessment is provisional due to the fact that there is still much uncertainty relating to the details of the development. Further acoustic assessments need to be undertaken to ensure that significant noise sources not yet known, are considered, assessed and attenuated through design. This information has not been provided in support of the application and is a material planning consideration especially given the rural application site and quiet nature of its surroundings. If this application is to be approved, one way of ensuring that agreed noise limits are achieved would be to attach a condition to any approval which requires a post beneficial use noise survey to be completed in order to demonstrate that agreed standards have been achieved. This recognises the findings of the assessment and the vital need for further acoustic verification assessment. Such a condition would allow the developer to work closely with the acoustic consultant to refine the design and mitigation in order to achieve the agreed standards.

- 5.107 Prior to beneficial use a noise assessment shall be submitted to and approved in writing by the Local Planning Authority that demonstrates that the cumulative noise from plant and vehicles achieves a rating noise level of less than 4 db above background (LA90) during the daytime and less than LA<sub>eq</sub> (1hr) 30 dB at night at the nearest noise sensitive receptors outlined in the Environmental Noise Assessment, when measured and corrected in accordance with BS4142:2014 +A1 2019 (or any British Standard amending or superseding that standard).
- 5.108 In addition to the above it is also recommended that a condition is also imposed to ensure that no tonal noise element will be emitted from the facility during night time operations (2300-0700 hours) as measured by the methodology set out within BS7445.
- 5.109 Policy W2 – Waste Management Proposals of the LDP states that developments will be permitted where there would be no adverse impact on amenity, human health or the environment by way of noise. Policy DM 13 criterion 11 also notes that the amenities enjoyed by the occupants or users of nearby properties shall not be unacceptably affected by levels of noise. The submission however, fails to adequately prove that there will no adverse impacts associated with Vibration and Noise from the proposal: **Negative**

### Geotechnical

- 5.110 Policy DM10 of the Local Development Plan states that development proposals on unstable land will not be permitted where it will result in ground instability or if instability cannot be remediated as part of the development.
- 5.111 The site's existing use as a quarry, has created a steep, angular valley formation with limited space within the quarry floor. In order to facilitate the proposed ERF on site, significant engineering works, which will result in the cutting of land in the region 334,600m<sup>3</sup> will be required. Circa 172,400 m<sup>3</sup> of this material is to be retained on site with approx. 162,200 m<sup>3</sup> of material to be disposed off-site. There are significant geotechnical concerns associated with this work and the applicant was made aware of these concerns as part of the pre application response dated 12<sup>th</sup> November 2020. These concerns have not been fully addressed within the geotechnical or slope stability reports included within Chapter 13 of the ES.
- 5.112 Drawing BT1180-D14 (presented in Chapter 4) shows isopachytes with cut or fill grouped into 10m bands. The proposed on-site retention of 172,400m<sup>3</sup> of fill results in up to 18m of fill thickness to be placed in the Northern site area, up to 10m of fill thickness placed on the NW scree slopes and up to 10m of fill thickness on the SE area of Laydown Area 4, which is thought to contain quarry waste over bedrock. The placement of fill has not been considered in the geotechnical or slope stability reports included in Chapter 13. The impact of significant thicknesses of fill being placed onto existing, potentially loose,



made ground and scree has not been considered. Significant concerns are drawn to this, which will require further investigation and assessment to manage slope stability within the site and such methodology and information would be a requirement of submission within the ES for determination. As this is not the case, and if planning permission is granted for the proposal; details relating to the following should be submitted for approval prior to the development commencing:

- Construction drawings and a geotechnical design report for areas of proposed cut slopes, including:
  - proposed stabilisation measures and erosion control measures on the rock face;
  - details of any other containment measures to protect the development from rock slope instability;
  - Analysis of excavation method for rock.
- Method Statement confirming how rock shall be excavated i.e. digging, ripping or blasting.
- A comprehensive ground investigation and geotechnical design report for all areas where fill material placement is proposed, with particular attention paid to existing slopes, areas of scree and / or areas of made ground associated with placement of overburden from past quarrying activities.
- Slope stability assessments and construction method statements for all areas where fill is proposed to be placed over areas of scree slopes and areas of made ground.
- A method statement stating how fill material shall be placed and constructed over existing slopes.
- Earthworks Specification for the development.

5.113 Alternative geotechnical considerations could overcome some of the concerns noted above. The plan and cross-section drawings show that the eastern cut slope is approximately 30m high at a gradient of 60°. There is sufficient area available to consider reducing the slope gradient to a shallower angle. A reduction in the slope angle would represent a significant reduction in geotechnical risk, which would result in the requirement for less, or no, stabilisation measures to the proposed cut slope, and would allow vegetation to be planted on the slope to control erosion.

5.114 Policy DM13 of the LDP states that development proposals must be able to demonstrate good quality design to complement and / or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing. Policy DM15 further states that development proposals shall demonstrate how the production of waste will be minimised during all stages of the development and how the waste materials that do arise will be managed in a sustainable way, in accordance with the waste hierarchy and that adequate provision has been made in the design of the development to accommodate it.

5.115 As noted, there is circa 162,200m<sup>3</sup> of material to be removed off site and with no certainty of use as recovered material it can only be described as that of

waste and its disposal off site can have negative environmental and sustainability dis-benefits. The LPA considers that as an alternative to increasing off-site disposal volumes, consideration and design solutions could have been developed revising proposed levels to increase the amount of material reused on site. For example, increasing the finished level of Laydown Area 4 and increasing perimeter bund footprints and heights.

- 5.116 The submission fails to adequately demonstrate how slope instability will be remediated as part of the overall development and has not considered the geotechnical risks of placing significant thickness of fill over scree and made ground slopes. In adopting a cautionary approach to on site geotechnical issues, the proposal is considered to have a **Negative** impact.

#### Mineral Safeguarding

- 5.117 Policies DM8 and SP7 seek to ensure that mineral resources are not needlessly sterilised by other development, so that they may remain accessible to future generations in accordance with PPW and MTANs. Defining Mineral Safeguarding Areas carries no presumption that the mineral resources will be worked, merely that the location of the mineral is known. Notwithstanding, Buttington Quarry is an active working quarry and it is highlighted within the LDP Proposal and Inset Maps as a permitted working area with the majority of the site falling within Sandstone Category 2 Resource Safeguarding Area and a section to the South and East along the site's perimeter falling within Category 1 Safeguarding Area Sand and Gravel. With the majority of the brick clay mineral having been worked and the diminishing demand for the production of this mineral, the quarry has been predominantly working lower grade shale's for bulk fill purposes in recent years. With the site having also been allocated for employment use within the LDP, as mineral planning authority it is considered that the sterilisation of mineral on site is not critical.
- 5.118 As noted within paragraph 5.111 geotechnical, in the region of 162,200m<sup>3</sup> of site won material is destined for off-site disposal. This material is not discussed within the Waste Planning Statement submitted and how it accords with the requirements of the waste hierarchy. Buttington Quarry to this effect is mentioned as a possible destination for an urban quarry where an inert waste repository could be developed to enable the storage and processing of wastes arising from construction and demolition developments. To dispose of 162,200 m<sup>3</sup> / in the region of 300,000 tonnes does not accord with the ethos of prior extraction for reuse either within the proposed development or for it to be made available within an urban quarry scenario as supported by policies DM8 and W1 of the LDP. As noted in paragraph 5.10 above, substantial amount of IBA is to be exported from site annually, such material could be processed on site into secondary aggregate that could be balanced against the mineral sterilised and the 162,000 tonnes of construction waste to be disposed of off-site. To this effect it will have a **Negative** impact on mineral sterilisation and on site material management.

## **6. The likely impact of any application in relation to a secondary consent being granted**

6.1 No secondary consents are being sought alongside this DNS application.

## **7. Draft Conditions and Obligations (Offered Without Prejudice)**

7.1 Without prejudice to the future determination of the application, the Local Planning Authority recommends that the following conditions be attached to any permission that the Welsh Ministers are minded to grant:

1. The development to which this permission relates shall begin no later than the expiration of five years beginning with the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Unless otherwise amended by conditions attached to this planning application, the development hereby permitted shall be carried out in strict accordance with the following submitted plans, reports and particulars validated on the 19<sup>th</sup> April 2021:

- Planning Application Form dated 26/02/2021
- Design and Access Statement February 2021
- Environmental Statement February 2021
- Waste Planning Statement February 2021
- Planning Boundary Plan, Ref: ECL-BQ-000
- Location Plan, July 2020
- Site Plan, Drawing number 0201
- General Arrangement Plan, Drawing number 0202
- Level 00m GA Plan, Drawing number 0205
- Level 7.5m GA Plan, Drawing number 0206
- Level 22m GA Plan, Drawing number 0207
- Roof GA Plan, Drawing number 0208
- Elevations, Drawing number 0210
- GA Building Sections, Drawing number 0211
- GA Gate House Offices Mess Plans & Elevations, Drawing number 0211
- GA Workshop Plans & Elevations, Drawing number 0213
- GA ACC Plans & Elevations, Drawing number 0214
- GA EFW & Turbine Building Plans, Drawing number 0215
- GA EFW & Turbine Building Elevations 1of2, Drawing number 0216
- GA EFW & Turbine Building Elevations 2of2, Drawing number 0217
- GA Sub Station Transformer Compound, Drawing number 0220
- GA Sprinkler Tank Plans & Elevations, Drawing number 0221
- Bunker Floorplan, Drawing number 0222
- Wastewater Plan, Drawing number 0223

In the case of minor amendments identified during the course of construction, commissioning and operations, these should be submitted to the Local Planning Authority by formal procedures including the submission of Non Material Amendment Applications, Applications to Discharge Planning Conditions only carried out upon formal decisions obtained by the Local Planning Authority.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the permitted application details, to ensure that the development is carried out with the minimum harm to the local environment.

3. Throughout the development of the site and its operation and subsequent restoration/decommissioning phase, a copy of this permission, including all documents hereby permitted, or subsequently approved, and forming part of the permission, shall always be available at the site office for inspection during normal working hours.

REASON: For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved documents. To assist effective monitoring and compliance with the conditions set out in this planning permission.

4. The developer/operator of the facility shall notify the Local Planning Authority in writing within 14 days of the dates of the following events:

- i. Commencement of development/implementation of this planning permission;
- ii. Commencement of the erection of fencing;
- iii. Commencement of improvements of the access to the site;
- iv. Completion of the access improvements;
- v. Commencement of the installation of external lighting;
- vi. Commencement of ground clearance on the site;
- vii. Commencement of piling works required and/or the use of vibro-compacting machinery;
- viii. Commencement of construction of the approved facility
- ix. Completion of construction of the approved facility;
- x. Commissioning of the facility;
- xi. Commencement of importation and processing of waste;
- xii. Commencement of production of electricity, steam, heat;
- xiii. Commencement of the construction of employment land identified as laydown area 1-4.

- xiv. Cessation of processing of waste;
- xv. Cessation of production of electricity, steam, heat;
- xvi. Commencement of decommissioning of the facility;
- xvii. Completion of decommissioning of the facility;
- xviii. Commencement of the restoration of the site;
- xix. Completion of the restoration of the site.

REASON: To enable the Local Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission and timescales set out within it, and to ensure that the development is carried out in accordance with the approved documents

5. All operations and uses associated with the development hereby approved shall cease no later than the 31st December 2050.

REASON: To define the life of this permission and in the interests of flood risk.

6. Within 24 months of commencing the development hereby approved, a decommissioning and restoration scheme and method statement shall be submitted for the written approval of the Local Planning Authority. The scheme shall provide details of:

- the removal of all plant, machinery, buildings, structures, concrete hardstandings, roadways and other erections within the site;
- final land levels for the site;
- the timescale for the implementation of the scheme and each element within it, to include inter alia timing of nature conservation/ecological surveys, decommissioning works, restoration treatments;
- details of measures to manage demolition traffic, dust and noise.

Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme shall be implemented in full throughout the decommissioning phase of the development.

REASON: In the interests of the proper restoration of the site, the visual amenities of the area and to avoid dereliction. To ensure that the site is returned to a condition suitable for future redevelopment.

7. A scheme of aftercare shall be submitted for the written approval of the Local Planning Authority prior to the implementation of any restoration works on site and shall include details of soil analysis, planting, cultivating, fertilising, watering,

drainage, weed control and an annual review of aftercare undertaken. The aftercare period shall run for a period of three years once implemented.

REASON: In the interests of the proper restoration of the site and visual amenities of the area.

8. Unless otherwise agreed in writing with the Local Planning Authority; in the event of the facility hereby approved ceasing operations for a period exceeding 18 months at any time on or prior to the 31<sup>st</sup> December 2050, the approved decommissioning and restoration scheme shall be implemented in full.

REASON: To define the life of this permission, in the interests of amenity, flood risk and the proper restoration of the site.

9. \*Prior to the commencement of development a scheme shall be submitted for the written approval of the Local Planning Authority setting out the detailed design of the site entrance works during the construction and operational phases of the development hereby approved. Upon the written approval of the Local Planning Authority, the approved scheme shall be implemented in full. The scheme shall demonstrate inter alia:

- (a) The provision of a visibility splay of ..... x ..... in both directions measured along the nearside edge of the adjoining carriageway over land within the control of the Applicant and/or the Highway Authority;
- (b) The maintenance of the visibility splay with no significant obstruction to visibility;
- (c) Kerbed and completed to carriageway base course layer up to the internal tangent point of the entrance radii for construction operations;
- (d) Details of the disposal of surface water run-off directed away from the highway.

REASON: For the avoidance of doubt, to ensure the formation of a safe and satisfactory means of access to the site, that adequate visibility is provided for the life of the development in the interests of maintaining highway safety and in compliance with Section 184 of the 1980 Highways Act.

*\*Indicative standard condition that may be recommended by the Trunk Road Agency*

10. Prior to the commencement of the development hereby approved, including site clearance works, a Construction Traffic Management Plan shall be submitted in writing for the written approval of the Local Planning Authority. The approved Construction Management Plan shall be implemented as approved for the duration of the construction period and shall provide details of:-

- i. Contact names and numbers of personnel responsible for adherence to the monitoring the plan;
- ii. Contact name(s)/number(s) for any site related enquiries including out of hours times;
- iii. Anticipated duration of the construction works;
- iv. Typical working days and hours of construction operations;
- v. Proposed signage types and locations;
- vi. Any barriers/gates preventing vehicles from proceeding further into the site during construction hours shall be at least 12 metres from the public highway to allow queuing of vehicles off the public highway. The site shall be permitted to make use of its perimeter gates, which may be within 12 meters of the public highway, for periods when the site is shut and no vehicles are being permitted onto the site.
- vii. The access and egress route with appropriate traffic monitoring in order to control traffic movements;
- viii. Measures to avoid depositing mud, or other debris onto the public highway by traffic movement;
- ix. The timings of deliveries and main construction traffic arrivals and departures to avoid periods such as school arrival/leaving times;
- x. Site notices informing construction workers and other site operatives of agreed working hours and routes;
- xi. The parking of vehicles of site operatives and visitors;
- xii. Loading and unloading of plant and materials;
- xiii. Storage of plant and materials used in constructing the development;
- xiv. A scheme for recycling and disposing of waste resulting from construction works;
- xv. Details of any wide or unusual loads which may be required to deliver construction materials.
- xvi. A scheme demonstrating protection and mitigation to onsite wildlife

REASON: To ensure the formation of a safe and satisfactory means of access to the site in the interests of maintaining highway safety and the free and safe movement of pedestrians and traffic onto the adjoining highway and in the interests of nature conservation.

11. Prior to the commencement of development, a full Travel Plan and Transport Implementation Strategy shall be submitted for the written approval of the Local Planning Authority. The Travel Plan and Transport Implementation Strategy shall address the construction phase and the operational phase of the development. Following the written approval of the local planning authority both Travel Plan and Transport Implementation Strategy shall be adhered to throughout the duration of the site construction works and throughout the life of the development hereby approved, subject to any minor amendments or updates as may be agreed in writing with the Local Planning Authority.

REASON: To encourage the use of more sustainable forms of travel.

12. Prior to the commencement of construction, a Construction Environmental Management Plan shall be submitted in writing to the Local Planning Authority for written approval and shall be implemented as approved throughout the construction phases of the project. The approved plan/scheme shall include:

- Construction drawings and a geotechnical design report for areas of proposed cut slopes, including: proposed stabilisation measures and erosion control measures on the rock face, details of any other containment measures to protect the development from rock slope instability, analysis of excavation method for rock extraction.
- Method Statement confirming how rock shall be excavated i.e. digging, ripping and/or blasting.
- A comprehensive ground investigation and geotechnical design report for all areas where fill material placement is proposed, with particular attention paid to existing slopes, areas of scree and / or areas of made ground associated with placement of overburden from past quarrying activities.
- Slope stability assessments and construction method statements for all areas where fill is proposed to be placed over areas of scree slopes and areas of made ground.
- A method statement stating how fill material shall be placed and constructed over existing slopes.
- Earthworks Specification for the development.
- Monitoring/mitigation and management plan for dust, noise and vibration for the construction phases of the development.

REASON: For the avoidance of doubt, to ensure that impacts of the construction is mitigated and maintained to an acceptable level, stability issues and site development can be undertaken safely and in the interests of residential amenity and nature conservation.

13. Prior to the commencement of the development hereby approved, an Ecological Compliance Audit Scheme shall be submitted to the Local Planning Authority for written approval. Upon written approval of the Local Planning Authority, the scheme shall be implemented in full. The approved audit should detail ecological avoidance, mitigation and compensation measures to determine if implementation has been carried out in accordance with either planning, derogation licence or other regulatory conditions.

REASON: For the avoidance of doubt, to ensure that impacts of the construction is mitigated and maintained to an acceptable level in the interests of nature conservation and the amenity of the local area.

14. Prior to the commencement of construction, the applicant shall submit for the approval of the Local Planning Authority an Ecological Management Plan and Site Clearance Ecology Method Statement that shall include a pre-constructional survey and report to ascertain the presence of Great Crested Newts, Bats, Birds, Dormice, Otters, Badgers, Reptiles and Invertebrates on site prior to their removal. Mitigating



measures as may be required by the survey and report shall thereafter be implemented including restricting the stripping of the site to months outside the bird nesting season, the erection of a habitat/security fence, traffic management procedures and the relocation of species to an alternative and suitable site before the commencement of construction. The Management plan will include a methodology and implementation strategy for ecological monitoring that identifies compliance and possible failures that may need mitigating. Upon written approval of the Local Planning Authority, the scheme shall be implemented in full.

REASON: For the avoidance of doubt, to ensure that impacts of the construction is mitigated and maintained to an acceptable level in the interests of the amenity of the local area and nature conservation.

15. Mitigation measures as detailed within the approved Ecological Management Plan and Ecological Compliance Audit Scheme shall be implemented through the life of the development. The approved mitigation plan includes lighting, security fencing, temporary acoustic barriers, and planting, the implementation of a Construction Environmental Management plan (which includes a construction Noise and Dust Management Plan), avoidance measures for protection of the water environment, rapid response protocol and pollution prevention plan.

REASON: For the avoidance of doubt, to ensure that impacts of the development is mitigated and maintained to an acceptable level in the interests of the amenity of the local area and nature conservation.

16. If during construction, operation and/or decommissioning of the site, contamination is found to be present; immediate contact must be made with the Local Planning Authority and no further development shall be carried out in that area until the developer has submitted an investigation and risk assessment for the written approval of the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared, which is subject to further written approval of the Local Planning Authority. Following completion of the remedial works identified in the approved remediation scheme, a verification report demonstrating compliance with the agreed remediation objectives and criteria shall be produced, for the written approval of the local planning authority, prior to recommencement of the development.

REASON: The site is in an area of potentially contaminative past uses. To protect the water environment and human health and in the interests of protecting wildlife conservation.

17. Prior to the installation of any external lighting, a lighting scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall be designed to minimise impacts of light pollution and on nocturnal animals. The approved Lighting Scheme shall be installed and implemented as approved and maintained throughout the life of the development.

REASON: For the avoidance of doubt, to ensure that lighting is designed to an acceptable level in which reduces light pollution from the site, in the interests of residential amenity and nature conservation.

18. Noise from Construction and Decommissioning Activities shall not exceed 70dB LAeq 1hr when measured at any noise sensitive properties as identified by the applicant and agreed in writing with the Local Planning Authority.

REASON: For the avoidance of doubt, to ensure that noise during construction is maintained to an acceptable level in the interests of residential amenity.

19. Prior to beneficial use / becoming operational a noise assessment shall be submitted for the written approval of the Local Planning Authority that demonstrates that cumulative operational noise shall not exceed the background noise levels by more than 4dB(A) during the daytime and less than than LA<sub>eq</sub> (1hr) 30 dB at night at the nearest noise sensitive receptors outlined in the Environmental Noise Assessment, when measured and corrected in accordance with BS4142:2014 +A1 2019 (or any British Standard amending or superseding that standard).

REASON: For the avoidance of doubt, to ensure that noise during the operation of the facility is maintained to an acceptable level in the interests of residential amenity.

20. No tonal noise element will be emitted from the facility during night time operations (2300-0700 hours) as measured by the methodology set out within BS7445.

REASON: For the avoidance of doubt, to ensure that noise during the operation of the facility is maintained to an acceptable level in the interests of residential amenity.

21. No arrival, departure, loading or unloading of waste feedstock vehicles or Incineration Bottom Ash shall take place outside the hours of 0700 – 1900 Monday to Friday, 0700 – 1200 Saturday and at no time on Sundays or Bank Holidays.

REASON: For the avoidance of doubt, to ensure that noise during the operation of the facility is maintained to an acceptable level in the interests of residential amenity.

22. Prior to the commissioning of the facility, an Operational Environmental Management Plan shall be submitted in writing to the Local Planning Authority for written approval and shall be implemented as approved throughout the operational phase of the project. The approved plan/scheme shall also include a monitoring / mitigation and management plan for dust, fugitive litter and odour for the operational phase of the development.

REASON: For the avoidance of doubt, to ensure that impacts of the facility is mitigated and maintained to an acceptable level in the interests of residential amenity and nature conservation.

23. Prior to the commencement of construction, a landscaping scheme shall be submitted in writing for the written approval of the Local Planning Authority. The approved landscaping scheme shall include a timetable for planting indicating when the planting shall be undertaken and shall be implemented as approved in writing by the Local Planning Authority.

REASON: For the avoidance of doubt, to ensure that impacts of the construction is mitigated and maintained to an acceptable level in the interests of amenity and nature conservation.

24. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 23 of this permission that dies, is damaged, diseased or removed within the duration of 5 years following planting shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Local Planning Authority.

REASON: For the avoidance of doubt, in the interest of the amenity of the local area and nature conservation and to ensure development is adequately screened.

25. Prior to the erection of any temporary and permanent fencing at the Site, details of the location and specification/finish of the fencing shall be submitted in writing for the written approval of the Local Planning Authority. The approved temporary fencing shall be erected as approved prior to any construction operations and maintained for the construction period. The approved permanent fencing shall be erected as approved prior to the start of operations and maintained for the life of the development.

REASON: For the avoidance of doubt, site security, in the interests of nature conservation, to ensure that the design is appropriate and adequately screened

26. Unless otherwise agreed in writing with the Local Planning Authority the hours of operation for the construction and decommissioning of the approved facility shall be restricted to:-

- 07:00 - 19:00 hours on Mondays to Fridays
- 07:00 - 16:00 hours on Saturday, Sundays and bank/public holidays

For the avoidance of doubt, activities taking place within any building on the development site such as electrical installation, fitting of plant, equipment and machinery, wiring, plumbing are permitted to take place outside these permitted hours.

REASON: To protect the amenities of local residents and visitors to the area.

27. All waste shall be delivered to the site in suitably enclosed vessels / containers / trailers and no delivery vehicles shall be permitted to leave the site unless the vessels / containers / trailers are suitably enclosed.

REASON: For the avoidance of doubt, in the interests of local amenity and to ensure that no waste or fugitive odour and litter is released and/or emitted during transportation.

28. \*The stack shall be lit with medium intensity red obstacle lights as specified by CAP 168 licensing of aerodromes.

REASON: In the interest of aircraft and aviation safety.

*\*Indicative standard condition that may be recommended by the Civil Aviation Authority*

29. Within 6 months of the date of this permission or prior to the erection of buildings on site. The type and colour of the cladding proposed to be used in the construction of the buildings shall be submitted for the written approval of the Local Planning Authority.

REASON: To ensure a satisfactory standard of appearance of the development.

## **8. Evidence of Application Publicity**

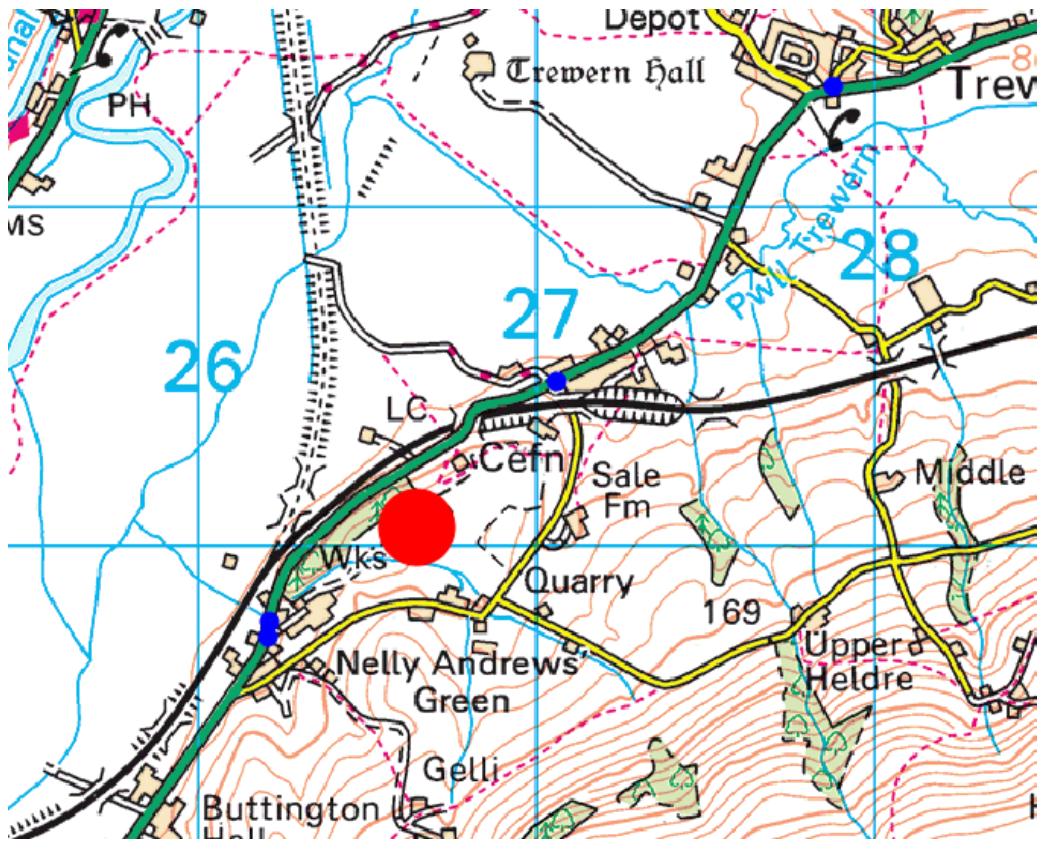
8.1 The application was advertised by 4 no. site notices in the vicinity of the application site between the 22 and 30 April 2021 in accordance with the requirements of the Town and Country Planning Act 1990 (As Amended), The Developments of National Significance (Procedure) (Wales) Order 2016, The Developments of National Significance (Wales) Regulations 2016 and The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

8.2 The site notices were displayed at the following locations:

- Buttington Quarry Main Access Gate A458; 22/04/2021
- Adjacent to Mulberry Cottage A458; 22/04/2021
- Cefn Primitive Methodist Chapel, Cefn A458; 30/04/2021
- Telephone Exchange opposite Garreg Bank Entrance, Trewern A458; 30/04/2021

8.3 A copy of the site notices and photographs of them on display together with a map confirming their locations are attached below.

8.4 Site de-marked red, site notices located in blue.



8.5 Site notice displayed on the site gate



8.6 Site notice displayed adjacent to Mulberry Cottage





8.7 Site notice displayed at Cefn Primitive Methodist Chapel



8.8 Site noticed displayed at the Telephone Exchange opposite Garreg Bank Entrance, Trewern



## 8.9 Welsh Language Site and Press Notice



**Deddf Cynllunio Gwlad a Thref 1990 (Fel y'i Diwygiwyd)  
Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol  
(Gweithdrefn) (Cymru) 2016  
Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol  
(Cymru) 2016**

Hysbysir drwy hyn bod Ynni Eang (Cymru) Cyf wedi cyflwyno cais ar gyfer Datblygiad o Arwyddocâd Cenedlaethol i Weinidogion Cymru ar gyfer:

Cyfleuster Adfer Ynni (ERF) sy'n cynhyrchu tua. 13MW o drydan trwy drin 150,000 tonnell / flwyddyn o wastraff preswyl, masnachol a diwydiannol.

Mae'r safle wedi'i leoli ar Chwarel Buttington, Buttington, Y Trallwng, SY12 8SZ

Mae aelodau'r cyhoedd yn gallu gweld dogfennau'r cais ar-lein yn

[https://dns.planninginspectorate.gov.uk/cy/projects/wales/buttington - quarry-erf/](https://dns.planninginspectorate.gov.uk/cy/projects/wales/buttington-quarry-erf/)

Mae'r amserlen ar gyfer cyflwyno tystiolaeth wedi dechrau a gall personau â buddiant gyflwyno sylwadau i'r Arolygiaeth Gynllunio ar ran Gweinidogion Cymru (mae'r manylion isod) erbyn **24/05/2021**. Bydd yr holl sylwadau'n cael eu cyhoeddi ar wefan y Porth Gwaith Achos Apeliadau cyn gynted ag y bydd y dyddiad cau wedi mynd heibio.

Gellir dod o hyd i ragor o wybodaeth am y broses Datblygiadau o Arwyddocâd Cenedlaethol, gan gynnwys canllawiau ar gyfer cymunedau, yn:

[https://llyw.cymru/datblygiadau -o-arwyddocad-cenedlaethol-dns-canllawiau](https://llyw.cymru/datblygiadau-o-arwyddocad-cenedlaethol-dns-canllawiau)

Isabel Nethell  
Pennaeth y Gwasanaeth  
Yr Arolygiaeth Gynllunio  
Adeilad y Goron  
Parc Cathays  
Caerdydd  
CF10 3NQ 0303 444 5940  
dns.wales@planninginspectorate.gov.uk

Dyddiad: **19/04/2021**



## 8.10 English language Site and Press Notice



**Town and Country Planning Act 1990 (As Amended)  
The Developments of National Significance (Procedure)  
(Wales) Order 2016  
The Developments of National Significance (Wales)  
Regulations 2016**

Notice is hereby given that Broad Energy (Wales) Ltd has submitted an application for a Development of National Significance (DNS) to the Welsh Ministers for:

Energy Recovery Facility (ERF) generating approx. 13MW of electricity through treatment of 150,000 tonnes / annum of residential, commercial & industrial wastes.

The site is located at Buttington Quarry, Buttington, Welshpool, SY12 8SZ

Members of the public can view the application documents online at

[https://dns.planninginspectorate.gov.uk/projects/Wales/Buttington - Quarry---ERF/](https://dns.planninginspectorate.gov.uk/projects/Wales/Buttington-Quarry---ERF/)

The timetable for the submission of evidence has begun and interested persons may submit representations to the Planning Inspectorate on behalf of the Welsh Ministers (details below) by **24/05/2021**. All representations will be published to the DNS website as soon as the deadline has passed.

More information on the DNS process, including a guide for communities can be found at:

<https://gov.wales/developments-national-significance-dns-guidance>

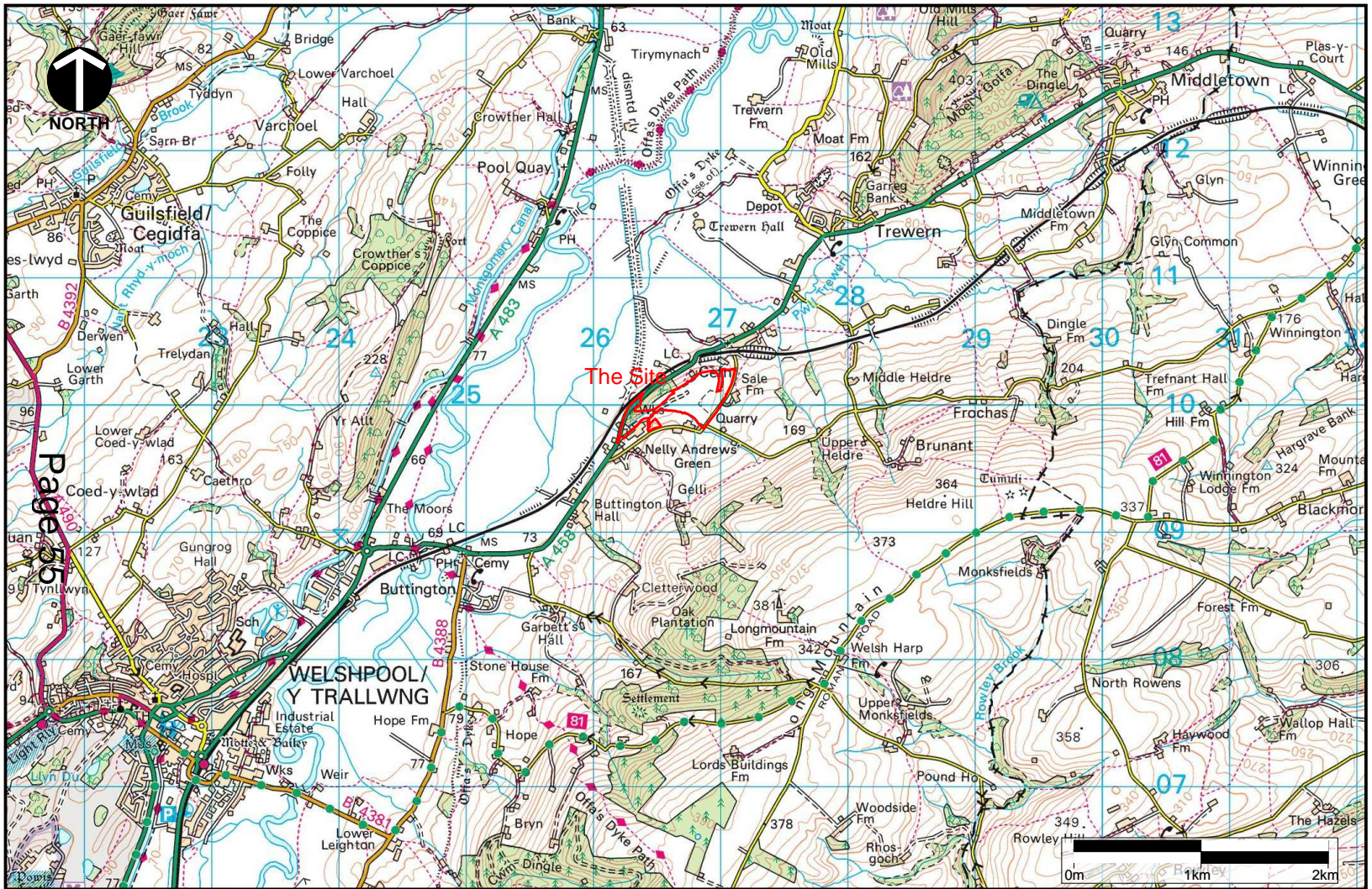
Isabel Nethell  
Head of Service  
The Planning Inspectorate  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

0303 444 5940  
[dns.wales@planninginspectorate.gov.uk](mailto:dns.wales@planninginspectorate.gov.uk)

Date: **19/04/2021**

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# 4.3

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

**Application Number:** 20/2087/FUL

**Grid Ref:** E: 304151  
N: 293359

**Community Council:** Caersws Community

**Valid Date:** 17.12.2020

**Applicant:** Miss A Barrett

**Location:** Land at Ael Y Bryn, Aberhafesp, Newtown, Powys

**Proposal:** Construction of an all-new crematorium, including the erection of a crematorium building, change of use of land to provide a green burial site, creation of landscaped grounds to include a garden of remembrance, improved and new access arrangements, car parking area, sewage treatment plant and drainage and all associated works

**Application Type:** Full Application

### The reason for Committee determination

The application involves a member of Powys County Council and is a departure from the Local Development Plan. The Local Member has raised concern over major concerns from residents in the immediate neighbouring properties and Caersws over inadequate highway safety.

### Consultee Responses

#### Consultee

#### Received

Hafren Dyfrdwy

11th Jan 2021

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

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

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

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

the email/subject.

If you would like a copy of this in Welsh, please let us know.

PCC-(N) Highways

27th Jan 2021

The Highway Authority (HA) do not object to the principle of development at this site, however, we do request that the following detail be submitted for consideration.

Section 2.15 of the Transport Statement proposes the regrading of highway verge, however, no drawing to indicate the locations and extent of works required has been submitted.

We request that the raw data files for the ATC's are submitted for analysis by the HA.

*Additional correspondence received 18<sup>th</sup> March 2021*

The County Council as Highway Authority for the County Class II Highway, B4568

**Wish the following recommendations/Observations be applied**

**Recommendations/Observations**

The Highway Authority understand that in order to comply with CADW conditions that the previously recommended highway conditions would have caused conflict. We have therefore slightly reworded the access conditions to allow for archaeological works to be carried out prior to the construction of the service access, and that the timing of the construction of this access does not impact upon other works within the site.

1. The development shall be carried out in accordance with drawing number 001 Rev D, 002, 003 & Figure 1.
2. Notwithstanding the submitted details on drawing numbers 001 Rev D, 002, 003 & Figure 1 the Highway Authority wish the following conditions to be applied to any consent given.



3. Prior to any other works commencing on the development site, detailed engineering drawings for the visibility improvements to the junction of the B4568/B4569/C2065 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

4. 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.

5. 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 0.4 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.

6. No other development shall commence until the main access off the B4568 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 215 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

7. Prior to the first beneficial use of the development the service access off the C2065 shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the

visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

8. All vehicular movements associated with the development shall enter/exit the site via the main site access off the B4568 until such time as the service access as Condition 5 above has been constructed. Therefore, no access to the site shall be gained through the service access until such time as it has been constructed in accordance with the approved drawings.

9. 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.

10. Within 5 days from the commencement of the development the two field gates onto the B4568 shown on Drawing Number 001 Rev D shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and the stopping up shall be retained for as long as the development is in existence.

11. Before any other development is commenced the area of the main 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 12 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

12. Prior to the first beneficial use of the development hereby approved, provision shall be made within the site for the parking and turning of vehicles as detailed on the approved site plan 001 Rev D. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

13. Prior to the first operational use of the development the area of the main access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 12



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.

14. Prior to the first operational use of the development the area of the service 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, 60mm of bituminous macadam binder course material and be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 12 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.

15. The gradient of the accesses shall be constructed so as not to exceed 1 in 30 for the first 12 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.

16. Any vehicular entrance gates installed within the application site shall be set back at least 12 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.

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

### **Advisory Notes**

**NOTE:THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;**

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is

obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

4. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:

<http://www.powys.gov.uk/en/roads-transport-parking/>

street.works@powys.gov.uk

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

Environmental Protection

2nd Feb 2021

Thank you for the consultation in respect of this application. I have started to give consideration to noise and air quality reports for the crematorium. The proposed campsite which is in the planning system and is in close proximity to the site has not been considered as a receptor. Given that both developments are in a similar position in the planning system it is my understanding that it should be included.

Whilst I intend to make full comments I did want to flag this up at this stage as there will be additional work for the developer.

Natural Resources Wales (Mid Wales)  
DPAS

29th Jan 2021

LLEOLIAD / LOCATION: Land Formally Known As Ael Y Bryn , Aberhafesp

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 31/12/2020.

NRW provided comments on this proposal at pre application stage. Our comments are included in Appendix 32 of the Preliminary Application Consultation (PAC) Report dated December 2020 by Alan Southerby Planning Ltd.

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

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met. Otherwise, we would object to this planning application.

Requirement 1: Groundwater - further information is submitted which demonstrates that the proposed development will have no adverse effect on groundwater from hazardous substances and non-hazardous pollutants.

#### Groundwater

We have reviewed the information available on your website and in particular the 'Tier 1 Risk

Screening: Assessment of Groundwater Pollution; Land at Ael Y Bryn, Aberhafesp,

In order to assess the potential impacts, we would advise your Authority to obtain the following information prior to determination:

#### Groundwater Risk Assessment

We note six trial pits were sunk at the site, but there is no map showing the location of where the trial pits were located within the proposed burial area. The maximum depth of the trial pits was 1.9 mbgl, but it is not clear how this relates to the maximum depth of each burial site. Trial pits should be dug to one metre below the maximum burial rate. The trial pits were dug during August 2020 and given that 2020 was a dry year, it is likely that groundwater was not encountered during the summer months - we require an understanding of the groundwater level during the whole year to get the seasonal variation and for the maximum burial depth to be defined on this data.

We note the overall Qualitative Risk Assessment for the site, accounting for Groundwater Vulnerability and the Scale of the Proposed Burial Ground, determined the development to be a proposal with a 'Moderate' risk. This conclusion is based on the groundwater vulnerability scoring of 42 to 34, and a burial rate of 10 to 20 per year. We agree with the overall risk scoring of 'Moderate' but we disagree that no further works is required and that a Tier 2 assessment is now needed as defined in the Guidance for 'Cemeteries and burials: groundwater risk assessments - Environment Agency - 14/03/2017 (as updated on 11/06/2020).

#### Tier 2 - Determination of the appropriate level of risk assessment

Where a proposal is considered to pose a potential 'intermediate to high' risk a more

detailed site investigation and risk assessment is required (a Tier 2 assessment). This must demonstrate that there is no impact on groundwater by hazardous substances and no adverse effect from non-hazardous pollutants. For further details the applicant is referred to Section 5.3 (c) of the 'Pollution Potential of Cemeteries', R&D Technical Report P223 (1999) guidance (this link out of date, but is still valid).

A Tier 2 assessment requires that baseline data be collected with respect to groundwater quality and quantity and we advise you Authority that these requirements are met prior to granting planning permission.

With reference to the guidance, this should include installation of a minimum of three monitoring boreholes (one up gradient and two close to the down gradient boundary of the site), monthly water level and quarterly groundwater quality monitoring over a 12-month minimum period, and the use of this data with a simple pollutant flux and water balance calculation to assess the potential risk to groundwater quality from the proposed woodland burial site.

A hydrogeological conceptual model must be produced, based on the information collected in the site investigation, that considers the likely pollutant loading source, potential pathways and potential receptors (including the underlying groundwater and possible discharge to surface water features). The assessment should show that no impact on groundwater will occur, or, at worst, that the impact would not amount to pollution as defined in the Environmental Permitting Regulations 2016.

We refer you to further guidance on the GOV.UK website. We will use this guidance to assess any new cemetery development and extensions to existing cemeteries under the planning regime.

We also refer you to the now withdrawn government guidance on assessing the groundwater pollution potential of cemeteries. This document continues to provide a useful overview of the process.

#### Foul Drainage

We understand that the development is in a sewered area, but it is proposed that foul drainage is to be discharged to a private sewerage system, package treatment plant (PTP).

In this instance, we are satisfied that sufficient information has been provided by the Applicant as part of this planning application to justify the use of a private sewerage system. The nearest sewage network is a pressurised system and therefore no connection can be made, as confirmed by Severn Trent Water in an email to the applicant.

We have considered this proposal in the context of the advice and guidance provided in Welsh Government Circular 008/2018 and we raise no objections to the application against the matters in paragraphs 2.3-2.6 of that Circular.

The Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with us. 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. Paragraph 2.10 of Circular 008/2018 states that before a planning application is made, the applicant should discuss with NRW the proposed sewage disposal arrangements for the development. The information submitted in support of the application does not confirm whether the Applicant has carried out any preapplication consultation with NRW's permitting service in relation to an application for an Environmental Permit or exemption. We therefore advise that if the applicant has not undertaken consultation with our Permitting Team, they should do so at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the environmental permitting requirements.

Given that the site is considered unsuitable for SUDs infiltration methods, as indicated in the SuDs Assessment report dated October 2020 by Ceri Environmental Consulting Ltd, the applicant will have to demonstrate that disposal of foul effluent from the proposed package treatment plant would be effective at this location. When applying for a permit/exemption, the developer will be asked to submit site specific porosity/ percolation testing results and calculations for the specific size of any proposed soakaway(s).

The Applicant should note that a grant of planning permission does not guarantee a Permit or exemption will be granted. Notwithstanding a grant of planning permission, a proposal may be deemed to be unacceptable (e.g. because the permitting application process identifies an unacceptable environmental risk or because there is a feasible connection to mains sewer).

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 Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

#### Protected Sites

No statutory protected sites are present within a 2km radius of the proposal, as identified in the Preliminary Ecological Appraisal (PEA) Survey report submitted in support of the above application dated 25/09/2020 by Arbtech. Based on the information available,

which

indicates that the cremator's thermal input for the combustion process is 780Kw/hour, we do not consider that nitrogen emissions from the plant would affect protected sites beyond a 600m radius. Therefore, we do not consider an assessment of potential impacts on Sites of Special Scientific Interest and/or Special Conservation Areas is required.

### Protected Species

We have reviewed the PEA report by Arbtech and we concur with its conclusions and recommendations.

No European Protected Species (EPS) were found present within the area affected by the proposal although some potential for bat roosting was identified and confined to the trees within the mature tree line on the eastern boundary of the central field.

We welcome the recommendations for ecological enhancements made in the bat report and we do not consider that the development is likely to be detrimental to the maintenance of the population of any EPS species concerned at a favourable conservation status in its natural range.

As stated in the PEA, the use of artificial exterior lighting should aim at avoiding any areas of trees and hedgerows which are likely to be used by bats and wildlife in general as commuting and foraging corridors. We therefore advise you to design a scheme in line with Bats and artificial lighting in the UK Guidance Note 08/18 (published in partnership with the Institute of Lighting Professionals (ILP) and the Bat Conservation Trust (BCT), 2018)

If any EPS are found or seen during works, all work must stop immediately and advice sought from NRW before works can restart.

### Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Advice for the developer:

#### Permitting

From the information provided we would consider the proposed development to be an installation under the Environmental Permitting Regulations (England and Wales) 2010 part B and therefore it is likely that the crematorium will require a permit from the Local Authority.

The combustion process associated with the operation of the crematorium will produce nitrogen, in particular nitrogen oxides which have the potential to affect air quality in the area.

Air quality is a material consideration in the planning process and we advise you further discuss this matter with Powys Environmental Health.

We refer you to the IAQM guidance document for Land-use Planning & Development Control: Planning for Air Quality and section 6.7 of Planning Policy Wales

We remind you that it is your responsibility to check the regulations (link to permitting advice and guidance provided below) and apply for the relevant permit if required.

Please refer to our website for more information about installations, permits and permissions.

You can also access the government website for guidance on the meaning of regulated facilities.

PCC-Ecologist

31st Mar 2021

Thank you for the opportunity to comment on planning application 20/2087/FUL which concerns an application for Construction of an all-new crematorium, including the erection of a crematorium building, change of use of land to provide a green burial site, creation of landscaped grounds to include a garden of remembrance, improved and new access arrangements, car parking area, sewage treatment plant and drainage and all associated works at Land at Ael Y Bryn, Aberhafesp, Newtown, Powys.

I have reviewed the proposed plans, aerial images as well as records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 2 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within



500m of the proposed development include bluebell and curlew. No statutory and no non-statutory designated sites were identified within 2km of the proposed development.

I have reviewed the Preliminary Ecological Appraisal Survey produced by Arbtech dated 25/09/2020 and consider that the survey methods and effort employed were in accordance with current National Guidelines. It is noted that the survey was undertaken in early autumn but it was considered that accurate assessment of habitats and presence/likely absence of protected species on site was not affected.

The report details the findings of a phase 1 habitat survey and a protected species habitat suitability assessment undertaken on 15th September 2020 as well as the results of an associated desk-based study. Habitats identified within and immediately adjacent to the proposed development site include:

- o Improved grassland
- o Hedgerow with scattered trees
- o Scattered trees
- o Deciduous plantation
- o Post and wire fencing
- o Ditch

The proposed development site was surveyed for its ability to support a number of protected and priority species including

- o Amphibians (including great crested newt)
- o Bats
- o Reptiles
- o Nesting birds
- o Badger
- o Otter
- o Water vole

o Hedgehog

The site was also inspected for presence of non-native invasive species (none reported). The site comprises four fields of improved, managed grassland bordered by hedgerows, several with mature trees long their length. A birch plantation is located along the northern boundary of the site immediately north of the proposed crematorium building. A line of scattered hawthorn and blackthorn divides the two fields on the western part of the site. A line of mature oak trees alongside a ditch divides the eastern and central fields. Several of the oak trees were identified as having potential bat roosting features and all are to be retained within the proposed development. No evidence of protected or priority species was detected and the site was considered unsuitable for amphibians, reptiles, water-vole, and otter due to a lack of suitable habitat features. No evidence of badger or hedgehog was detected but the presence of suitable foraging habitat means that there was potential for both species to be present on the site. Hedgerows and trees on site were identified as habitat for nesting birds.

The proposed development is not considered likely to result in negative impact to priority or protected species or habitats subject to retention of all hedgerows, mature trees and implementation of precautionary measures to safeguard badger and hedgehog during the construction phase.

It is therefore recommended that submission of reasonable avoidance measures for badgers and hedgehog are secured through an appropriately worded planning condition.

The submitted plans identify that roadside hedgerows will be impacted to create both main and service entrances. It appears that 2-3 immature trees will require felling to secure the required highway visibility splays. The main macadam driveway to the crematorium is located close to mature oak trees at its northern end. The root zones of the trees are likely to extend beyond the tree canopy and may well be impacted permanently by excavation works.

Powys LDP Policy DM2 states that

Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

2C. Habitats and Species of principal importance for the purposes of maintaining and enhancing biodiversity' as identified by Section 7 of the Environment (Wales) Act 2016. Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichen and fungi.

3B. Local Biodiversity Action Plan Habitats and Species. Powys LBAP includes hedgerows under the Linear Habitats Action Plan: 'Linear habitats are important to a wide

variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'.

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage.

Where impacts to hedgerows are identified and cannot be avoided, an appropriate compensation strategy will be required. Where possible, translocation of the existing hedgerow should be considered. However, it is acknowledged that translocation is not possible in some cases. Where this is the case, replacement hedgerow planting of a minimum length equivalent to the section of hedgerow to be lost, or improvement of retained hedgerows, will need to be identified to ensure that there is no loss of biodiversity as a result of the development. The translocation plan should include details of the timing of work, preparation works to the new site and of the existing hedgerow, translocation methodology and aftercare measures. The compensation plan should include details of the hedgerow(s) location, length and species. Species should be native and reflect the hedgerows present in the local area in accordance with the requirements of LDP policy DM4 and include an appropriate aftercare scheme.

It is, therefore, recommended that a Tree and Hedgerow Compensation Planting Scheme is secured through an appropriately worded planning condition.

With regard to the mature oak trees, it will be necessary undertake a detailed Arboricultural Impact Assessment (AIA) to confirm whether damage is likely to occur. The AIA should demonstrate compliance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. Where impacts to trees are identified it will be necessary to identify suitable mitigation measures to avoid or reduce adverse impacts wherever possible, for example, through redesign and/or implementation of an approved Tree Protection Plan. Where trees are required to be removed to accommodate the proposed development, or access to the development, appropriate compensation will be required. Consideration will also be given to the potential for impacted trees to support roosting bats, European Protected Species. Undertaking an AIA after planning consent has been granted is not considered appropriate as it may not be possible to avoid impacts to trees without costly redesign of approved plans. The LPA is also required to ensure that the proposal will not result in a net biodiversity loss prior to granting planning permission.

An Arboricultural Impact Assessment of the trees will be required prior to determination of the application to assess whether the proposal will result in loss or damage to the trees.

Careful consideration will need to be given to any external lighting of the proposed development, including during construction in the vicinity of trees with identified potential bat roost features (unless appropriately confirmed that the features are not suitable for

bats). Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area or woodland. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

It is, therefore, recommended that submission of an External Lighting Design Scheme is secured through an appropriately worded planning condition.

It is noted that considerable hard and soft landscaping is to be included as part of the potential development and it is appropriate for consideration to be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme to include proposed species mixes, planting and aftercare schedules.

It is, therefore, recommended that submission of a Landscaping Plan is secured through an appropriately worded planning condition.

Further comment will be provided once the required tree protection information is received.

*Additional correspondence received 10<sup>th</sup> May 2021*

I have reviewed the submitted Tree Survey Report and Arboricultural Impact Statement (inclusive of method statement and tree protection measures) prepared by Wye Valley Tree Services in accordance with BS 5837:2012. The survey identified the loss of three trees, deemed to be of relatively low value/undesirable to retain, and confirmed the impact to two hedgerows in order to accommodate access. The proposed formal access to the crematorium has been confirmed to be located outside of the sensitive root zone of the row of trees bisecting the site, which is to be welcomed. The tree line was identified as comprising several oaks with moderate or high arboricultural, landscape and conservation value; at least one tree is of veteran age. Appropriate tree protection measures were provided to safeguard the tree root zones during the construction phase, for example, from compaction by vehicles, plant and storage of materials and pollution.

It is, therefore, recommended that in addition to compensation measures for the two impacted hedgerows, adherence to the submitted tree protection measures during construction is secured through an appropriately worded planning condition.

Given the identified value of the trees and location of the trees within the landscape, it is recommended that consideration is given to long-term protection of the trees line through imposition of a TPO to guard against future loss or damage of the trees, which may be more appropriate than the imposition of a separate planning condition to that effect. The imposition of a TPO in accordance with *TAN 10 Tree Preservation Orders* does not mean that the landowner will not be able to undertake any necessary works, for example, those required for health and safety reasons. It is a means to ensure that any works required to be carried out are essential, limited and undertaken in a manner that will not accelerate decline of the trees where possible. There is also provision for appropriate replacement. It is considered that the use of a TPO will guard against incidental and unnecessary loss/damage to high value trees that may reasonably be expected to occur during the lifetime of the development.

It is, therefore, recommended that adherence to long-term tree protection measures is secured through a Tree Preservation Order, or an appropriately worded planning condition, in accordance with Powys LDP Policy DM4.

The provision of biodiversity enhancements through extensive soft landscaping has been identified and is welcome. It is considered that the enhancements are appropriate to the proposed development and are in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

It is, therefore, recommended that the identified biodiversity enhancement measures are secured through an appropriately worded planning condition.

Recommendation has been made previously regarding compensation for the impact to roadside hedgerows. However, it has since come to the notice of the LPA that netting specifically designed to exclude nesting birds has been placed over the relevant stretches of hedgerow to facilitate removal of the hedges during bird nesting season. This is considered presumptuous and wholly inappropriate given that a decision on the application has not yet been made. It also contradicts the advice provided to the applicant by their ecological consultant that recommended (in accordance with best practice) that hedgerow removal should take place outside of nesting season or that a thorough site check for nesting birds should be undertaken by an experienced ecologist prior to removal. The Chief Planning Officer in his letter of 6<sup>th</sup> June 2019 stated clearly that use of netting '*should only be considered as a last resort measure, after a full consideration of other alternatives and under exceptional circumstances only following the grant of planning permission.*' The Chartered Institute of Ecology and Environmental Management (CIEEM) also advocates against the use of netting, especially before the granting of planning permission, unless it has been installed by an appropriately experienced

ecologist, is subject to daily inspections (3 times per day ideally) and precautions are taken to ensure other wildlife is not adversely harmed. No evidence has been provided to the LPA to demonstrate that any of these measures have taken place or why use of netting is justified in contravention of expert advice and best practice. The applicant should also be mindful that the preference is for translocation of the hedgerow rather than replanting and the optimal time for this to increase the chances of success is autumn/winter making the need to use netting redundant. It is strongly advised that the applicant remove any such netting still in place immediately to avoid an adverse impact to biodiversity. If evidence of biodiversity loss clearly associated with the netting is identified prior to a decision being made, provision of compensation measures will be required.

Therefore, should you be minded to approve the application I recommend inclusion of the following conditions, in addition to the recommended Tree Preservation Order or alternative suitably worded planning condition:

Prior to commencement of development, including vegetation and ground clearance, a Reasonable Avoidance Measures Method Statement for badger and hedgehog shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.

*Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.*

The development shall be undertaken in strict accordance with the BS5837:2012 Arboricultural Report, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan for P/2158/20/FUL – proposed new Crematorium at Ael y Bryn, Caersws. The measures identified shall be adhered to and implemented in full and maintained thereafter.

*Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.*

Prior to the commencement of development, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the translocation method and/or species, sizes, densities and planting numbers proposed, as well as aftercare measures. The approved scheme shall be implemented in full and

maintained thereafter.

*Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016*

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

*Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016*

Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12<sup>th</sup> September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>. The approved scheme shall be adhered to and be implemented in full.

*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 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.*

In addition, I consider it would be appropriate to include 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 on 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.

PCC-Contaminated Land Officer

11th Jan 2021

There are no recorded contamination issues associated with the subject site.

PCC-(N) Land Drainage

4th Feb 2021

Planning Department: Could the following be added as a recommendation for the application.

All: Having assessed the Planning Application Ref 20/2087/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works



commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk)

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

CPAT

7th Jan 2021

Thank you for the consultation on this application.

Having read through the submitted documents and plans it is clear that there will be no significant impact to any archaeology in the area of the proposed new crematorium buildings. The geophysical survey clearly shows that the central and eastern fields are largely devoid of archaeology other than two later post-medieval field boundaries or drainage ditches (geophysical anomalies i, j) which are of low archaeological significance.

The western fields are the most archaeologically sensitive primarily because of the north/south Roman road alignment (geophysical anomalies a, d, e) and the geophysical anomalies h,f and g (see Figure 18 in geophysical survey report). All of the latter must be avoided by a revised masterplan and landscape design layout which removes tree planting and other ground disturbance for pathways and seating from these features. With regard to the Roman road all tree planting and other features associated with the Garden of Remembrance should be sited at least 5 metres east of the eastern edge of the Roman road as shown on Fig.18 of the geophysics report. This is the most accurate interpretation of the Roman road route and should be used by the design team to ensure avoidance.

It will be impossible to avoid crossing the Roman road with the access from the west side. Although the intention here is just to strip the grass and put fine hardcore down the Roman road surface may be encountered immediately under the grass and we would therefore place a watching brief condition on any consent to ensure adequate monitoring

and recording take place here. The watching brief condition would be:

The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs and will be completed in accordance with a written scheme of investigation, which has been approved in advance by the Local Planning Authority. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas,

Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk) After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason: To secure preservation by record of any archaeological remains related to the Roman road which may be revealed during ground excavations for the western access to the consented development.

With regard to landscape impacts the photomontages, plans and models in the LVIA all show a well- designed and landscaped layout which makes use of a natural hollow for the main building to ensure a low profile on the hillside. Adequate screening is provided from the surrounding topography and by the use of appropriate new planting of native tree and hedge species. The landscape impact would therefore be minor and the impact on the setting of the scheduled monument to the north west is likewise minimal.

Cadw should still be consulted for their separate views though regarding the Caersws Basin registered landscape of special historic interest and the potential requirement for the impact of this scheme to be assessed via the ASIDOHL 2 process. They should also confirm that they have no issues relating to the setting of the scheduled enclosure to the north west. The Cadw contact would be Mr Neil Maylan via cadwplanning@gov.wales

We would therefore require a revision of the masterplan for the proposed development which clearly shows the Roman road preserved without any tree or shrub planting and with all features related to the Garden of Remembrance removed to the east of the Roman road.

Thank you for your letter of 31 December inviting our comments on the information submitted for the above planning application.

#### Advice

Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monument listed in our assessment of the application below.

The national policy and Cadw's role in planning are set out in Annex A.

#### Assessment

##### Scheduled Monuments

MG001 Caersws Roman Site

MG017 The Moat Mound & Bailey Castle

MG051 Bron-Felin Mound & Bailey Castle

MG064 Gwyn Fynydd Camp

MG123 Wyle Cop Camp

MG161 Roman Earthwork NE of Caersws (revealed by aerial photography)

MG222 Caersws Roman Fort: Section of South Western Defences

MG242 Caersws Roman Fort and Vicus: section in southern part of vicus

MG243 Caersws Roman Fort and Vicus: section in SE part of vicus

MG244 Caersws Roman Fort: South-west corner defences

##### Registered Historic Landscape

HLW (P) 5 - Caersws Basin

A Heritage Impact Assessment and Desk Based Assessment prepared by Archaeology Wales has been submitted with the application. The revised assessment follows the appropriate methodologies and has concluded that the proposed development will have at most a very slight adverse impact on the settings of the above designated historic assets, except for scheduled monument MG064 Gwyn Fynydd Camp, which is located close to the northern boundary of the proposed development area. The assessment

considers that the proposed development would have a moderate adverse impact on the setting of the scheduled monument which would be significant if mitigation measures are not included in its design, to ensure that the significant views from the monument are preserved and that the impact of the proposed building and car parking in views from the monument are reduced by appropriate landscaping and planting.

The design of the development now includes appropriate landscaping and planting and also perpetuates the line of a Roman road, that may be a reason for the location of scheduled monument MG064, by including a clear corridor on the alignment of the road. These design changes will reduce the adverse impact of the proposed development on the setting of scheduled monument to slight and not significant.

Mid & West Wales Fire Service - Powys  
Command

14th Jan 2021

I acknowledge receipt of the notification to the Mid and West Wales Fire and Rescue Authority in relation to the above application.

The site plan of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with early on in any proposed development.

The developer should consider the need to provide adequate water supplies for fire fighting purposes on the site and general guidance on this matter is given in the attached Appendix.

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B.

The plan has been retained for record purposes but will be returned if you so request.

Ward Councillor

In accordance with planning protocol may I exercise my Power Of Call-In for Planning Application No: 20/2087/ful.

“ Construction of an all new Crematorium”.

Major concerns from residents in the immediate neighbouring properties, Comments from constituents in the nearby village of Caersws and general safety concerns over inadequate highway matters giving access to the application site.

These are the reasons why I have been requested to implement the Call-In.

Natural Resources Wales (Mid Wales)  
DPAS

22nd Mar 2021

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about additional information on the above, which we received on 05/03/2021.

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following condition to the permission. Otherwise, we would object to this planning application.

Condition 1 - Controlled waters: All burials in the cemetery shall be:

- o a minimum of 50 m from a potable groundwater supply source;
- o a minimum of 30 m from a water course or spring;
- o a minimum of 10 m distance from field drains;
- o no burial into standing water and the base of the grave must be above the local water table;

Groundwater

We have reviewed the additional information available on your website and in particular the 'Tier 3 Groundwater Risk Assessment; Land at Ael Y Bryn, Aberhafesp, Newtown, Powys, SY16 3HR - New Burial Ground. BOLD Environmental Ltd, Report reference: 3290\_GRA 01, March 2021.

We consider this report to be satisfactory and we concur with its conclusions. However, we recommend that long term monitoring of groundwater levels and quality continues for the duration of the operational life of the burial area plus five years post closure to ensure protection of controlled waters and confirm the findings of the groundwater risk assessment. For details on the long-term monitoring please review the link below.

Cemeteries and burials: groundwater risk assessments - GOV.UK ([www.gov.uk](http://www.gov.uk))

We recommend that condition 1 is imposed on any planning permission granted for the site to ensure all burials adhere to the minimum distances to protect controlled waters at this site.

#### Other Matters

Please refer to our response letter of 29/01/2021 (CAS-134060-X0Z5 ) for comments on foul drainage, protected sites and protected species.

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Community Council

21st Jan 2021

Thank you for giving Caersws Community Council the opportunity to comment on the above Planning Application.

Caersws Community Councillors have a number of concerns which they wish to raise and request a response to these as your earliest convenience.

Caersws Councillors would like to acknowledge that there are members of the local community who feel that there is a need for a crematorium within the locality and feel it would bring benefits to the area. Councillors acknowledge that benefits of this development for the immediate locality would be mainly the full time and part time job opportunities that it would bring. There would also be opportunities for local trades people during both the build and ongoing maintenance of the building. This development could also be positive to local businesses that may benefit from those visiting the crematorium

and requiring food and drink and possibly a place to stay.

The main concern for Councillors and local residents currently is regarding highways and whether the proposed development is located appropriately with consideration of the roads in this area and the impact the extra traffic will have on the local area. Caersws Community Council feels that there are issues currently with the roadways and this development will put extra strain on this as well as adding to the volume of traffic which has already increased recently following completion of the Newtown bypass. Powys County Council Highways Department are due to respond and Caersws Councillors will be interested to view their response.

Impact on the local landscape is a big factor and cause for concern to people locally. There is a concern that the local landscape will be negatively impacted by this large development which has a negative impact on those living in the immediate area along with those choosing to visit the area in order to enjoy the local landscape. Could this development have a negative impact on local tourism?

Councillors query whether there is a need for this type of development and would like to see further details and proof that there is indeed a need for such a development.

It has been raised on a number of occasions that consultation was not carried out widely enough for this development. It is understood that the mandatory level of consultation has been carried out by the developer, however Caersws Councillors wish to state that they feel that such a large and potentially contentious development should have been consulted on in a different way and across a much wider cross section of the community and wider community. Caersws Community Council will be trying to gain some more responses from the local community in order to try and bridge this gap.

Questions were raised with the developer at the pre-application consultation stage which both Councillors and residents feel were not fully answered, for example what the full height of the chimney would be above ground and whether a lower-than-average height above ground would have a negative impact on the fumes expelled, surely the fumes need to be raised as high above ground as possible. Caersws Community Council also request definitive figures on the general use of the site including cremations in order to have some idea of the number of visitors to the area and influence on traffic.

UPDATED 24/02/21

Caersws Community Council has sent some comments in relation to the above planning application but following further discussions in relation to the consultation carried out by

the applicant at the pre-planning application stage, Councillors felt that they needed to try and gather further opinion from the local community on the Crematorium proposal.

Following a request for comments on Facebook I can confirm that the following responses have been received due to both this poll and from members of the Community who decided to send their opinions to us:

Number FOR: 11

Reasons FOR: Great idea, good for the community, will cut the local carbon footprint for those travelling to a crematorium, great setting, needed for the area, cremations needed more and more as land available for burials reduces.

Number AGAINST: 9

Reasons AGAINST: Extra traffic on dangerous road, close to a dangerous cross roads, outside land designated for development and within a registered landscape of special historic interest, no route on foot, inconsistencies within application, unsuitable location.

The above notes show the general points raised for both for and against views towards the development. There have also been a number of comments made to a Councillor that the developers are reluctant to answer all questions posed.

Caersws Councillors are aware that there are mixed views within the community with many feeling that it is a good development for the area but many concerned about the location and the road being very dangerous.

Thank you for your consideration.

Environmental Protection

30th Mar 2021

Further to the updates from the applicant in respect of air quality, noise and foul drainage I am now in a position to provide positive comments in respect of the development. The additional receptor of the proposed holiday park has now been included in respect of noise and air quality assessments. In addition the location of the foul drainage field has been moved to a more suitable area.

In relation to noise I am satisfied that the correct assessment methodology has been



used in respect of BS4142 and has been correctly applied. My main concern was in relation to noise from plant operating on the site, however the applicant has demonstrated that modelled noise levels will fall below existing background levels. I agree that the impact of noise will be negligible and subsequently will not need further control.

The Air Quality Assessment has also been undertaken correctly and has assessed impacts at relevant receptors. The model that has been run demonstrates that Air Quality Objective levels will not be breached by the development and the impact on local receptors from the development has been described in accordance with guidance as negligible. Air quality therefore need not be a determining factor in this application. On a side note should the development gain consent then it would be regulated by a Part B Environmental Permit in respect of stack emissions.

In relation to foul drainage the applicant has identified a new site for the soakaway which has better quality soils. The percolation test for this area shows that the proposed system would work and have viewed the site I am satisfied with the proposal.

My only concern about the development is any potential effects from the construction of the site on the amenity of nearby neighbours, however this could be adequately controlled by condition. I would therefore request that a condition be applied to any consent granted requiring a construction management plan to be submitted, agreed and adhered to. The plan would need to cover the impacts and controls on noise, hours of operation of the site and dust as a minimum.

CPAT

2nd Feb 2021

Thank you for notice of the revised exclusion area around the Roman road and the removal of planting in the area of the geophysical anomalies in the north east corner of the development area. I can confirm that the new design plan successfully avoids any damage from planting and landscaping in the area of the Roman road. The outer boundary of the exclusion area on both sides of the Roman road will need to be marked out with temporary barrier fencing during construction to avoid accidental damage by building and landscaping contractors and a statement confirming this should be included in the application submission. It may also be worth including this as a condition of consent.

With regard to the crossing of the Roman road with the access track from the west the design team have always stated that this would entail minimal ground reduction with only the upper grass layer removed and a gravel surface laid for the track. An archaeological watching brief would still be required in case the Roman road surface is encountered immediately under the grass, or within the formation level of the new track surface. A

suitable condition is therefore included below:

Suggested planning condition to facilitate an archaeological watching brief

The developer shall ensure that a suitably qualified archaeological contractor is present during the

undertaking of any ground works in the development area associated with the western access track so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs and will be completed in accordance with a written scheme of investigation, which has been approved in advance by the Local Planning Authority. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas,

Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk) After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and a copy to the National Monuments record, RCAHMW

Reason: To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

With the above measures in place, we would have no objection to the proposed development at this location.

PCC-Ecologist

I have reviewed the submitted Tree Survey Report and Arboricultural Impact Statement (inclusive of method statement and tree protection measures) prepared by Wye Valley Tree Services in accordance with BS 5837:2012. The survey identified the loss of three trees, deemed to be of relatively low value/undesirable to retain, and confirmed the impact to two hedgerows in order to accommodate access. The proposed formal access to the crematorium has been confirmed to be located outside of the sensitive root zone of the row of trees bisecting the site, which is to be welcomed. The tree line was identified as comprising several oaks with moderate or high arboricultural, landscape and conservation value; at least one tree is of veteran age. Appropriate tree protection measures were provided to safeguard the tree root zones during the construction phase, for example, from compaction by vehicles, plant and storage of materials and pollution.

It is, therefore, recommended that in addition to compensation measures for the two impacted hedgerows, adherence to the submitted tree protection measures during construction is secured through an appropriately worded planning condition.

Given the identified value of the trees and location of the trees within the landscape, it is recommended that consideration is given to long-term protection of the trees line through imposition of a TPO to guard against future loss or damage of the trees, which may be more appropriate than the imposition of a separate planning condition to that effect. The imposition of a TPO in accordance with *TAN 10 Tree Preservation Orders* does not mean that the landowner will not be able to undertake any necessary works, for example, those required for health and safety reasons. It is a means to ensure that any works required to be carried out are essential, limited and undertaken in a manner that will not accelerate decline of the trees where possible. There is also provision for appropriate replacement. It is considered that the use of a TPO will guard against incidental and unnecessary loss/damage to high value trees that may reasonably be expected to occur during the lifetime of the development.

It is, therefore, recommended that adherence to long-term tree protection measures is secured through a Tree Preservation Order, or an appropriately worded planning condition, in accordance with Powys LDP Policy DM4.

The provision of biodiversity enhancements through extensive soft landscaping has been identified and is welcome. It is considered that the enhancements are appropriate to the proposed development and are in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

It is, therefore, recommended that the identified biodiversity enhancement measures are secured through an appropriately worded planning condition.

Recommendation has been made previously regarding compensation for the impact to roadside hedgerows. However, it has since come to the notice of the LPA that netting specifically designed to exclude nesting birds has been placed over the relevant stretches of hedgerow to facilitate removal of the hedges during bird nesting season. This is considered presumptuous and wholly inappropriate given that a decision on the application has not yet been made. It also contradicts the advice provided to the applicant by their ecological consultant that recommended (in accordance with best practice) that hedgerow removal should take place outside of nesting season or that a thorough site check for nesting birds should be undertaken by an experienced ecologist prior to removal. The Chief Planning Officer in his letter of 6<sup>th</sup> June 2019 stated clearly that use of netting *'should only be considered as a last resort measure, after a full consideration of other alternatives and under exceptional circumstances only following the grant of*

*planning permission.*' The Chartered Institute of Ecology and Environmental Management (CIEEM) also advocates against the use of netting, especially before the granting of planning permission, unless it has been installed by an appropriately experienced ecologist, is subject to daily inspections (3 times per day ideally) and precautions are taken to ensure other wildlife is not adversely harmed. No evidence has been provided to the LPA to demonstrate that any of these measures have taken place or why use of netting is justified in contravention of expert advice and best practice. The applicant should also be mindful that the preference is for translocation of the hedgerow rather than replanting and the optimal time for this to increase the chances of success is autumn/winter making the need to use netting redundant. It is strongly advised that the applicant remove any such netting still in place immediately to avoid an adverse impact to biodiversity. If evidence of biodiversity loss clearly associated with the netting is identified prior to a decision being made, provision of compensation measures will be required.

Therefore, should you be minded to approve the application I recommend inclusion of the following conditions, in addition to the recommended Tree Preservation Order or alternative suitably worded planning condition:

Prior to commencement of development, including vegetation and ground clearance, a Reasonable Avoidance Measures Method Statement for badger and hedgehog shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.

*Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016*

The development shall be undertaken in strict accordance with the BS5837:2012 Arboricultural Report, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan for P/2158/20/FUL – proposed new Crematorium at Ael y Bryn, Caersws. The measures identified shall be adhered to and implemented in full and maintained thereafter.

*Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.*

Prior to the commencement of development, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the

translocation method and/or species, sizes, densities and planting numbers proposed, as well as aftercare measures. The approved scheme shall be implemented in full and maintained thereafter.

*Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.*

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

*Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016*

Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12<sup>th</sup> September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>. The approved scheme shall be adhered to and be implemented in full.

*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 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.*

In addition, I consider it would be appropriate to include 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 on 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.

Built Heritage

12<sup>th</sup> May 2021

Recommendation No Objection

Background to Recommendation

Designations

Within Caersws Historic Registered Landscape Pen bedw sub area.

In proximity to;

Scheduled Monuments  
MG064 Gwyn Fynydd Camp

MG161 Roman Earthwork NE of Caersws  
MG001 Caersws Roman Site  
MG017 The Moat Mound & Bailey Castle  
MG051 Bron-Felin Mound & Bailey Castle  
MG123 Wyle Cop Camp  
MG222 Caersws Roman Fort: Section of South Western Defences  
MG242 Caersws Roman Fort and Vicus: section in southern part of vicus  
MG243 Caersws Roman Fort and Vicus: section in SE part of vicus  
MG244 Caersws Roman Fort: South-west corner defences

Listed Buildings identified in the search area.

Cadw ID 17553 Milestone outside Alebryn  
Cadw ID 17559 Llwyn-y-brain  
Cadw ID 16184 Llys Maldwyn Hospital  
Cadw ID 15665 Rhydylan Mill  
Cadw ID 17330 Milestone  
Cadw ID 17546 Caersws Bridge  
Cadw ID 17547 pen-y-Borfa fawr  
Cadw ID 17548 Milestone S of Weig Lane  
Cadw ID 17549 Engine Shed to the van Line  
Cadw ID 17550 Dol-Aethnen  
Cadw ID 17554 Gwyneiar with attached farm buildings  
Cadw ID 17555 K6 telephone Kiosk  
Cadw ID 17559 Llwyn y Brain  
Cadw ID 7572 Maesmawr Hotel – grade II\*  
Cadw ID Church of St Gwynog  
Cadw ID 8697 Caersws railway Station  
Cadw ID 8698 Signal Box at Caersws Railway Station

In proximity to

The site is within an historic registered landscape that has several scheduled monuments and numerous listed buildings, 2 of which are in proximity to the site.

My comments are in respect of the listed building only as Cadw are the appropriate body to comment on the setting of Scheduled Monuments.

### **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 11<sup>th</sup> edition 2021  
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

The proposal is for the erection of a building to serve as a crematorium and the change of use of the land as a green burial site. The site is at a cross road junction between the B4568 and the B4569. The site will be around 13.55 hectares.

I note the submitted Historic Impact Assessment submitted by Archaeology Wales Report 1916, which identified that only 1 building was visible from the site Llys Maldwyn Hospital and whilst visible from the building itself was visible from areas within the development area. I would not disagree with that conclusion, and would not consider that the development on the land would harm the setting of Llys Maldwyn.

However there are 2 listed buildings in proximity to the site which could be addressed further.

The proposed buildings would be sited close to Cadw ID 17553 Milestone outside Alebryn, and in proximity to Cadw ID 17559 Llwyn-y-brain.

I am mindful of the advice in Sections 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 6.1.10 of Planning Policy Wales 11th edition 2021 which states, "*For any development proposal affecting 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.*"



Cadw ID 17553 Milestone outside Alebryn included on the statutory list on 05/11/1996

The milestone is now located in the narrow road verge, under the garden hedge of 'Aelbryn', approx 1km E of the village centre.

A triangular fronted pillar of compact sandstone, erected c.1790 ch , bearing elegantly incised lettering, in part roughly overpainted in black, reading, on the left face: 5 / NEWT, and on the right 23 / MACH / CHYN / LLETH. The reversal of faces indicates the milestone has been relocated here from the opposite site of the road.

The milestone is included on the list as one of the few milestones surviving from the marking out of the mile points by the Turnpike Trust.

The milestone is considered to be at risk as a result of its siting in a highway verge is covered by ivy.

The boundary of the proposal would be 1 field away from the listed milestone. However it is noted that in that field there is an application for an access to a proposed development, and that the access has visibility splays.

Given that the milestone was sited (albeit on the other side of the road) to advise travellers on the road, it is not considered that the proposed development would affect the setting of this listed building.

Cadw ID 17559 Llwyn-y-brain included on the statutory list on 05/11/1996

The farmhouse is located on a river terrace above the River Severn valley, 3Km E of Llanwnog village, and is reached by a farm road by the side of 'Aelbryn' .

An early and major farmhouse on the rich valley lands, probably of C15 origin, largely rebuilt in the later C16, with minor later modifications. It contains evidence of a cruck built open hall house, of 3 bays, with large axial stack between bays 1 and 2, to which a fully timber framed 2-bay cross wing was added beyond the former parlour end, and at a later date, a further axial stack inserted.

Included as an important post-medieval farmhouse, much of which probably dates from before the Great Rebuilding in the Severn Valley, which retains much of its early character internally.

Access to the property is off the B4568 via an access road to the west of Aelbryn. Due to topography of the land the building is not visible from the B4568, and as such it is not considered that there will be intervisibility between the listed building and the proposed development. As such it is not considered that the proposed development would affect the setting of this listed building.

I note that the proposed building would be single storey and has been designed to emulate the form of the nearby scheduled monument Gwyn Fynydd Camp (MG 064), and

will also be located within an existing topographic depression in the landscape. The memorial garden would mimic field boundaries and patterns with hedgerows and tree planting, and that the green burial area will have a buffer of a curved planted bund.

I note the findings of the submitted Historic Impact Assessment, and acknowledging that the majority of the document addresses the setting of scheduled monuments and below ground archaeology and as such it would be Cadw and CPAT that comment on archaeological matters and the setting of Scheduled Monuments, in respect of the setting of listed buildings I would agree with the conclusions that the proposal would not be considered to harm the setting of listed buildings in the proximity.

As such I can confirm that I have no objections to the proposal.

In making this recommendation I am mindful of Sections 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, and TAN24 and PPW 11.

Welsh Ministers

I am writing to inform you the Welsh Ministers have been asked to call in the application referred to in the heading to this letter for their own determination. Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 enables the Welsh Ministers to give Directions restricting the grant of permission by a Local Planning Authority.

I am authorised by the Minister for Housing and Local Government to issue such Directions and, in exercise of this authority, I hereby direct your Council, with effect from the date of this letter, not to grant planning permission in respect of:

- (a) application no. 20/2087/FUL referred to in the heading to this letter; or
- (b) any development of the same kind which is the subject of the application on any site which forms part of or includes the land to which the application relates, without the prior authorisation of the Welsh Ministers.

I issue this Direction to enable further consideration to be given to whether or not the application should be referred to the Welsh Ministers for their determination. The Direction prevents your Authority only from granting planning permission; it does not prevent the Authority from continuing to process or consult on the application. Neither does it prevent the Authority from refusing planning permission.

Your attention is drawn to Article 31 of the above Order which provides for the Welsh Ministers to vary or cancel this direction in respect of both the land and type of development covered. A copy of this letter has been sent to Alan Southerby Planning Ltd, agent for the applicant.

## Representations

41 Public representation have been received at the time of writing this report.

33 Objecting / raising concerns and comments and 8 in support

The comments against the proposal can be highlighted as follows:

- Highway Safety, increase in traffic and data unreliable.
- No recognised need
- Impact to neighbouring residential properties
- Impact to scheduled ancient monuments
- Contrary to planning policy
- Within the open countryside
- Access to the site (cyclists and pedestrians)
- Considerable number of HGVs which use the road
- Why not located within Newtown
- Further consultation with residents within Caersws required
- Aberystwyth/Shrewsbury Crematorium within close location- is there a need?
- Traffic survey completed in October- question its accuracy.
- Impact from chimneys
- Impact to Roman Road
- Landscape does not reduce visual impact
- Light pollution
- Unsuitable drainage
- Farming practices in close proximity- impact to these uses
- Wildflower would not grow at application site
- Local impact upon tourism
- Destroy habitat for nesting ground birds
- Unauthorised netting of hedgerow.

The letters in support can be highlighted as:

- Shorter journey times
- Recognised need within Powys
- Huge benefit to population of Powys
- Shorter travel distances for families
- Overall support for the proposal

## Planning History

App Ref	Description	Decision	Date
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None for application site itself

### Principal Planning Constraints

Historic Landscapes Register  
 Scheduled Ancient Monument  
 Mineral Safeguarding Sand Gravel

Caersws Basin

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN8	Renewable Energy		National Policy
TAN10	Tree Preservation Orders		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP2	Employment Growth		Local Development Plan 2011-2026

SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
C1	Community Facilities and Indoor Recreation Facilities	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
NATPLA	Future Wales - The National Plan 2040	National Development Plan 2021

## **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Cremation Act 1902

## **Officer Appraisal**

### Introduction

The application site is located within the Community Council area for Caersws and is located within the open countryside as defined by the Local Development Plan. This application site itself is currently defined as improved agricultural land classified as Grade 3b under the Agricultural Land Classification ALC.

To the north and east of the application site is agricultural land whilst it is of worth noting two planning applications currently pending to the east (20/1719/FUL and 20/1716/FUL) for a holiday park development.

To the south runs the B4568 County Highway in which the main entrance will be gained from and the C2065 runs adjoining the western boundary. An access is also sought from this highway as a service vehicles entrance.

Consent is sought in full for the construction of an all-new crematorium. The works proposed include:

- Erection of a crematorium building
- Change of use of land to provide green burial site
- Provision of car parking areas
- Sewage Treatment Plan

The proposed crematorium building will measure approximately 51 metres in length by 33.8 metres in width reaching a height of 4.9 metres to the ridge or 5.8 metres to the highest vent.

### Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

Part 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales)

Regulations 2017 reference lists of development and thresholds defining where a development proposal is EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 of the regulations lists where EIA is mandatory and Schedule 2 where development must be screened to determine if it is EIA development.

A screening opinion has been undertaken in accordance with the 2017 EIA to ascertain whether the proposal would be subject to the requirement for an Environmental Impact Assessment (EIA). It is concluded in accordance with Regulation 2(1) that an EIA is not required as ecological, transport, landscape and other site-specific issues can be appropriately assessed through the submission of separate reports accompanying the application.

### Planning Policy Framework

There is no specific national planning policy guidance setting out the criteria which must be taken into account when assessing applications for new crematoria. Crematoria are not mentioned explicitly in Future Wales, Planning Policy Wales (PPW) or the adopted Local Development Plan (LDP). The application must therefore be considered and assessed on its own merits, and Future Wales, PPW and the LDP provide a policy framework within which to consider the development of a crematorium.

This application site is therefore defined as being located within an area of open countryside. PPW identifies that development within the countryside should be located within and adjoining settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. However, where new buildings in the open countryside are considered they must be strictly controlled and be of a scale and design that respects the character of the surrounding area.

Policy 1 of Future Wales confirms that the Welsh Government supports sustainable growth in all parts of Wales. Mid Wales and the Bro Hafren is identified as a Regional Growth Areas which will grow, develop, and offer a variety of public and commercial services at regional scale. It is noted that, development and growth in towns and villages in rural areas should be of appropriate scale and support local aspirations and need.

Communities in rural areas are strongly supported; the aim is to secure sustainable economic and housing growth which is focused on retaining and attracting working age population and maintaining and improving access to services.

PPW advises, "Supporting Infrastructure - Adequate and efficient infrastructure, including services such as education and health facilities along with transport, water supply, sewers, sustainable waste management, electricity and gas (the utilities) and telecommunications, is crucial for economic, social and environmental sustainability. It underpins economic competitiveness and opportunities for households and businesses to achieve socially and environmentally desirable ways of living and working."

“...Development should be located so that it can be well serviced by existing or planned infrastructure. In general this will involve maximising the use of existing infrastructure or considering how the provision of infrastructure can be effectively co-ordinated to support development plans. Infrastructure choices should support decarbonisation, socially and economically connected places and the sustainable use of natural resources.”

For Members' information proposals for new crematorium must have regard to the Cremation Act 1902. In addition to numerous requirements on the operation of such a facility, the Act places restrictions on the layout and siting of the crematorium.

In particular it is required that:-

“No crematorium shall be constructed nearer to any dwelling house than 200 yards (182.88 m), except with the consent, in writing of the owner, lessee and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority”.

Whilst this is not a planning requirement it provides a useful indicator of the potential impact on amenity and having regard to the above Act.

- Need (Quantitative and Qualitative)

There are currently no crematoriums located within the County of Powys. Wales currently has 17 existing Crematoriums and all bar one, which is Aberystwyth Crematorium, are located to the north and south of the country. Across border, English Crematoriums are located within Hereford, Shrewsbury and Chester to name just a selection. These existing Welsh and English Crematoriums therefore currently serve the needs of the Powys population.

A feasibility assessment was submitted in support of the application. It is suggested that on average 77% of deaths in the UK go to be cremated. This means on average that over 1200 people yearly within Powys are cremated, all of which are currently travelling out of County.

Inspectors in previous appeal decisions have considered that an industry standard or rule of thumb has been applied whereby a funeral cortege should not have to undertake more than a 30-minute drive to access such a facility.

It is acknowledged that given the vast expanse of Powys, a single crematorium would be unable to meet all the need, and, in some instances, existing facilities may still be utilised by residents outside of County.

Based on population densities and drive times it has been identified that the Mid Powys region currently must travel over an hour's drive to the nearest crematorium whether within Wales or by going cross border. This data therefore resulted in the application being located within areas near Newtown an opposed to Brecon given that residents in



the Brecon Beacons are already served by Llwydcoed Crematorium and Ystradgynlais with Margam Crematorium.

Area	Drive Time from SY16 3HR	Population (2019) PSB
Machynlleth	36 mins	6291
Llanfyllin	40 mins	9144
Llanfair Caereinion	23 mins	6149
Welshpool & Surrounding	31 mins	18322
Newtown & Surrounding	13 mins	16856
Llanidloes	18 mins	6502
Rhayader & Llandrindod	34 mins	12821
<b>Total</b>		<b>76085</b>

*(Powys Towns versus Drive Time. Extract from Report of feasibility need and operational activities by Powys Crematorium Ltd)*

It is therefore considered in line with the information submitted that there is a recognised need within Powys for a Crematorium, especially within this Mid Powys region. This recognised need will therefore be weighed against all other material planning considerations and weighted accordingly.

### Site Location

Future Wales and Planning Policy Wales (PPW) are the principal documents of the Welsh Government which set out the land use policy context for the consideration and assessment of the proposed development. PPW promotes sustainable development by ensuring that the planning system meets society's needs in a way that is consistent with overall sustainability principles.

It is recognised that due to the requirements of the Cremation Act 1902 and the need for an appropriate landscaped and tranquil setting for the facility, that by their nature new crematoria are almost inevitably developed in rural locations, away from large Towns and built-up areas which may impact on the tranquillity of the area and to those mourning.

As identified above there is an 'identified need' for such a facility within the Mid region of Powys.

The application site is located within an open countryside location and does not adjoin a settlement development boundary. The nearest settlement is Caersws (650 metres south) which is identified as a Large Village under the LDP. Newtown & Surrounding areas is a 13 minutes' drive, 5km to the east.

Villages are identified within the LDP as playing an important part of Powys' community life with some 31% of the population living in large or small villages. Large Villages are mostly smaller in population than towns and provide important local services to their

own and surrounding communities.

Concerns have been expressed over the location of the proposal, with Newtown being a more suitable location being identified as a 'Town' under the LDP.

Newtown has the largest 'Town' population within Powys and whilst appearing to be an obvious location for such a development. Consideration and reference has been given to the Cremation Act 1902 which states that a Crematorium shall not be constructed nearer than 200 metres to a dwelling-house. The need for an appropriate landscaped and tranquil setting for the facility in respect to those families using the facility means that by their nature new crematoria are almost inevitably developed in rural locations subject to appropriate consideration of the accessibility of the application site.

Specific reference was made by an Inspector to the type and nature of movements associated with a crematorium with it being concluded that:

*“the nature of its use is not conducive to travelling by public transport, bicycle or on foot and the use of the private car is more likely. Moreover, mourners would either be travelling together as part of the cortège or would be more likely to car share with family and friends. As such, car occupancy levels would tend to be higher than for other forms of development. There would be some return visits to the gardens of remembrance by the bereaved, particularly where there have been interments involving the disposal of ashes with memorials”.*

Whilst the settlement of Caersws is approximately 600metres south of the application site, the site itself is not accessible by a footpath and no such provision is proposed as part of the application. The village is however within cycling distance and offers public transport routes such as a bus and railway line service.

It is understood that the developer is also in discussions with the Council, should this application be successful, to reinstate a bus route along the B4568, however as this is not existing it cannot be relied upon or be taken into consideration as part of this application.

PPW clearly sets out the objectives of the Welsh Government for transport, including reducing the need to travel by locating development within a sustainable location where there is good access by public transport, walking and cycling and reducing the length of journeys.

Whilst this application would, given its remote location, rely heavily on car-based travel it can be argued that in providing a Crematorium within this location, the first within Powys, it would in-fact reduce the length of journeys currently happening travelling to other crematoriums outside of the County and therefore providing a reduction in CO2 emissions.

Whilst the location of the site to nearby Towns and Large Villages is acknowledged and

supported, the accessibility of the application site needs to be carefully balanced when coming to a determination.

### Highway Safety

Policy T1 and DM13 of the Powys Local Development Plan 2018 state 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.

A Transport Statement has been submitted in support of the application by The Hurlstone Partnership.

Concerns have been raised locally on the impact the proposed development will have on the increased use of a County Class II Highway.

Access is sought directly off the B4568 which connects to the A470 approximately 3km to the west of the application site through Llanwnog or via the B4569 through the settlement of Caersws. Otherwise, the B4568 west leads you directly into the Town of Newtown.

The proposed development proposes 95 parking spaces for visitors and staff, which exceeds the requirements of CSS Wales Parking Standards. The CSS standard specifies 1 commercial vehicle space (which would be provided in the service yard) and 1 space per 10 seats or 1 space per 8m<sup>2</sup> of praying space. Which based on 200 people within the two chapels would equate to just 20 spaces. However, in this instance with 5 members of staff being required on site this would still leave 90 car parking spaces being available to members of the public.

When taking into consideration the worst-case scenario of 400 vehicle movements occurring during the network peak hours it is confirmed that the results reveal that queues and delays on all approaches to the application site would not reach unusual or unacceptable levels under the worst-case scenario assessed.

In concluding, the report it states that, *“it is apparent that capacity of the local road network should not be considered a constraint to the acceptability of the proposed development, as it is apparent that both the links and junctions would continue to operate well within normally accepted criteria even when assessed under artificially and unrealistically onerous conditions.”*

The Powys Highway Authority have been consulted and whilst initially seeking further information regarding the regrading of highway verge they have since confirmed that they have no objections to the proposed development on highway safety grounds.

Concerns have been raised locally on the increased traffic movements and the impact this may have on local users of the Highway network. As evidenced above surveys

completed have provided evidence the highway network including nearest junctions would not result in unacceptable delays along the route.

In light of the above it is therefore considered that the proposed development does ensure the safe and efficient flow of traffic for all transport users in accordance with policy T1, DM13 and national planning policy.

#### Agricultural Land Classification

The land the subject of this application is classed as Grade 3b (Agricultural Land Classification) which is not regarded as the best and most versatile agricultural land.

Planning Policy Wales confirms that Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile and should be conserved as a finite resource for the future. Whilst there are both national and local policies which seek to protect the 'best and most versatile' agricultural land, this development does not require on the basis of its classification, formal consultation with Wales Government (Agriculture).

#### Landscape and Visual Impact

Policy SP7 and DM4 of the Powys Local Development Plan indicate that development proposals will only be permitted where they would not have an unacceptable adverse impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings.

Policies SP7 and DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas. The Council's Landscape SPG reinforces policy DM4 and provides additional guidance on the assessment process.

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application. The assessment has included a Zone of Theoretical Visibility (ZTV), Viewpoints and an assessment of landscape impacts.

A review of Natural Resources Wales LANDMAP has designated the landscape as follows:

Geological Landscape – Moderate  
Landscape Habitat – Moderate  
Visual and Sensory – Moderate  
Historic Landscape – High  
Cultural Landscape- Moderate

The site itself is also located within the Caersws Basin (Historic Landscape Register).

With regards to Visual and Sensory LANDMAP describes the area as:

*“An extensive area of lowland agricultural land - and the upper level of the River Severn (Afon Hafren) valley, enclosed by a ring of higher ground giving a 360 view of upland encircling the viewer. The area is formed by the meeting of the three valleys carrying the Afon Carno, Trannon, Cerist and amalgamation into the Afon Hafren (River Severn) hence its broad flat bowl liked shape. Transport corridors are dominant in the area with the A489(T) and A470(T) meeting at Caersws. Wide angled views prevail with open skies and mid distance views to the surround higher ground.”*

The area has been given a *moderate* visual and sensory evaluation it is confirmed as although the area is unusual in its topography it does not possess a particularly significant aesthetic or scenic quality. It is noted as being an area that is travelled through rather than a destination functional rather than aesthetic.

The LVIA has indicated some visual receptors which are likely to be affected by the proposed development. These are identified as, but not limited to, the B4568 and C2065 road network, The Severn Way National Trail and residential properties along the C2065.

The LVIA assessment by Land Studio concludes that the combined proposals would have an overall Slight/Moderate adverse effect on landscape and visual receptors, it recognises that through the proposed landscape design, the scale and form of building proposed and the sensitive use of materials, beneficial effects can be achieved which can offset the impacts of the proposed development on the existing site.

The application site is located within the open countryside as defined by the LDP. Policy DM4 seeks to ensure that new proposal in the open countryside must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

DM4 confirms 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 its: 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. Proposals which are likely to have a significant impact on the landscape and/or visual amenity will require a Landscape and Visual Impact Assessment to be undertaken.*

The proposal will include the erection of a crematorium building, creation of a new

access track and car parking areas. There will then be landscaped grounds created surrounding the proposed building and a green burial site.

The proposed crematorium building will measure approximately 51 metres in length by 33.8 metres in width reaching a height of 4.9 metres to the ridge or 5.8 metres to the highest vent.

The building proposed will then be surrounded and incorporated by grass bunds to all external elevations. Other materials will then include grey cladding, timber soffits, glazing, natural slate walls with metal supports.

It is also acknowledged that the application site is located within the Caersws Basin which is a registered landscape of special historic interest. A Historic Impact Assessment (HIA) has been submitted in support of the application and Cadw have confirmed that they have no objection to the development in relation to scheduled ancient monuments. The HIA concluded that the impact to the registered historic landscape would be minor.

Whilst acknowledging the rural nature of the application site, it is acknowledged the efforts and consideration given to reducing the visual impact of the building. All external walls will be bound by grass bunding with only the roof structure visible above, this design feature is considered to significantly reduce the visual impact from the proposed building. Additionally, all hardstanding areas and access track will be landscaped and a condition could be attached to any grant of consent to ensure its implementation and future maintenance. Car parking areas will be loose gravel whilst the main entrance access road will be laid with a buff coloured macadam surfacing to reduce the hardcore tarmac areas within the application site and thus aiding in reducing landscape and visual impact.

A full comprehensive list of landscape planting has been proposed which includes the retention of existing oak and hedgerow boundaries with a replacement hedgerow proposed either side of the proposed access. The site will introduce areas of native planting, wildflower meadows and native wetland planting throughout the application site. Open swales will also be incorporated into the landscape as well as natural stone footpaths which will connect different areas alongside natural informal walking paths which will be reinforced grass.

The site has been designed to retain the rural nature and feel of the application site. Retaining large areas of grassland and mature boundaries are to be maintained and incorporated into the proposed use.

In light of the above observations and notwithstanding the scale of the proposed development and its open countryside location within a registered landscape, it is considered that the proposed development, including ancillary structures, could be sensitively incorporated within the landscape subject to appropriate conditions securing the implementation and retention of existing and proposed landscaping. Subject to the

above, Officers consider that the visual and landscape impact associated with the proposed development can be appropriately managed and thereby safeguard the landscape in accordance with policies SP7, DM4, DM13 and E6 of the Powys Local Development Plan.

### Residential Amenity

LDP policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties are not unacceptably affected. Officers acknowledge the concerns raised by residents living in proximity to the site in respect of increased noise/disturbance from additional traffic generated by the proposal. It is acknowledged that there will be an inevitable increase in vehicular movements at this location, over and above that which currently exists.

The nearest residential properties to the application site are located off the C2065 which runs to the western boundary of the application site. There are three non-associated sensitive receptors located adjacent to this highway and adjoining the application site with a further two residential properties located along the B4568 to the south-easterly boundary of the application site.

The site boundary/main building has had regard to the Cremation Act 1902 criteria and is located in excess of 200 metres from residential properties and existing/proposed structural landscaping within the site will help to screen the development and form a buffer between the site and existing properties so that the impact on privacy/amenity can be safeguarded.

#### - Noise

A noise impact assessment has been submitted and consideration given to individual elements of the proposal. This includes:

- Noise from fixed plant/equipment
- Noise from additional traffic
- The noise impact from residual noise sources (mostly road traffic along the B4568)

The noise from fixed plant/ equipment at the proposed unit is predicted to result in a maximum noise rating level of 23 dB LAr,15mins at nearby residential properties. This is considered to be a very low noise level that may not even be perceptible to residents outside of their houses (and almost certainly imperceptible inside the properties).

In comparison and for Members' information it is below the representative daytime background noise level of 35 dB LA90, and the night-time target of 25 dB LA90.

The report concludes that noise from additional traffic (associated with the development) on to local roads should only have a negligible impact. The main access

road (the B4568) is already relatively busy, the increased number of vehicles is likely to only increase ambient noise levels by 0.1 to 0.6 dB outside nearby properties in a worst case hour.

Consideration has also then been given to the residual noise which is identified as mostly being from traffic along the B4568. This is to consider the impacts from outside the application site on the proposed development.

It was identified that there would be a low impact on the proposed development, with levels in the external remembrance gardens in the acceptable range. Noise levels may be fractionally high to achieve the proposed internal noise level limits for the Chapel spaces when windows are open – therefore, it has been advised that an alternative form of background ventilation (i.e. trickle vents or mechanical ventilation) should be provided so that IANL targets can be met whilst ventilating the space with the windows closed.

- Air Quality

Concerns have been raised by nearby residential properties on the required chimneys at the Crematorium. An Air Quality Assessment has been completed in support of the application by DustScanAQ dated January 2021.

The report identifies key pollutants from the development alongside road traffic, construction and stack emissions and considers them against three categories nuisance, loss of amenity and health impacts.

- Construction

The main consideration during the construction period is the dust emissions from the application site. It is noted that no demolition is required as part of the development and therefore the main operations will be earthworks and the construction of the building.

The overall risk to human health was considered to be negligible, with dust spoiling from construction activities considered to be low.

The Environmental Health Officer has requested that a construction management plan is conditioned as part of the development to ensure any potential effects from the construction of the site on the amenity of nearby neighbours are adequately controlled by condition. The plan would need to cover the impacts and controls on noise, hours of operation of the site and dust as a minimum.

- Human Health Impact/ Operational Phase

Modelling has been completed assessing key pollutants from the operational phase of the proposed crematorium.

The predicted Environmental Concentrations of all of the pollutants are considered to be



well within their respective air quality objectives.

The report therefore concludes that there are no significant adverse impacts on air quality in respect to key pollutants.

- Traffic Generation

The traffic generated from the site once in operation has the potential to impact locally on air- quality. It is advised that the level of traffic generated will be well below the screening level of 500 vehicles per day. The impact from traffic on air quality was therefore also assessed as being insignificant.

- Tourism Development

Additional information was also sought from the proposed development on pending applications which are currently with the Local Planning Authority for consideration adjoining the application site.

*20/1716/FUL | Proposed holiday park development comprising 15 no holiday cabins, 20 no. holiday units, shared service and activity building, formation of vehicular access and roadways, installation of sewage treatment plant and all associated works. | Land At Ael Y Bryn Aberhafesp Newtown SY16 3HR*

Consideration was therefore given to these potential receptors following concerns from the Environmental Health Officer.

It has been concluded that the proposed Crematorium does not give rise to any significant air quality impacts on human health receptors and is therefore fully compliant with national and local planning policy.

- Conclusion

The Environmental Health officer has been consulted and following receipt of the additional information in respect to the proposed holiday park has confirmed that they have no objection to the proposal based on potential impact residential amenities subject to an appropriately worded condition.

### Cultural Heritage

Policy SP7 of the Powys Local Development Plan requires proposed developments to not unacceptably affect strategic resources and assets. A list of such resources and assets are provided within this policy and this contains Listed Buildings, Scheduled Monuments and Registered Historic Park and Garden. This is echoed by Technical Advice Note 24 which requires that the setting of these to be considered in the determination of planning applications.

LANDMAP evaluates the area as being 'outstanding' in terms of Historical Landscape Value, it is described as an:

*“Area of irregular fields occupying undulating land at the northern edge of the Caersws Basin Dominated by medieval and later agriculture with farms and houses, some earlier prehistoric elements (burial and ritual monuments) and later prehistoric defended settlements. The area is crossed by the main Roman road running north east from Caersws”*

Listed Buildings within 1km:

Cadw ID 17553 Milestone outside Alebryn  
Cadw ID 17559 Llwyn-y-brain  
Cadw ID 16184 Llys Maldwyn Hospital  
Cadw ID 15665 Rhydylan Mill  
Cadw ID 17330 Milestone  
Cadw ID 17546 Caersws Bridge  
Cadw ID 17547 pen-y-Borfa fawr  
Cadw ID 17548 Milestone S of Weig Lane  
Cadw ID 17549 Engine Shed to the van Line  
Cadw ID 17550 Dol-Aethnen  
Cadw ID 17554 Gwyneiar with attached farm buildings  
Cadw ID 17555 K6 telephone Kiosk  
Cadw ID 17559 Llwyn y Brain  
Cadw ID 7572 Maesmawr Hotel – grade II\*  
Cadw ID Church of St Gwynog  
Cadw ID 8697 Caersws railway Station  
Cadw ID 8698 Signal Box at Caersws Railway Station

There are also noted being a number of listed building within the village of Llawnog 1.6km to the west of the application site.

Schedule Ancient Monuments:

MG001 Caersws Roman Site  
MG017 The Moat Mound & Bailey Castle  
MG051 Bron-Felin Mound & Bailey Castle  
MG064 Gwyn Fynydd Camp  
MG123 Wyle Cop Camp  
MG161 Roman Earthwork NE of Caersws (revealed by aerial photography)  
MG222 Caersws Roman Fort: Section of South Western Defences  
MG242 Caersws Roman Fort and Vicus: section in southern part of vicus  
MG243 Caersws Roman Fort and Vicus: section in SE part of vicus  
MG244 Caersws Roman Fort: South-west corner defences

Registered Historic Landscape:

## HLW (P) 5 - Caersws Basin

### - Scheduled Ancient Monuments

A Heritage Impact Assessment and Desk Based Assessment prepared by Archaeology Wales has been submitted with the application.

The revised assessment follows the appropriate methodologies and has concluded that the proposed development will have at most a very slight adverse impact on the settings of the above designated historic assets, except for scheduled monument MG064 Gwyn Fynydd Camp, which is located close to the northern boundary of the proposed development area.

The assessment considers that the proposed development would have a moderate adverse impact on the setting of scheduled monument MG064 which would be significant if mitigation measures are not included in its design.

Technical Advice Note 24: The Historic Environment explains that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

Cadw have considered the design of the development now includes appropriate landscaping and planting and also perpetuates the line of a Roman road, that may be a reason for the location of scheduled monument MG064, by including a clear corridor on the alignment of the road. These design changes have been considered as reducing the adverse impact of the proposed development on the setting of scheduled monument to slight and not significant. Cadw have therefore confirmed that they would have no objection to the proposal subject to securing the above mitigation.

As such it is considered that the proposed development would not harm the setting of nearby Scheduled Monuments and is therefore in accordance with Planning Policy Wales, Technical Advice Note 24 and policy SP7 of the Powys Local Development Plan.

### - Listed Buildings

The Planning Authority is required to have special regard to the desirability of preserving listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The closest listed building to the development is a milestone outside of Ael-y-Bryn directly adjoining the application site and Llwyn y Brain both Grade II listed buildings.

The milestone is included on the list as one of the few milestones surviving from the marking out of the mile points by the Turnpike Trust.

The milestone is considered to be at risk as a result of its siting in a highway verge.

The boundary of the proposal would be 1 field away from the listed milestone and consideration to the proximity of the proposed access and visibility splays has been considered.

Given that the milestone was sited (albeit on the other side of the road) to advise travellers on the road, the Built Heritage Officer considers that the proposed development would not affect or harm the setting of this listed building.

In relation to Llwyn-y-brain, the farmhouse is located on a river terrace above the River Severn valley, 3Km E of Llanwnog village, and is reached by a farm road by the side of 'Aelbryn'. It was included as an important post-medieval farmhouse, much of which probably dates from before the Great Rebuilding in the Severn Valley, which retains much of its early character internally.

Access to the property is off the B4568 via an access road to the west of Aelbryn. Due to topography of the land the building is not visible from the B4568, and as such it is not considered that there will be intervisibility between the listed building and the proposed development. As such it is not considered that the proposed development would affect or harm the setting of this listed building.

The Built Heritage Officer notes the findings submitted within the Historic Impact Assessment, in respect of the setting of listed buildings and agrees with the conclusions that the proposal would not be considered to harm the setting of listed buildings in the proximity.

As such it is considered that the proposed development, would not harm the setting of nearby listed buildings and is therefore in accordance with Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Wales, Technical Advice Note 24 and policy SP7 of the Powys Local Development Plan.

- Archaeological remains - Roman Road

To the western boundary and within the application site boundary there are archaeological remains of an historic Roman Road.

Amended plans were received which revised an exclusion area around the Roman road and the removal of planting in the area of the geophysical anomalies in the north east corner of the development area.

CPAT were consulted and confirmed that the new design plan avoids any damage from

planting and landscaping in the area of the Roman road.

With regard to the crossing of the Roman road with the access track from the west the design team have always stated that this would entail minimal ground reduction with only the upper grass layer removed and a gravel surface laid for the track. An archaeological watching brief would still be required in case the Roman road surface is encountered immediately under the grass, or within the formation level of the new track surface.

CPAT have therefore recommended a suitable condition for a suitably qualified archaeological contractor to be present during the undertaking of any ground works in the development area associated with the western access track so that an Archaeological Watching brief can be completed. A further condition will also be attached to ensure that the exclusion area on both sides of the Roman road will be marked out with temporary barrier fencing during construction to avoid accidental damage by building and landscaping contractors.

Subject to the recommended conditions it is therefore considered that the archaeological features of the Roman road will be appropriately maintained and managed throughout the construction of operational use of the site.

#### - Cultural Heritage Conclusion

Having considered the potential impact of the proposed development on cultural heritage assets, it is concluded that the proposed will not have an unacceptable adverse impact on the setting of listed buildings, scheduled monuments and archaeological remains. In light of the above, Officers consider the proposed development to be in accordance with Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990, policy SP7 of the Local Development Plan, TAN24 and Planning Policy Wales.

#### Drainage/ Ground Water Protection

The development proposes the installation of a new sewage treatment plant and soakaway. Following receipt of concerns from local residents of the permeability of the application site a site visit was conducted and additional information and amended plans were submitted.

The amended plans re-located the proposed soakaway system towards the southern boundary of the application site and provided new percolation tests for the amended location. The test holes were re-visited by the Environmental Health officer who confirmed based on the new information provided and the new site for the soakaway which has better quality soils the system would work and therefore removed his previous objection to the proposed treatment plant and soakaway system proposed.

It is also drawn to Members' attention that given the scale of the proposal a sustainable drainage scheme will also be required through the SAB process, which is a separate

determining body from the Planning remit who will consider surface water drainage amongst other matters relating to drainage.

Concerns have still been raised by third parties over the location of the new soakaway system however based on the information provided and site visit completed by a Senior Environmental Health Officer no further evidence has been provided by objectors which would question the information and challenge the evidence brought to the Local Planning Authority's attention.

Subject to SAB approval it is therefore considered that the proposed treatment plant and soakaway system are considered to be acceptable.

A Tier 3 Groundwater Risk Assessment – New Burial Ground by BOLD Environmental Ltd was submitted in support of the application.

NRW have reviewed the information and consider the report to be satisfactory and concur with its conclusions.

However, to ensure the long-term monitoring of groundwater levels and protection of controlled waters for the duration of the operational life of the burial area plus five years post closure, a condition has been recommended which will ensure all burials in the cemetery shall be:

- a minimum of 50 m from a potable groundwater supply source;
- a minimum of 30 m from a water course or spring;
- a minimum of 10 m distance from field drains;
- no burial into standing water and the base of the grave must be above the local water table

Subject to the appropriately worded condition it is therefore considered that the burial site can be appropriately managed to ensure that the proposed development will have no adverse effect on groundwater from hazardous substances and non-hazardous pollutants.

### Biodiversity, Ecology & The 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, habitat of species including locally important site designations. The Council's SPG on biodiversity provides guidance on assessing the impact of development on designated sites or protected species.

The proposed plans, aerial images as well as records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 2 records of protected and priority species within 500m of the proposed

development with no records found for the site itself. Species recorded within 500m of the proposed development include bluebell and curlew. No statutory and no non-statutory designated sites were identified within 2km of the proposed development.

A Preliminary Ecological Appraisal Survey produced by Arbtech dated 25/09/2020 was submitted in support of the application.

The report details the findings of a phase 1 habitat survey and a protected species habitat suitability assessment undertaken on 15th September 2020 as well as the results of an associated desk-based study. Habitats identified within and immediately adjacent to the proposed development site include:

- Improved grassland
- Hedgerow with scattered trees
- Scattered trees
- Deciduous plantation
- Post and wire fencing
- Ditch

The proposed development site was surveyed for its ability to support a number of protected and priority species including:

- Amphibians (including great crested newt)
- Bats
- Reptiles
- Nesting birds
- Badger
- Otter
- Water vole
- Hedgehog

The site was also inspected for presence of non-native invasive species (none reported).

- Protected/Priority Species

The site comprises four fields of improved, managed grassland bordered by hedgerows, several with mature trees long their length. A birch plantation is located along the northern boundary of the site immediately north of the proposed crematorium building. A line of scattered hawthorn and blackthorn divides the two fields on the western part of the site. A line of mature oak trees alongside a ditch divides the eastern and central fields. Several of the oak trees were identified as having potential bat roosting features and all are to be retained within the proposed development.

No evidence of protected or priority species was detected and the site was considered unsuitable for amphibians, reptiles, water-vole, and otter due to a lack of suitable habitat

features.

No evidence of badger or hedgehog was detected but the presence of suitable foraging habitat means that there was potential for both species to be present on the site.

Hedgerows and trees on site were identified as habitat for nesting birds. The proposed development is not considered likely to result in negative impact to priority or protected species or habitats subject to retention of all hedgerows, mature trees and implementation of precautionary measures to safeguard badger and hedgehog during the construction phase.

The Powys Ecologist therefore recommended that submission of reasonable avoidance measures for badgers and hedgehog are secured through an appropriately worded planning condition.

- Hedgerows/Trees

The submitted plans identify that roadside hedgerows will be impacted to create both the main and service entrances. It appears that 2-3 immature trees will require felling to secure the required highway visibility splays.

The main macadam driveway to the crematorium is located close to mature oak trees at its northern end. The root zones of the trees are likely to extend beyond the tree canopy and may well be impacted permanently by excavation works.

Additional information in the form of a Tree Survey Report and Arboricultural Impact Statement (inclusive of method statement and tree protection measures) prepared by Wye Valley Tree Services was submitted in support of the application.

The survey identified the loss of three trees, deemed to be of relatively low value/undesirable to retain, and confirmed the impact to two hedgerows in order to accommodate access. The proposed formal access to the crematorium has been confirmed to be located outside of the sensitive root zone of the row of trees bisecting the site, which is to be welcomed. The tree line was identified as comprising several oaks with moderate or high arboricultural, landscape and conservation value; at least one tree is of veteran age. Appropriate tree protection measures were provided to safeguard the tree root zones during the construction phase, for example, from compaction by vehicles, plant and storage of materials and pollution.

It is, therefore, recommended that in addition to compensation measures for the two impacted hedgerows, adherence to the submitted tree protection measures during construction is secured through an appropriately worded planning condition.

Given the identified value of the trees and location of the trees within the landscape, The Ecologist has requested that consideration is given to long-term protection of the tree line through imposition of a TPO to guard against future loss or damage of the



trees. Technical Advice Note 10 notes that whilst a tree may merit protection on amenity grounds it may not be considered expedient to protect it by means of a TPO for instance when the trees are under good arboricultural value or where there is little risk of them being felled.

In this instance, tree protection measures have been provided to safeguard the tree root zones during the construction phase and have been clearly marked due to retained as part of this application. A condition can be attached to secure compliance with these plans and therefore based on the above it is not considered that the trees are considered to be at risk as there are other appropriate measures in place to safeguard them.

- External Lighting Design

Careful consideration will need to be given to any external lighting of the proposed development, including during construction in the vicinity of trees with identified potential bat roost features. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area or woodland.

It is, therefore, recommended that submission of an External Lighting Design Scheme is secured through an appropriately worded planning condition.

- Biodiversity Enhancement

Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (the S6 duty) for public authorities in the exercise of functions in relation to Wales.

The S6 duty requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems.

Extensive landscaping has been proposed throughout the entire application with soft and hard landscaping. Various areas of native planting, wildflower meadows and native wetland planting are proposed throughout the application site.

Planting is supported through the Future Wales National Plan which states that an increase in woodland cover is needed to help build the resilience of our ecosystems, to secure the delivery of our climate change and decarbonisation aspirations with the Welsh Government which wishes to see biodiversity enhanced and ecosystems become more resilient across Mid Wales.

The proposed tree and hedgerow planting as well as wildflower meadows will provide a foraging resource for a wide variety of nesting birds, invertebrates and small mammals and insects as well as a place of refuge once established.

This level of new planting and boxes will therefore provide a net gain to biodiversity when considering the existing site which is largely improved, grazed agricultural land of low ecological value.

The results of the Ecological Appraisals are therefore welcomed and subject to conditions ensuring that development is completed in accordance with the enhancements and recommendations it is considered that the proposed development can be managed to an acceptable level.

### Mineral Safeguarding

The application site is located within an area for Category 1 Mineral Safeguarding. Policy DM8 of the LDP states that non-mineral development proposals within Mineral Safeguarding Areas will only be permitted where it can be demonstrated by the developer that the development is in accordance with policy DM8.

Criteria 5) of policy DM8 states that's development will be permitted where:

#### *5) There is an over-riding need in the public interest for the development*

As identified above there is considered to be a recognised need for a crematorium with Powys and therefore the proposed development fundamentally complies with policy DM8. Furthermore, it is noted that the proposal could reuse the mineral resource within the proposed development to minimise the need to import minerals over long distances and reducing the need for importation of material, reducing CO2 emissions.

On this basis it is considered that the proposed development fundamentally complies with relevant planning policy.

### Placemaking and Wellbeing Goals

Planning Policy Wales (2021) plays a significant contribution to the improvement of well-being in all its aspects as defined by the statutory well-being goals. It embeds the spirit of the Well-being of Future Generations Act, through moving us towards a low carbon, resilient society, of providing secure and well-paid jobs, and of building well-connected environments for everyone in Wales that improves our lives and health and enhances our well-being.

Ministers advised in June 2019 that placemaking should form part of all decisions and have considered measures to call in applications where strategic placemaking has not been considered.

Placemaking is a holistic approach to the planning and design of development and spaces, focused on positive outcomes. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created

within a wider place.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Individual places can take many forms and interpretation of what makes a good place will vary. Each place will have its own unique characteristics, history and identity, based on how people have and will interact with the landscape and townscape.

It is considered that the proposed development is in accordance with both the placemaking and well-being goals due to the following;

- The development will provide a service with a recognised need for Powys
- The development is located close to existing transport networks.
- Provides a net gain on biodiversity enhancement within the local area.
- Promotes and diversifies our rural economy to ensure it is fit for future and economically sustainable.

### Climate Change

PPW states that the planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals.

This is coupled with ensuring the countryside is resilient to the impacts of climate change and plays a role in reducing the causes of climate change through the protection of carbon sinks and as a sustainable energy source in line with the Resilient Wales well-being goal.

The proposed development is located on land currently considered to be of low ecological value and agricultural land which is classified as 3b. The development proposes to enhance the application site and provides mature planting and areas of planting which are vital in the role of reducing the causes of climate change.

It has been recognised that there is a recognised need for a crematorium within Powys and the provision of such would therefore significantly reduce travel times for residents thus reducing CO2 emissions from vehicular movements.

### **RECOMMENDATION**

It is acknowledged from the evidence provided through qualitative and quantitative research that there is a recognised need for a crematorium in Powys. The site the subject of the application is located within open countryside but is not classified as being high quality agricultural land.

Whilst the acceptability of development at this location is considered to be acceptable

with regards to highway access, landscape and ecological considerations, I do advise Members that the accessibility of the site via other means of travel should be appropriately considered and balanced when coming to a recommendation.

It has been acknowledged that there is currently no bus route provided to the application site or footpath provision. However, it is considered in this instance and on balance that the recognised need and reduced transport movements for residents would outweigh these concerns.

The recommendation would therefore be one of conditional consent.

Should Members resolve to approve the application then no decision shall hereby be issued until confirmation has been received by the Welsh Ministers in line with the received correspondence.

### **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 Plan 001 Rev E, Plan 002, Plan 003, 1920100 (proposed ground Floor Plan, lower floor plan, elevations, site plan, building sections, proposed south elevations, proposed roof plan, proposed block plan), Arboricultural Report, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan dated 9<sup>th</sup> April 2021 by Wye Valley Tree Services, BS5837 Tree Survey dated 9<sup>th</sup> April 2021 by Wye Valley Tree Services, POWYS CREMATORIUM SOAKAWAY DESIGN and included plan (undated), Air Quality Assessment by DustScan AQ dated March 2021, Tier 3 Groundwater Risk Assessment; Land at Ael Y Bryn, Aberhafesp, Newtown, Powys, SY16 3HR – New Burial Ground Report ref.: 3290\_GRA 01 Date: 04 March 2021, Noise Impact Assessment dated 22<sup>nd</sup> Dec 2020, Air Quality Assessment date January 2021 by DustScan AQ, Preliminary Ecological Appraisal Survey by Arbtech, Historic Impact Assessment and Desk Based Assessment by Archaeology Wales, Powys Crematorium LVIA Landscape and Visual Impact Assessment December 2020.

3 Prior to any other works commencing on the development site, detailed engineering drawings for the visibility improvements to the junction of the B4568/B4569/C2065 and associated works, shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be completed in full accordance with the details as approved.

4 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.

5 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 0.4 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.

6 No other development shall commence until the main access off the B4568 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 215 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

7 Prior to the first beneficial use of the development the service access off the C2065 shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

8 All vehicular movements associated with the development shall enter/exit the site via the main site access off the B4568 until such time as the service access as Condition 5 above has been constructed. Therefore, no access to the site shall be gained through the service access until such time as it has been constructed in accordance with the approved drawings.

9 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.

10 Within 5 days from the commencement of the development the two field gates onto the B4568 shown on Drawing Number 001 Rev D shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and the stopping up shall be retained for as long as the development is in existence.

11 Before any other development is commenced the area of the main 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 12 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

12 Prior to the first beneficial use of the development hereby approved, provision shall be made within the site for the parking and turning of vehicles as detailed on the approved site plan 001 Rev D. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

13 Prior to the first operational use of the development the area of the main access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 12 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.

14 Prior to the first operational use of the development the area of the service 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, 60mm of bituminous macadam binder course material and be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 12 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.

15 The gradient of the accesses shall be constructed so as not to exceed 1 in 30 for the first 12 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.

16 Any vehicular entrance gates installed within the application site shall be set back at least 12 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.

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

18 Prior to commencement of development, including vegetation and ground clearance, a Reasonable Avoidance Measures Method Statement for badger and hedgehog shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.

19 The development shall be undertaken in strict accordance with the BS5837:2012

Arboricultural Report, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan for P/2158/20/FUL - proposed new Crematorium at Ael y Bryn, Caersws. The measures identified shall be adhered to and implemented in full and maintained thereafter.

20 Prior to the commencement of development, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the translocation method and/or species, sizes, densities and planting numbers proposed, as well as aftercare measures. The approved scheme shall be implemented in full and maintained thereafter.

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

22 Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to and be implemented in full.

23 All burials shall be:

- a minimum of 50 m from a potable groundwater supply source;
- a minimum of 30 m from a water course or spring;
- a minimum of 10 m distance from field drains;
- no burial into standing water and the base of the grave must be above the local water table;

24 Prior to the commencement of development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include details on the management of impact and controls over noise, hours of operation and dust as a minimum during construction. Development thereafter shall be completed in full accordance with the details as approved.

25 The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area associated with the western access track so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs and will be completed in accordance with a written scheme of investigation, which has been approved in advance by the Local Planning Authority. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk) After approval by the Local Planning Authority , a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and a copy to the National Monuments record, RCAHMW

26 Prior to any works commencing on site the outer boundary of the exclusion area for the Roman Road shall, on both sides, be marked out with temporary barrier fencing to avoid any accidental damage by building and landscaping. The fencing shall remain as such throughout the construction period.

## **Reasons**

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

2 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

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

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.

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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 To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

19 To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

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21 To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and

Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

22 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 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

23 To ensure the proposed development does not have an unacceptable impact on groundwater risk in accordance with Planning Policy Wales (Edition 11) and DM6 of the Local Development Plan (2018).

24 In the interests of amenity and a satisfactory development in accordance with polices DM4 and DM13 of the Powys Local Development Plan (2018), Technical Advice Note 12 and Planning Policy Wales (Edition 11, 2021).

25 To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development in accordance with policy SP7 of the Local Development Plan (2018).

26 To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development in accordance with policy SP7 of the Local Development Plan (2018).

## **Informative Notes**

### 1 Advisory Notes

NOTE:THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
  - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
  - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain,

apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

4. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:

<http://www.powys.gov.uk/en/roads-transport-parking/>

street.works@powys.gov.uk

Street Works  
Powys County Hall  
Spa Road East  
Llandrindod Wells  
Powys  
LD1 5LG  
0845 6027035

2 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

### 3 Mid and West Wales Fire and Rescue Authority

I acknowledge receipt of the notification to the Mid and West Wales Fire and Rescue Authority in relation to the above application.

The site plan of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with early on in any proposed development.

The developer should consider the need to provide adequate water supplies for fire fighting purposes on the site and general guidance on this matter is given in the attached Appendix.

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B. The plan has been retained for record purposes but will be returned if you so request.

4 All: Having assessed the Planning Application Ref 20/2087/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk) For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website

<https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

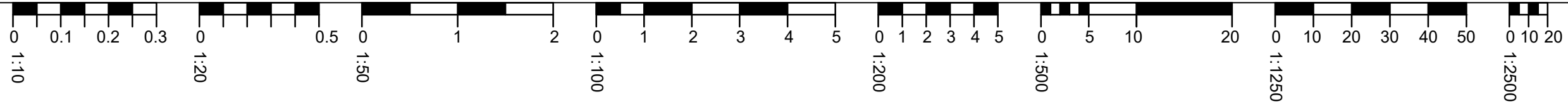
If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

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Case Officer: Gemma Bufton, Principal Planning Officer  
Tel: 01597 827505 E-mail: [gemma.bufton1@powys.gov.uk](mailto:gemma.bufton1@powys.gov.uk)

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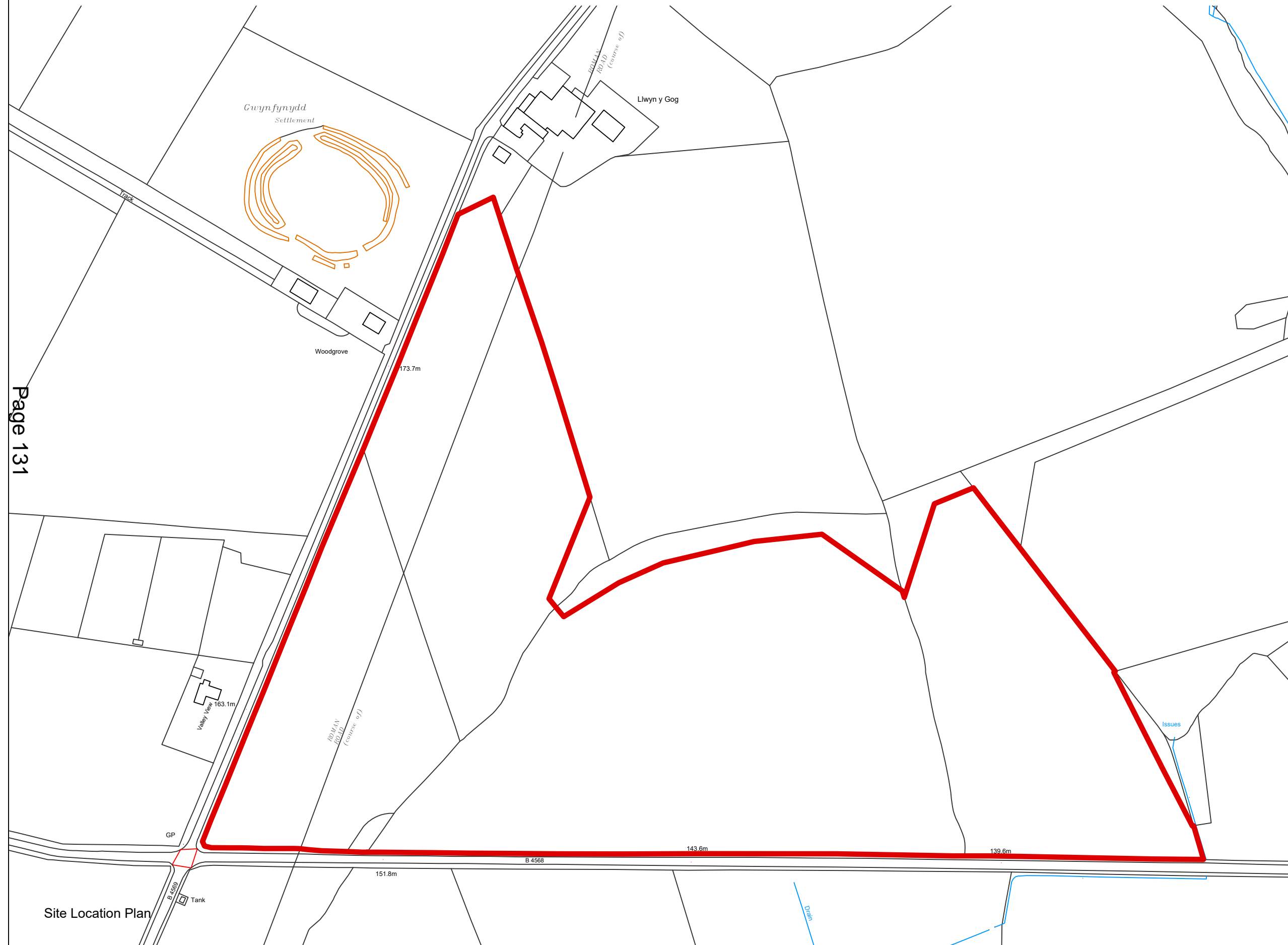
REPRODUCING THESE DRAWINGS BY PRINTING OR COPYING MAY LEAD TO ERRORS, PLEASE REFER TO SCALE BAR. DO NOT SCALE OFF THESE DRAWINGS FOR CONSTRUCTION PURPOSES. IF ANY DISCREPANCIES ARE FOUND, PLEASE CONTACT WESTERN DESIGN ARCHITECTS IMMEDIATELY.

DESIGNERS RISK ASSESSMENT- HEALTH AND SAFETY THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015

Where appropriate, for significant hazards specific to the project please refer to drawing CDM01



Site Boundary



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REV.	DETAILS	BY	CKD	DATE
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**WDA**  
westerndesignarchitects.com

Western Design Architects  
12 The Granary, Hinton Business Park, Tarrant Hinton, Dorset, DT11 8JF  
T:01258 830675 E:info@westerndesign.co.uk

CLIENT  
**Powys Crematorium Ltd**

PROJECT  
**Powys Crematorium**

DRAWING TITLE  
**Site Location Plan**

DATE 04.11.2020	DRAWN BY AM	CHECKED BY JT
--------------------	----------------	------------------

SCALE 1:2500@A3	JOB NO. 1920100
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DRAWING NO. <b>10</b>	REVISION -
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**PLANNING**

Site Location Plan

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Trewern Community Council have discussed this application.

We would like to object to this application from a highways point of view, as the access to this site would be along extremely narrow roads and due to the current COVID-19 crisis, we are unable to undertake a site visit with the applicants to discuss this application.

We are also unsure of the impact the holiday lodges would have on the landscape, which is again a cause for concern. Therefore, we would like to object to this application.

Please can you confirm receipt of this email as of today's date?

PCC-Building Control

21st Jan 2021

Building Regulations application required.

Ward Councillor

1st Feb 2021

I would like to call in the attached planning application for decision by the planning committee. This is due to the concerns by residents raised with me to date regarding the following:

- Landscape impact
- Highways access including during the construction phase

Please can you let me know whether a site notice has been placed at this site and also when you would expect to carry out a site visit? I am aware that the previous planning officer went to the site and may have spoken with a nearby resident impacted.

*Additional Comments Received 17<sup>th</sup> Feb 2021;*

I write as the County Councillor for the ward where this planning application is proposed. I would like to confirm my objection to this application based on the following:

The impact to the landscape

The concerns about highways access, including during the construction phase

The number of locals concerned about this development

The proximity of the chalets to neighbouring boundaries and the potential for residents to be overlooked.

I look forward to hearing further from you once you have carried out a site visit.

*Additional Comments Received 25<sup>th</sup> Apr 2021;*

I would like to re-iterate my call in request based on the ongoing concerns of residents regarding the access, road infrastructure and land scape impact.

PCC-(N) Highways

16th Feb 2021

The Highway Authority (HA) have reviewed the submission and consider that the highway elements of the proposed development are in line with the conditions which the HA recommended be attached to the previous application at the site (20/0554/FUL). Therefore, the HA suggest that the following conditions be attached to any consent given.

The development shall be carried out in accordance with drawing numbers KI 5598 2E, KI 5598 3E, KI 5598 6D, KI 5598 7A & KI 5598 8.

Notwithstanding the submitted details on drawing numbers KI 5598 2E, KI 5598 3E, KI 5598 6D, KI 5598 7A & KI 5598 8 the Highway Authority wish the following conditions to be applied to any consent given.

1. Prior to any works commencing on the development site, detailed engineering drawings for improvements to the junctions of the C2162/C2043 & C2162/U2475 and all associated works, shall be submitted to and approved in writing by the Local Planning Authority.
2. Prior to the first beneficial use of the development, 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.
3. 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 0.4 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.
4. No other development shall commence until the site 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 34 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.

5. 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.

6. The width of the site access carriageway, constructed as Condition 4 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

7. Before any other development is commenced the area of the site access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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

9. Prior to the first beneficial use of the development the area of the site access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) 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.

10. The gradient of the site 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.

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

12. Prior to any works being commenced on the development site the applicant shall construct one passing along the C2162 county highway in a location to be agreed in

writing by the Local Planning Authority.

13. The passing bay referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.

Hafren Dyfrdwy

3rd Feb 2021

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.

Environmental Protection

10th Feb 2021

In respect of planning application 20/2128/FUL, the following advice is provided on behalf of Environmental Protection:

1. Under the section 'Sustainable Development' of the McCartneys Planning & Survey 'Planning, Design & Access Statement: Proposed Holiday Challets', dated December 2020, it is stated: "Foul waste will be drained to a package treatment plant as shown on the proposed site plan." The McCartneys Planning & Survey drawing 'Proposed Block Plan' (ref: KI5598 3 E), dated Jan 2020, displays the proposed location of the package treatment plant, with discharge to a surface watercourse.

Based on the submitted information, Environmental Protection would not have any requirements in respect of the proposed 'Package Treatment Plant', with discharge to the nearby watercourse, subject to the following:

o The appropriate exemption being registered with, or environmental permit/discharge consent being obtained from Natural Resources Wales (NRW). Prior to commencement of the development, Environmental Protection recommend that Development Control verify that NRW will allow the proposed discharge, from the package treatment plant, to surface water.

o The siting, marking, design, construction and installation of the proposed sewage treatment plant must comply with Approved Document H 2010 (Wales), Section H2 of the Building Regulations. As advised in paragraph 1.57, of document H2 of the Building Regulations, the owner (of the property) is legally responsible to ensure that the system does not cause pollution, a health hazard, or a nuisance.

2. Under section 6 'Existing Use' of the 'Application for Planning Permission' (ref: PP-09380186), dated 29/12/2020, the existing use of the application site is described as 'Agricultural'. Furthermore, under the section 'Site Features' of the McCartneys Planning

& Survey 'Planning, Design & Access Statement: Proposed Holiday Challets', dated December 2020, it is stated: "The site comprises a portion of an existing agricultural field. The current land is classed as semi-improved grassland for grazing purposes."

Records also identify that the surrounding land use is predominantly agricultural. Therefore, to prevent any future nuisance potential (e.g. associated with noise and odour), it is recommended that an appropriate land use tie be employed between the existing and proposed land uses i.e. agriculture and tourism.

PCC-(N) Land Drainage

16th Feb 2021

All: Having assessed the Planning Application Ref 20/2128/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk)

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

PCC-Ecologist

18th Mar 2021

Thank you for the opportunity to comment on planning application 20/2128/FUL which concerns an application for erection of 4 holiday chalets, including improvements to existing access road network (C2162 & U2475) including junction improvements and the provision of 1 passing bay, installation of a package treatment plant and other associated works at Rhos Farm, Trelystan, Leighton, SY21 8JB.

I have reviewed the proposed plans, aerial images as well as records of protected and

priority species and designated sites within 500m of the proposed development.

The data search identified 8 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include bat species: brown long-eared bat, common pipistrelle and soprano pipistrelle; and bluebell.

No statutory designated sites and non-statutory designated sites were identified within 500m of the proposed development. One or more Ancient Woodland (AW) sites were identified within 500m of the proposed development. Having taken into account the location of the AW in relation to the proposed development and the nature of the works proposed, it is considered that there would be no likely negative impacts directly or indirectly to the AW and/or any associated features.

I have reviewed the Preliminary Ecological Appraisal produced by Salopian Consultancy dated 30/12/2020 and consider that the survey methods and effort employed were in accordance with current National Guidelines.

The report details the findings of a phase 1 habitat survey and a protected species habitat suitability assessment undertaken on 8th December 2020, as well as the results of an associated desk-based study. Habitats identified within and immediately adjacent to the proposed development site include:

- o Improved grassland
- o Broadleaved trees
- o Coniferous plantation
- o Amenity grassland
- o Building
- o Hardstanding

The proposed development site was surveyed for its ability to support a number of protected and priority species including

- o Amphibians (including great crested newt)
- o Bats
- o Nesting birds
- o Badger

- o Hazel dormice
- o Reptiles

The vegetation survey identified species common to and typical of similar areas of improved grassland in the locality, which is considered to be of relatively low ecological value. The site supported habitat features identified as suitable for nesting birds and roosting bats due to the presence of trees along the site boundaries and adjacent to the site. Five trees were identified as having potential for supporting roosting bats. All trees are to be retained within the proposed development. The site was considered unsuitable for dormouse, amphibians and reptiles due to a lack of suitable habitat features. No evidence of badger activity or sett were detected but it was considered that there was potential for badger to be present. A precautionary site check for badger excavation activity was recommended prior to commencement of works. External lighting recommendations have been made to avoid potential disturbance of roosting, commuting and foraging bats, as well as other nocturnal animals in the area.

It is, therefore, recommended that submission of an External Lighting Design Scheme is secured through an appropriately worded planning condition.

Negative impacts to priority or protected species and habitats are not expected as a result of the proposal subject to the lighting recommendations being followed.

It was identified that biodiversity enhancements could be achieved through provision of additional nesting and roosting opportunities for birds and bats respectively. Proposed landscape planting will also provide biodiversity benefits. It is considered that the enhancements are appropriate to the proposed development and are in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

It is, therefore, recommended that the identified biodiversity enhancement and landscaping measures are secured through an appropriately worded planning condition.

A report of a Arboricultural Appraisal produced by Salopian Consultancy has been submitted to inform the application. The tree survey was conducted in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. The assessment was undertaken on 8th December 2020 and identified a number of trees around the perimeter of the site and adjacent to it. The tree stock comprised three goat willow trees considered to be in poor condition with a proposed life expectancy of less than 10 years, multiple trees assessed as being of low and moderate value, and an overmature ash tree considered to be of high quality. It was identified that the proposed siting of Lodge 1 would impact only slightly on the root zone of a Goat Willow (low quality) and any damage would be within acceptable limits for the tree. Measures to minimise damage to the tree and protect the root zones of all other



trees during construction were identified and are considered appropriate. As stated above, all trees will be retained within the proposed development.

It is, therefore, recommended that the identified tree protection measures are secured through an appropriately worded planning condition.

Several trees were identified as requiring works to enable trees to be retained for ecological benefit and/or to maintain tree health. Although no tree works are required to accommodate the development, it is advised that recommended works are undertaken outside of bird nesting season with further prior assessment of potential bat roosts being undertaken by a suitably licensed ecologist in accordance with national guidelines.

It is not clear if any trees or hedgerows will be required to be removed or impacted to accommodate the proposed passing bay to be located along the C2162.

Powys LDP Policy DM2 states that

Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

2C. Habitats and Species of principal importance for the purposes of maintaining and enhancing biodiversity' as identified by Section 7 of the Environment (Wales) Act 2016. Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichen and fungi.

3B. Local Biodiversity Action Plan Habitats and Species. Powys LBAP includes hedgerows under the Linear Habitats Action Plan: 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'.

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage.

Where impacts to hedgerows are identified and cannot be avoided, an appropriate compensation strategy will be required. Where possible, translocation of the existing hedgerow should be considered. However, it is acknowledged that translocation is not possible in some cases. Where this is the case, replacement hedgerow planting of a minimum length equivalent to the section of hedgerow to be lost, or improvement of retained hedgerows, will need to be identified to ensure that there is no loss of biodiversity as a result of the development. The translocation plan should include details of the timing of work, preparation works to the new site and of the existing hedgerow, translocation methodology and aftercare measures. The compensation plan should include details of the hedgerow(s) location, length and species. Species should be native and reflect the hedgerows present in the local area in accordance with the requirements

of LDP policy DM4 and include an appropriate aftercare scheme.

It is, therefore, recommended that a Tree and Hedgerow Compensation Planting Scheme is secured through an appropriately worded planning condition.

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

The development shall be undertaken in strict accordance with the Arboricultural Appraisal, by Salopian Consultancy, dated 31/12/2020 and all identified tree protection measures. The measures identified shall be adhered to and implemented in full.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

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

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>. The approved scheme shall be adhered to and be implemented in full.

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 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of construction of the passing bay on the C2162, if it is identified that the roadside hedgerow must be removed to accommodate the construction, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the translocation method and/or species, sizes, densities and planting numbers proposed, as well as aftercare measures. The approved scheme shall be implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

In addition, I consider it would be appropriate to include the following informatives:

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

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 on 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.

#### Badgers - The Protection of Badgers Act 1992

Badgers and their setts are fully protected. It is therefore an offence to:

- o Kill, injure or take a badger, or to attempt any of these
- o Damage a badger sett or any part of a sett
- o Destroy a badger sett
- o Obstruct access to, or the entrance of, a badger sett
- o Disturb a badger whilst occupying a sett

Care must be taken when carrying out works near setts as offences can result from both reckless and intentional damage, disturbance or destruction. This includes seasonally used or outlier setts.

If a badger sett is located within 30m of the development site, all works should cease immediately and Natural Resources Wales should be contacted for further advice. A licence may be required to allow lawful development to proceed. NRW can be contacted

by phone at 0300 065 3000.

## Public Representations

Following the display of a site notice on 29<sup>th</sup> January 2021, and an additional site notice on 13<sup>th</sup> April 2021 following the receipt of amended plans, a total of 15 public representations have been received at the time of writing this report, and can be summarised as follows;

- Access road unsuitable to transport accommodation to site
- Affect local ecology damaging wildlife and trees
- Close to adjoining properties
- Concern over foul drainage arrangements causing pollution
- Conflict with local plan
- Detrimental impact to amenities of nearby properties
- Detriment to highway safety
- Detrimental impact upon character and appearance of surrounding landscape
- Development too high
- General dislike of proposal
- Inadequate access
- Increase in traffic
- Increase of pollution
- Information missing from plans
- Lack of demand
- Loss of privacy
- No benefits to area
- Noise Nuisance
- Out of keeping with character of area
- Over development
- Potential to be used as permanent address
- Precedent set for further development in future
- Public rights of way should not be obstructed during the undertaking of the development

## Planning History

App Ref	Description	Decision	Date
20/0554/FUL	Erection of 4 holiday chalets, formation of new access roadway, improvements to access U2475, installation of sewage treatment plant and all	Refused	1st Dec 2020

associated works.

## Principal Planning Constraints

Mineral Safeguarding  
Public Right of Way

## Principal Planning Policies

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 11, 2021)		National Policy
NATPLA	Future Wales – The National Plan 2040		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
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
DM8	Minerals Safeguarding		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026

SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
RES	SPG Residential Design Guide (2020)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	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

Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### Site Location and Description

The application site is located within the Community Council area of Trewern and is located within the open countryside as defined by the Powys Local Development Plan (2018). The site is surrounded by agricultural land to the north, the C2162 County Highway to the south, the dwelling known as Rhos Farm to the east, and an area of woodland and further agricultural land to the west.

This application seeks consent for the following: "Erection of 3 holiday lodges, including improvements to existing access road network (C2162 & U2475) including junction improvements and the provision of 1 passing bay, installation of a package treatment plant and other associated works". It is noted that amended plans received on 13<sup>th</sup> April 2021 reduced the number of lodges proposed from 4 to 3 and have significantly reduced the scale of the lodges.

Lodge type 'A' will measure approximately 12.3 metres in length by 6.9 metres in width, with a height to the eaves of approximately 2.2 metres and a height to the ridge of approximately 3.9 metres.

Lodge types 'B' and 'C' will each measure approximately 15.3 metres in length by 6.9 metres in width, with a height to the eaves of approximately 2.2 metres and a height to the ridge of approximately 3.9 metres.

The selected materials for the proposed lodges will be timber boarding walls under a natural slate roof, with timber windows and doors. The parking and access road will be finished using compacted hardcore and permeable paving. The proposed development also proposes significant additional soft landscaping in the form of additional tree and hedgerow planting throughout the application site.

### Background

Application reference 20/0554/FUL was previously refused on 1<sup>st</sup> December 2020 which sought consent for the following: "Erection of 4 holiday chalets, formation of new access roadway, improvements to access U2475, installation of sewage treatment plant and all associated works". This application site was located adjacent to the current site in a northerly direction. In addition, amended plans have been received as part of this current application, reducing the scale and number of proposed lodges from 4 to 3.

### Principle of Development

Policy TD1 states that development proposals for tourist accommodation, facilities and attractions, including extensions to existing development, will be permitted as follows:

- 1. Within settlements, where commensurate in scale and size to the settlement.*
- 2. In the open countryside, where compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character and appearance of the area and in particular where:
  - i. It is part of a farm diversification scheme; or*
  - ii. It re-uses a suitable rural building in accordance with TAN6; or*
  - iii. It complements an existing tourist development or asset, without causing unacceptable adverse harm to the enjoyment of that development or asset; or*
  - iv. It is not permanent in its nature.**
- 3. Accommodation shall not be used for permanent residential accommodation".*

LDP Policy TD1 states that tourism development proposals in the open countryside will be permitted where they are compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character or appearance of the area. The proposed development is located in the open countryside in what is considered to be a suitable location, as will be addressed in the scale, design and landscaping section below. Therefore, the principle of development is considered acceptable, subject to a review of the scale, design and landscape impact of the proposed development below.



It is noted that within 3<sup>rd</sup> party correspondence received, concern has been raised that the proposed development would be in conflict with the Powys Local Development Plan (2018). Policy TD1 of the Powys LDP is the relevant policy when assessing all proposals for tourism development. The 3<sup>rd</sup> party correspondence received has also raised concern that the proposed development will be used for permanent residential occupation, however a condition will be attached to the granting of any consent which ensures this must be occupied for tourism purposes.

The proposed developments compliance with LDP Policy TD1 is considered to address 3<sup>rd</sup> party concerns raised that the proposal would be in conflict with the Powys LDP.

### Scale, Design and Landscape Impact

It is noted within 3<sup>rd</sup> party correspondence and comments from the Ward Councillor and the Community Council received, the following concerns have been raised in relation to the proposed development: detrimental impact upon character and appearance of surrounding landscape, development too high, general dislike of proposal, out of keeping with character of area and over development.

Policy DM4 of the Powys Local Development Plan states that for proposals in the open countryside such as this one, they must not individually or cumulatively, have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape. All proposals should therefore be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape. Policy DM13 of the Powys LDP indicates that development proposals will only be permitted where they have 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.

A visual and sensory evaluation of the site using LANDMAP classifies the area of the application site as being of high value, with the area described as follows; "Area of managed upland grazing the area is distinct from its surrounding in its low incidence of individual or hedgerow trees and rectilinear field pattern. Tree cover is limited to a few significant blocks of mixed woodland on lower slopes. Exposed skies and open views dominate". It is noted that the previously refused application (20/0554/FUL) was refused for the following reasons: "Reason 2: The development is considered unacceptable in terms of siting and is contrary to the standards expected in LDP policy DM13, and PPW" and "Reason 3: The development would create an unacceptable adverse impact on landscape and is therefore contrary to the standards expected in LDP policy DM4".

Lodge type 'A' will measure approximately 12.3 metres in length by 6.9 metres in width, with a height to the eaves of approximately 2.2 metres and a height to the ridge of approximately 3.9 metres. Lodge types 'B' and 'C' will each measure approximately 15.3 metres in length by 6.9 metres in width, with a height to the eaves of approximately 2.2 metres and a height to the ridge of approximately 3.9 metres. The selected materials for the proposed lodges will be timber boarding walls under a natural slate

roof, with timber windows and doors. The parking and access road will be finished using compacted hardcore and permeable paving.

The amended plans received seek consent for 3 lodges which have been set back within the field closer to established boundaries of trees and hedgerow, and have been reduced to single storey in nature, at a height of approximately 3.9 metres, a significant reduction from 6.5 metres as originally proposed.

The revised scale and location for the 3 lodges is considered to be an acceptable and appropriate location for the proposed development. There is existing, established vegetation present to both the south and west elevations of the site, with the proposed development also located adjacent to an existing residential property, Rhos Farm, which is under the control of the applicant. The only elevation which there is considered potential for the proposal to be highly visible within the surrounding landscape is the north. When viewed from the north, the 3 lodges will be viewed in the foreground of a tall area of trees and will also be viewed as a continuation of the existing built development at Rhos Farm. Furthermore, extensive additional tree planting is proposed to further integrate the proposed development into its local setting, which is welcomed and will further reduce any potential landscaping impacts. This additional landscaping shall be secured through an appropriately worded condition.

It is considered that the selected materials for the lodges are typical for a development of this nature and will ensure the lodges will not have an unacceptable landscape impact at this location. The revised layout of the parking and internal road arrangements are considered acceptable, appearing more natural in nature and not having the appearance of a residential development, which is not encouraged in the open countryside. The design of the development is considered acceptable, and has been enhanced through the reductions made in the scale of the development as detailed above.

Given the significant reduction in the height of the units, relocation adjacent to existing built development and established tree and hedgerows, the reduction in the number of units and the additional landscaping proposed, it is considered these amendments have addressed the previous concerns raised by officers, Ward Councillor, the Community Council and in public representation. The revised scheme is considered to be acceptable in terms of its scale, design and landscape impact. A condition will be attached to the granting of any consent which removes permitted development rights in order for the Local Planning Authority to retain control over the appearance of the development, to ensure there is no unacceptable landscape impact.

In light of the above, and subject to the inclusion of appropriately worded conditions, it is considered that the proposed development complies with relevant planning policy, and the principle of development for tourism development at this location is acceptable.

#### Amenities enjoyed by occupiers of neighbouring properties

It is noted within 3<sup>rd</sup> party correspondence and comments from the Ward Councillor

received, the following concerns have been raised in relation to the proposed development: close to adjoining properties, detrimental impact to amenities of nearby properties, loss of privacy and noise nuisance. In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide SPG (2020) & LDP: DM13 (Part 11).

Following the alterations made to the scheme, the distance from the proposed lodges to the curtilage of Brookfield, located to the north-east, is approximately 100 metres, whereas this was previously 82 metres. In addition, the height of the lodges has been reduced from 6.5 metres to 3.9 metres. Given the alterations to the scheme, and the distance to Brookfield, it is not considered the amenities of this property would be detrimentally impacted.

It is noted the dwelling at Rhos Farm is located immediately adjacent to the application site, however this dwelling is owned by the applicant. There is also a property located to the south of the application site at a distance of approximately 25 metres to the curtilage, namely Rhos Old Farm, however given this distance, topography of the landscape, and intervening established vegetation and highway, it is not considered the amenities of this property would be adversely impacted by the proposed development. It is further noted that PCC – Environmental Health were consulted on the proposed development and raised no concerns in relation to the amenities enjoyed by occupiers of neighbouring properties, subject to a land use tie ensuring the area of the application site is to be used for tourism purposes.

In addition to the above, the proposed development has been assessed against the Powys Residential Design Guide SPG. The proposed development is not considered to offer any impact upon loss of daylight to any neighbouring dwellings, there are no properties that would be adversely affected when considering the 25 degree rule, which prohibits development that would exceed a line of 25 degrees taken from the nearest habitable room of adjoining existing properties. The proposal also complies with the 45 degree rule, where an angle of 45 degrees is measured in a horizontal plane and taken from the middle of the window of the nearest habitable room in any adjacent rooms. The proposed development is considered to be acceptable when considered against the above criteria.

The proposed development is also not considered to offer any adverse impacts to any neighbouring properties in terms of loss of privacy. The Powys Residential Design Guide SPG states that there should be a minimum of 21 metres between directly facing habitable rooms on rear elevations. There are no properties directly facing the rear elevation within 21 metres of the property and therefore the proposal complies with this criterion. As stated above, the proposed development is considered to comply with the 45 degree rule and therefore the proposed development is considered acceptable when considered against the above criteria.

Given the proposed developments compliance with the criteria contained within the Residential Design Guide SPG, the comments of PCC - Environmental Health and the

amendments made to the scale, height and location of the lodges, it is considered these amendments have addressed the previous concerns raised by officers, the Ward Councillor and in public representation.

In light of the above, and subject to the inclusion of an appropriately worded condition, it is considered that the proposed development complies with relevant planning policy.

### Highway Safety

It is noted within 3<sup>rd</sup> party correspondence and comments from the Ward Councillor and the Community Council received, the following concerns have been raised in relation to the proposed development: access road unsuitable to transport accommodation to site, detriment to highway safety, inadequate access and increase in traffic. Technical Advice Note 18: Transport and LDP Policy DM13 (Part 10) seek to maintain Highway Safety and ensure development proposals meet all highway access requirements (for transport users) and parking standards.

The proposed development seeks to amend the existing access at the junction of the C2162 and U2474 Highways providing visibility improvements in each direction, access widening and stopping up of existing access, as well as providing the provision of an additional passing bay. The Local Highway Authority were consulted on the proposed development and have raised no objection to the proposed development, subject to the inclusion of a number of appropriately worded conditions, regarding engineering drawings for the proposed junction improvement, parking arrangements, visibility, access width, access surfacing, access gradient, surface water drainage and the provision of 1 passing bay. All of these conditions as recommended by the Local Highway Authority will be included with the granting of any consent, and it is considered these will ensure highway safety is maintained at the site, and address the concerns raised in 3<sup>rd</sup> party representation regarding the proposed development being detrimental to highway safety, causing an unacceptable increase in traffic and having an inadequate access.

In terms of the concerns raised regarding the surrounding highway network being unsuitable to deliver the accommodation to site, it is likely this would be a 'one off' journey and given the nature of the development this may be assembled on site and not wholly transported to site. The surrounding highway network is unrestricted and can be used by any vehicle at any time and therefore a 'one off' journey potentially by a HGV, is not considered a valid reason to oppose the application, given that a vehicle of this nature could travel around this highway network at any time, unrestricted. Furthermore, the Local Highway Authority have raised no concerns of this nature, and subject to the inclusion of the recommended conditions by the Local Highway Authority, it is not considered the proposed development would have a detrimental impact upon highway safety.

Based on the comments of the Local Highway Authority, and subject to the inclusion of the conditions as recommended by the Local Highway Authority, it is not considered the proposed development would cause a detrimental impact upon highway safety, and this

is considered to satisfy the concerns raised within 3<sup>rd</sup> party representation, and comments from the Ward Councillor and the Community Council. In light of the above, and subject to the inclusion of appropriately worded conditions, it is considered that the proposed development complies with relevant planning policy.

### The Natural Environment

It is noted within 3<sup>rd</sup> party correspondence received, the following concerns have been raised in relation to the proposed development: affect local ecology damaging wildlife and trees, and increase of pollution. With respect to biodiversity specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

The PCC – Ecologist was consulted on the proposed development and undertook a search for records of protected and priority species within 500m of the proposed development. This search identified 8 records of protected and priority species within 500m of the proposed development, however no records were identified relating to the site itself. No statutory designated sites and non-statutory designated sites were identified within 500m of the proposed development. Several Ancient Woodland (AW) sites were identified within 500m of the proposed development. Having taken into account the location of the AW in relation to the proposed development and the nature of the works proposed, it is considered that there would be no likely negative impacts directly or indirectly to the AW and/or any associated features.

A Preliminary Ecological Appraisal has been submitted in support of the application. The vegetation survey identified species common to and typical of similar areas of improved grassland in the locality, which is considered to be of relatively low ecological value. The site supported habitat features identified as suitable for nesting birds and roosting bats due to the presence of trees along the site boundaries and adjacent to the site. Five trees were identified as having potential for supporting roosting bats. All trees are to be retained within the proposed development. The site was considered unsuitable for dormouse, amphibians and reptiles due to a lack of suitable habitat features. No evidence of badger activity or setts were detected but it was considered that there was potential for badgers to be present. A precautionary site check for badger excavation activity was recommended prior to commencement of works.

An Arboricultural Appraisal produced by Salopian Consultancy has been submitted to inform the application. The tree stock comprised three goat willow trees considered to be in poor condition with a proposed life expectancy of less than 10 years, multiple trees assessed as being of low and moderate value, and an overmature ash tree considered to be of high quality. Measures to minimise damage to the tree and protect the root zones of all other trees during construction were identified and are considered appropriate and will be secured through the inclusion of an appropriately worded condition. In addition, it is not clear if any trees or hedgerows will be required to be removed or impacted to accommodate the proposed passing bay to be located along the C2162, therefore a condition requiring a Tree and Hedgerow Compensation

Planting Scheme shall be secured through an appropriately worded condition. External lighting recommendations have been made to avoid potential disturbance of roosting, commuting and foraging bats, as well as other nocturnal animals in the area.

Subject to the inclusion of conditions as follows: adherence to the Arboricultural Appraisal, landscaping scheme, external lighting design scheme, tree protection measures and tree and hedgerow compensation planting scheme, the Ecologist has raised no objection to the proposed development going ahead. Based on the Ecologists' observations, and subject to the inclusion of the recommended conditions, it is not considered there would be any adverse impacts to biodiversity as a result of the proposed development, and this is considered to satisfy the concerns raised within 3<sup>rd</sup> party representations. It is therefore considered that the proposed development complies with relevant planning policy.

#### Future Wales, Place-making, Well-being Goals, Climate Change

The recently adopted 'Future Wales: The National Plan 2040' document sets out guidelines for new development proposals and their contribution towards a green infrastructure. Policy 9 – Resilient Ecological Networks and Green Infrastructure, sets out the following guidelines in terms of new development proposals;

*"In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment".*

Policy 15 – National Forest, reads as follows;

*"The Welsh Government is committed to developing a national forest through the identification of appropriate sites and mechanisms. Action to safeguard proposed locations for the national forest will be supported".*

Welsh Government, through the above document and policies, wishes to see biodiversity enhanced and improve the resilience of ecosystems across Mid Wales, in order to address biodiversity decline. Welsh Government has set a target to increase woodland cover in Wales by at least 2,000 hectares per annum from 2020. This development would make a contribution to increasing woodland cover in Wales in accordance with the above, through the provision of additional tree planting, as indicated on the submitted landscaping plan. In addition, biodiversity enhancement has been proposed in connection with the proposed development, in the form of bat boxes, bird nesting boxes and tree and hedgerow planting as indicated within the Preliminary Ecological Appraisal, which shall be included within the list of approved plans and documents as part of the granting of any consent.

It is therefore considered that the proposed development will make a positive contribution towards the sustainability goals as indicated above and complies with

relevant planning policy.

### Foul Drainage

It is noted within 3<sup>rd</sup> party correspondence received, the following concerns have been raised in relation to the proposed development: concern over foul drainage arrangements causing pollution. Welsh Government Circular 008/2018 – ‘Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants (2018)’, ensures that all new developments are served by an adequate means of foul drainage arrangement.

The development proposes to connect to a package treatment plant as a means of foul drainage. Environmental Health have advised they have no objection to the use of a package treatment plant at this location, subject to the appropriate exemption or environmental permit being obtained from Natural Resources Wales (NRW) prior to the commencement of development. It is noted that the grant of planning permission does not guarantee that an Environmental Permit will be granted, with this method of drainage requiring an Environmental Permit to be obtained from NRW. An informative note will therefore be attached to the granting of any consent highlighting to the applicant they will need to apply for an Environmental Permit with NRW.

As confirmed by Environmental Health, the proposed method of drainage is therefore acceptable, subject to the applicant obtaining an Environmental Permit from NRW. This information shall be included as an informative note. Based on the comments from PCC – Environmental Health, and subject to an Environmental Permit being obtained from NRW, this is considered to satisfy the concerns raised within 3<sup>rd</sup> party representations. It is therefore considered the proposed development complies with relevant planning policy.

### Public Rights of Way

It is noted within 3<sup>rd</sup> party correspondence received, the following concerns have been raised in relation to the proposed development: public rights of way should not be obstructed during the undertaking of the development. It is noted that there are two public rights of way which run within close proximity of the application site, although not within the site itself. Therefore, consideration has been given to LDP Policy SP7 – Safeguarding of Strategic Resources and Assets.

Whilst the public rights of way referred to above are not located within the extent of the application site, and therefore will not be impacted by the built development, there is potential for them to be impacted during the construction phase, particularly the access improvements. Therefore, an informative note will be attached reminding the applicant of their responsibilities regarding the public right of way. Subject to the applicant being made aware of their responsibilities regarding maintaining the right of way, it is considered this addresses the points raised in public representations.

In light of the above, and subject to the inclusion of an informative note, it is considered

that the proposed development complies with relevant planning policy.

### Mineral Safeguarding

It is noted that the application site does fall within a mineral safeguarding area and therefore will need to comply with policy DM8 of the Powys LDP.

Given the proximity of the application site adjacent to an existing residential property it is considered unlikely that the proposed development would impact on the extraction of the resource given the proximity to adjacent built development. In addition, the cabins are of temporary nature and therefore would not jeopardise the resource should future extraction be proposed.

The proposed development is therefore considered to fundamentally comply with the relevant planning policy given above and is deemed acceptable at this location.

### Other Matters

Several public representations have been received objecting to the proposed development. Most of the comments received have informed the consideration as outlined above. The remainder of the outstanding comments will be addressed as follows:

#### Missing Information:

Concerns have been raised over missing information from plans. It is considered the Local Planning Authority have all the necessary information available to make an informed decision on the application. Furthermore, no objections to the development have been received from statutory consultees.

#### Lack of demand/need:

Regarding lack of demand and no benefits for the area, National planning policy, namely Planning Policy Wales and Future Wales: The National Plan (2040) are supportive of new tourist developments. Policy TD1, part 4.8.5 further supports this by stating the following: *“New tourist development is encouraged because of its contribution to the economy in terms of visitor spending, supporting local business and employment generation. However, the Council seeks to ensure that developments are sustainable and do not have an unacceptably adverse impact and effect upon the character and appearance of an area”*. It is considered the introduction of tourism development at this location would make a positive contribution towards the local economy and would not adversely impact the local area for the reasons discussed above in this report.

#### Precedent for Future Development:

Regarding a precedent being set for further development in the future, each planning



application is assessed on its own merits and any plans for the further proposed tourism development at this site would need to be assessed by the Local Planning Authority in the same way as this application has been.

### Conclusion

Based on the significant amendments made to the scheme through the submission of amended plans, it is considered that the concerns previously raised by officers, Ward Councillor, Community Council and within 3<sup>rd</sup> party representation have been addressed. Statutory consultees have raised no objection to the proposed development subject to the inclusion of appropriately worded conditions. In light of the above, it is considered the proposed development complies with relevant planning policy and the recommendation is conditional consent.

### **RECOMMENDATION – CONDITIONAL CONSENT**

#### **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the following approved plans and documents: KI 5598 2G; KI 5598 3F; KI 5598 6D; KI 5598 7A; KI 5598 8; KI 5598 9C; KI 5598 11; KI 5598 12; KI 5598 13; Planning, Design & Access Statement; Preliminary Ecological Appraisal; Arboricultural Appraisal.
3. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence by any persons. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no development under Schedule 2, Part 1, Classes A to E other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.
5. No development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. The approved scheme shall be implemented in the first planting season following the occupation of the first holiday unit on site hereby approved, 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. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

6. Prior to any works commencing on the development site, detailed engineering drawings for improvements to the junctions of the C2162/C2043 & C2162/U2475 and all associated works, shall be submitted to and approved in writing by the Local Planning Authority.
7. Prior to the first beneficial use of the development, 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.
8. 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 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
9. No other development shall commence until the site 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 34 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. 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.
11. The width of the site access carriageway, constructed as Condition 9 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway

and shall be maintained at this width for as long as the development remains in existence.

12. Before any other development is commenced the area of the site 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.
13. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than one parking bay per bedroom 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.
14. Prior to the first beneficial use of the development the area of the site access to be used by vehicles is to be finished in a 40mm bituminous surface course material 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.
15. The gradient of the site 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.
16. No surface water drainage from the site shall be allowed to discharge onto the county highway.
17. Prior to any works being commenced on the development site the applicant shall construct one passing along the C2162 county highway in a location to be agreed in writing by the Local Planning Authority. The passing bay shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.
18. The development shall be undertaken in strict accordance with the Arboricultural Appraisal, by Salopian Consultancy, dated 31/12/2020 and all identified tree protection measures. The measures identified shall be adhered to and implemented in full for as long as the development hereby approved remains in existence.

19. Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to and be implemented in full.
20. Prior to the commencement of construction of the passing bay on the C2162, if it is identified that the roadside hedgerow must be removed to accommodate the construction, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the translocation method and/or species, sizes, densities and planting numbers proposed. The approved scheme shall be implemented in the first planting season following the occupation of the first holiday unit on site hereby approved, 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. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

## **Reasons**

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. In order to ensure control of the use of the holiday unit and to prevent the establishment of permanent residency in accordance with Powys Local Development Plan Policy TD1.
4. In order to control further development which has the potential to have adverse effect on the visual amenity of the area and to ensure the satisfactory appearance of the development in accordance with Powys LDP Policies DM4 and DM13 (Part 1).
5. To comply with Powys County Council's LDP Policies DM2, DM4 and DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
6. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).

7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
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15. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
16. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
17. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
18. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
19. 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 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

20. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

## **Informative Notes**

### PCC – Ecology

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (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).

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 on 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.

**Badgers – The Protection of Badgers Act 1992**

Badgers and their setts are fully protected. It is therefore an offence to:

- Kill, injure or take a badger, or to attempt any of these
- Damage a badger sett or any part of a sett
- Destroy a badger sett
- Obstruct access to, or the entrance of, a badger sett
- Disturb a badger whilst occupying a sett

Care must be taken when carrying out works near setts as offences can result from both reckless and intentional damage, disturbance or destruction. This includes seasonally used or outlier setts.

If a badger sett is located within 30m of the development site, all works should cease immediately and Natural Resources Wales should be contacted for further advice. A licence may be required to allow lawful development to proceed. NRW can be contacted by phone at 0300 065 3000.

### PCC – Rights of Way

o Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...

o Landscaping & Surfacing - Please seek advice before interfering or surfacing a public right of way.

o New fencing or boundaries - If intending to create a boundary across a public footpath or bridleway, advice must be sought. A section 147 Highways Act 1980 license

is required for a structure to be installed.

We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

- o Temporary closures - 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.

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. This is a separate procedure for which a fee applies.

- o Legal Diversion - If development will directly affect a public right of way and the affected public right of way cannot be appropriately incorporated into the development, the developer will need to seek advice from the council. No development can take place on a public right of way until a legal order is confirmed by the council.

A legal public path order process typically takes at least 6 months. This is a separate procedure for which a fee applies. For more information please discuss with Countryside Services at the earliest available opportunity.

### PCC – Land Drainage

Having assessed the Planning Application Ref 20/2128/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk)

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

### Natural Resources Wales



With respect to the discharge of effluent to either ground or surface water, if a private drainage solution is to be progressed, the Applicant will need to apply for an Environmental Permit from us.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible).

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.

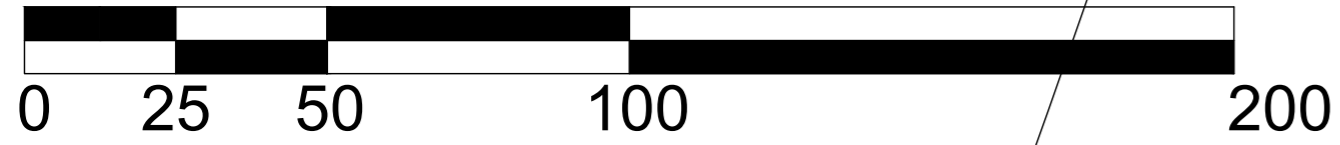
### PCC – Highways

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

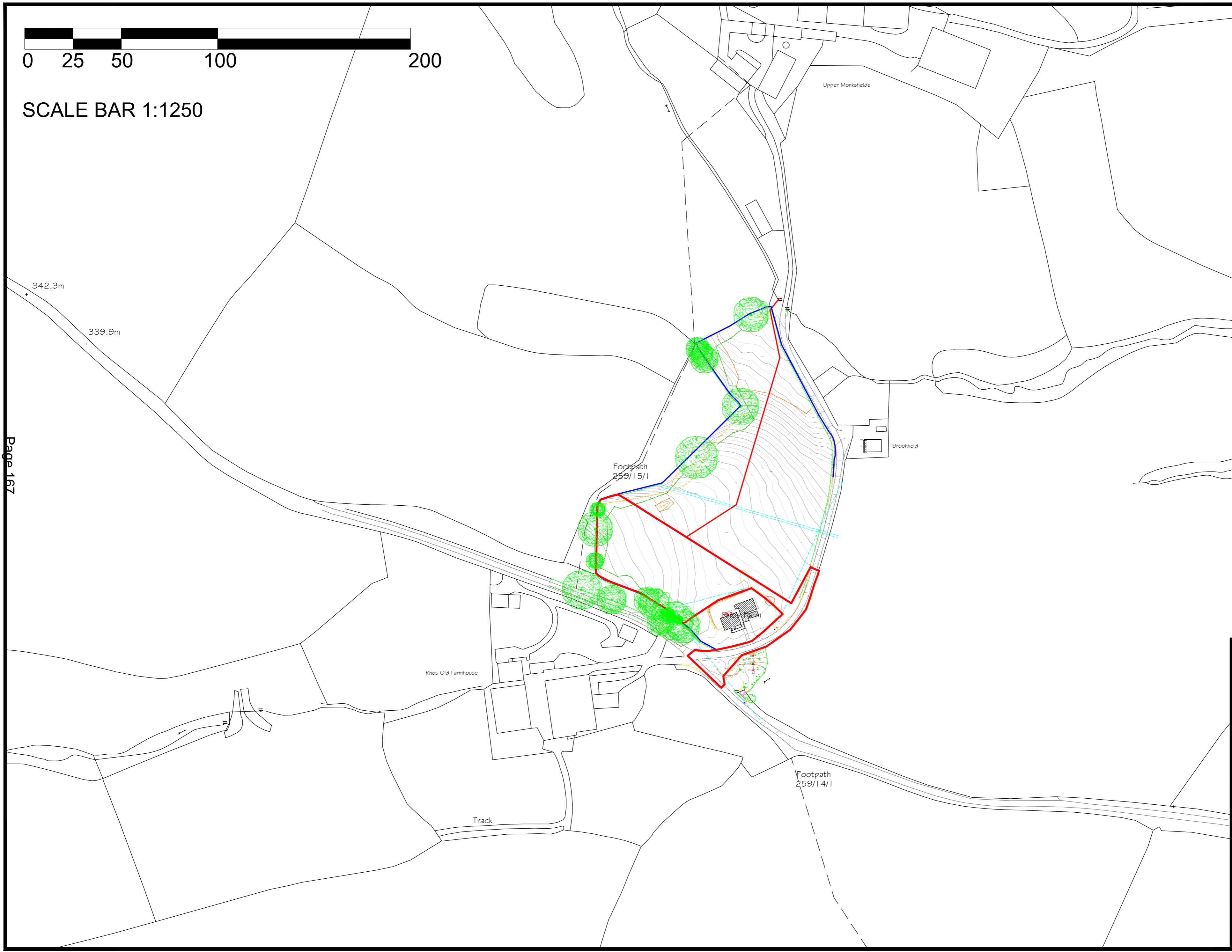
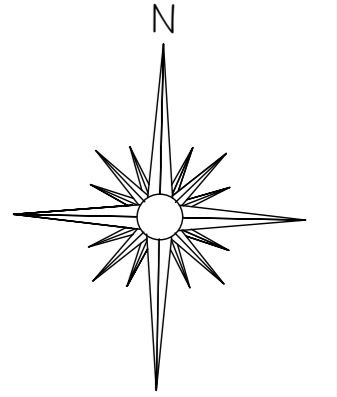
1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
  - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
  - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

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Case Officer: Rhys Evans, Senior Planning Officer  
Tel: 01597 827235 E-mail: rhys.evans@powys.gov.uk



SCALE BAR 1:1250



**GENERAL NOTES & SPECIFICATIONS**  
 MATERIALS, WORKMANSHIP AND CONSTRUCTION ARE TO CONFORM WITH CURRENT STANDARDS, CODES OF PRACTICE, AGREEMENT CERTIFICATES AND MANUFACTURERS RECOMMENDED SPECIFICATIONS AND ARE TO FULLY COMPLY WITH THE BUILDING REGULATIONS 1991, RELATED APPROVED DOCUMENTS AND LEGISLATION.  
 ALL SERVICES ARE TO BE INSTALLED IN ACCORDANCE WITH STATUTORY AUTHORITY REGULATIONS AND BY-LAWS.


**SAFETY**  
 STATUTORY INSTRUMENT 2015 No 51 - THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015  
 THE CONTRACTOR IS TO COMPLY WITH THE DUTIES IMPOSED ON HIM BY THE ABOVE REGULATIONS AND LIAISE DIRECTLY WITH THE CDM COORDINATOR AS APPOINTED BY THE CLIENT

**IMPORTANT**  
 DO NOT SCALE FROM THIS DRAWING. WRITTEN DIMENSIONS ARE IN ALL CASES TO BE REFERRED TO SCALED DIMENSIONS. ANY DISCREPANCIES ARE TO BE NOTIFIED TO THE DESIGNER AT ONCE.  
 THIS DRAWING IS SUBJECT TO COPYRIGHT AND MAY NOT BE COPIED OR DISCLOSED EITHER WHOLLY OR IN PART WITHOUT THE WRITTEN CONSENT OF MCCARTNEYS LLP.

**RETENTION OF TITLE**  
 OWNERSHIP OF AND COPYRIGHT IN THE DESIGNS SHOWN ON THIS PLAN REMAIN VESTED IN MCCARTNEYS LLP. THE CLIENT IS LICENSED TO USE THE DESIGNS FOR THE PURPOSE FOR WHICH THEY WERE PRODUCED ON PAYMENT TO MCCARTNEYS LLP OF THE COSTS OF PREPARATION OF THE PLAN AND DESIGNS.

**LICENCES**  
 Ordnance Survey  
 LICENCE No: 100004120. REPRODUCED FROM THE ORDNANCE SURVEY MAP WITH PERMISSION OF THE CONTROLLER OF H.M. STATIONERY OFFICE. PUBLISHED FOR THE PURPOSE OF IDENTIFICATION ONLY AND ALTHOUGH BELIEVED TO BE CORRECT ITS ACCURACY IS NOT GUARANTEED. CROWN COPYRIGHT RESERVED  
 PROMAP  
 LICENCE No: 10020449

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39 Broad Street, Newtown,  
Powys, SY16 2BQ

**JOB:** Proposed Holiday Challets  
Land at Rhos Farm, Trelystan,  
Welshpool, Powys, SY21 8JB

**CLIENT:**  
Cambrian Birds Ltd

**TITLE:**  
Location Plan

<b>REVISIONS:</b> A - Site Position	<b>DATE:</b> 21/12/2020
<b>SCALES:</b> Plans - 1:1250	<b>DATE:</b> March 2020
<b>DRAWN BY:</b> GJ	<b>ORIGINAL SHEET SIZE:</b> A2
<b>DRAWING NUMBER:</b> K1 5598	<b>7 A</b>

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The visibility at the existing junction is approximately 25m in southern direction and partially obscured by road signage and a telegraph post. No mitigation at this location has been offered. The proposed development shall generate an additional 8 - 10 daily movements through the substandard junction with B4382 which shall increase the risk of collision and is therefore detrimental to highway safety.

The access which the applicant proposes for this application is severely substandard in terms of forward visibility, width (insufficient width to allow the free flow of two-way vehicle movements), radii and is to be shared with other internal access in close proximity to the adjoining highway.

The proposed development shall generate an additional 8 - 10 daily movements through the substandard access and via U2112 which shall increase the risk of collision and is therefore detrimental to highway safety.

Perceived speeds in the area of the access are 30mph in both directions, therefore visibility splays of 43m are required. The visibility splays shown on the drawing, are drawn incorrectly and are not in accordance with Manual for Streets.

If the Local Planning Authority is minded to approve this application, we request that conditions specified below are attached to any consent given;

1. The development shall be carried out in accordance with drawing number 571/01 Rev A.
2. Notwithstanding the submitted details on drawing numbers 571/01 Rev A the Highway Authority wish the following conditions to be applied to any consent given.
3. Prior to any other works commencing on the development site, detailed engineering drawings for junction visibility improvements to the B4382/U2112 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.
4. 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.
5. 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 0.4 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.

6. No other development shall commence until the 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 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

7. 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.

8. Upon formation of the access as per condition 6 the existing means of access as shown on drawing no. 571/01 Rev A, 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.

9. The width of the access carriageway, constructed as per condition 6, shall be not less than 5.5 metres for a minimum distance of 12 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

10. 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 12 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. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of (vehicles in accordance with the requirements of CSS Wales Parking Standards) not less than 3 cars 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.

12. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 12 metres

from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

13. Prior to any works being commenced on the development site the applicant shall construct 1 passing bay along the U2112 county highway in westerly direction at a location to be agreed in writing by the Local Planning Authority.

14. The passing bay referred to above shall be constructed to adoptable standard prior first beneficial/operational use of the development hereby approved.

15. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 12 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.

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

17. Any vehicular entrance gates installed within the application site shall be set back at least 12 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.

Hafren Dyfrdwy

19th Mar 2021

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

PCC-Rights Of Way Senior Manager

5th Mar 2021

Thank you for the opportunity to comment on this application.

The applicant is advised that PUBLIC FOOTPATH 227/93/1 exists adjacent to the application area which has been acknowledged on the plans.

Powys County Council has a duty to 'assert and protect' public rights of way under the Highways Act 1980. The south eastern site boundary shown on the plans is in very close proximity to the footpath, therefore the applicant should note:

o Development over, or illegal interference with, a public right of way, is a criminal



offence and enforcement action will be taken against any applicant who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...

- o Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.

- o New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

- o Temporary closures - The applicant can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during the works. 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. This is a separate procedure for which a fee applies.

- o Legal Diversion - If development directly affects a public right of way, the applicant will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

#### PCC-(N) Land Drainage

No comments received at the time of writing

Natural Resources Wales (Mid Wales)  
DPAS

22nd Mar 2021

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

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on

the proposed development.

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

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

Ward Councillor

*5<sup>th</sup> March 2021 - Telephone Conversation between Case Officer and Ward Councillor;*

Ward Councillor confirmed they wish for the application to be 'called in' to Planning Committee if the recommendation from Officers' was one of refusal. Ward Councillor confirmed they were experiencing ICT issues and hence could not e-mail to confirm the 'call-in' request at the time.

*Additional Comments Received 4<sup>th</sup> May 2021;*

Emyr has asked me to send this email.

He would like to raise the above planning application before the planning committee as he feels there are some issues he would like to be discussed.

*Additional Comments Received 8<sup>th</sup> May 2021;*

I would like to bring this in front of committee as I am aware of a few issues with this application.

Community Council

16th Mar 2021

Council RESOLVED to support the application and very much recognise the local needs element of the application.

Environmental Protection

22nd Mar 2021

In respect of pre-application enquiry 21/0094/OUT, the following advice is provided on behalf of Environmental Protection:

1. The Lloyd Architecture drawing 'Proposed Dwelling (Outline)' (ref: 571/01 A), dated 11/20, displays that foul sewage from the proposed development will be disposed of to a 'Packaged Treatment Plant Biopure 2 (1-6 person)', with the treated sewage (via the package treatment plant) being piped to water course. Based on the submitted information, Environmental Protection would not have any requirements in respect of the proposed package treatment plant, with discharge to watercourse, subject to the following:

- o The appropriate exemption being registered with, or environmental permit/discharge consent being obtained from Natural Resources Wales (NRW). Prior to commencement of the development, Environmental Protection recommend that Development Control verify that NRW will allow the proposed discharge, from the sewage treatment plant, to watercourse.

- o The siting, marking, design, construction, installation and maintenance of the proposed package treatment plant must comply with Approved Document H 2010 (Wales), Section H2 of the Building Regulations. As advised in paragraph 1.57, of document H2 of the Building Regulations, the owner (of the property) is legally responsible to ensure that the system does not cause pollution, a health hazard, or a nuisance.

PCC-Ecologist

20<sup>th</sup> April 2021

Thank you for consulting me with regards to planning application 21/0094/OUT which concerns an outline application for the erection an affordable dwelling, creation of access , installation of treatment plant and all other associated works (some matters reserved) at Land Adjacent To The Cemetery Llanfihangel-Yng-Ngwynfa Llanfyllin Powys SY22 5JH.

I have reviewed the proposed plans for the developments and surrounding habitats as well as local records of protected and priority species and designated sites within 2km of the proposed development.

The data search identified 114 records of protected and priority species within 2km of the proposed development with no records found for the site itself. There are a large number of insect records given to the same grid reference approximately 180m away from site

with species recorded including Green-brindled Crescent, Small Phoenix and Buff Ermine. Starling, Dunnock, Song thrush and Fieldfare have also been recorded within 500m of the site. Badger have been recorded approximately 750m away from site.

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

There is an area of Ancient Semi Natural Woodland (a non-statutory designated site) approximately 400m to the south west of site. The site sits within a B-Lines site non statutory designation. B-Lines form a series of insect pathways across our countryside and towns which help link wildlife areas in the wider landscape.

The development proposals seek permission to create a detached dwelling within a field to the south of an existing cemetery. The development proposals will require the loss of hedgerow to create access into the site and achieve the required safety visibility splays. The proposed development plans by Lloyd Architecture reference the potential to translocate some of the hedgerow to be impacted on by the development.

I have reviewed the information available to support the proposed planning application. I note that no ecological information has been submitted to support the proposed development works. I have some concerns regarding the potential ecological impact of the scheme.

### Biodiversity Enhancement

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It will therefore need to be demonstrated as to how the proposed development will incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measures could include:

- Provision of integrated bird and bat boxes including the details of the number, type and location of these boxes;
- Soft landscaping proposals which use native species and increase habitat diversity within the site boundary;
- Consideration for the creation of insect friendly grassland verges along the new visibly splays;

Further details regarding biodiversity and requirements associated with planning applications can be found in the Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Biodiversity and Geodiversity (Adopted October 2018) which can be found at <https://en.powys.gov.uk/article/4907/LDP-Supplementary->

## Planning-Guidance-SPG

### Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting proposed to be erected on the proposed development. A number of nocturnal species are likely to use the hedgerows and landscape in the local area. If external lighting is proposed then measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area.

It is therefore recommended that a Wildlife Sensitive Lighting Plan taking into account the recommendations identified in the BCT and ILP guidance note <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/> is secured through an appropriately worded condition.

### Landscaping Proposals

No landscaping proposals are proposed at present as part of the development scheme, however this could provide a good opportunity to improve the biodiversity of the development site. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme to include proposed species mixes, planting and aftercare schedules.

Where impacts to hedgerows are identified and cannot be avoided, an appropriate compensation strategy will be required. Where possible, translocation of the existing hedgerow should be considered. However, it is acknowledged that translocation is not possible in some cases. Where this is the case, replacement hedgerow planting of a minimum length equivalent to the section of hedgerow to be lost, or improvement of retained hedgerows, will need to be identified to ensure that there is no loss of biodiversity as a result of the development. The translocation plan should include details of the timing of work, preparation works to the new site and of the existing hedgerow, translocation methodology and aftercare measures. The compensation plan should include details of the hedgerow(s) location, length and species. Species should be native and reflect the hedgerows present in the local area in accordance with the requirements of LDP policy DM4 and include an appropriate aftercare scheme.

It is, therefore, recommended that a Tree and Hedgerow Compensation Planting Scheme is secured through an appropriately worded planning condition.

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

- Prior to commencement of development, a detailed Biodiversity Enhancement Plan identify the location, numbers and types of biodiversity enhancements 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 Policies LDP DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), 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 in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

- Prior to the commencement of development (including site clearance and vegetation removal), a detailed Hedgerow Compensation and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. 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 DM4 in relation to ecological qualities of the landscape and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

Reason: To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 11, February 2021), 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.

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-Building Control

No comments received at the time of writing this report.

## PCC-Affordable Housing Officer

10th Mar 2021

There are only 2 applicants with Llanfihangel as a first choice, one with a min bed size of 1 and one with a min bed size of 2.

There are 58 applicants that have the village as an "Other" choice:

Min bed size 1: 32

Min bed size 2: 14

Min bed size 3: 8

Min bed size 4: 2

Min bed size 5: 1

Min bed size 6: 1

## **Public Responses**

Following the display of a site notice on 2<sup>nd</sup> March 2021, a total of 1 public representation has been received at the time of writing this report, and can be summarised as follows:

- Ensure Public Right of Way is protected.

## **Planning History**

None

## **Principal Planning Constraints**

Public Right of Way  
Llanfihangel yng Ngwynfa Conservation Area

## **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
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PPW	Planning Policy Wales (Edition 11, February 2021)	National Policy
NATPLA	Future Wales - The National Plan 2040	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
TAN18	Transport	National Policy
TAN24	The Historic Environment	National Policy
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
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 Contributions	Housing	Local Development Plan 2011-2026
H6	Affordable Exception Sites	Housing	Local Development Plan 2011-2026
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
T1	Travel, Traffic and Transport Infrastructure		Local Development Plan 2011-2026
SPGAH	Affordable Housing SPG (2018)		Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)		Local Development Plan 2011-2026
SPGCON	Conservation Areas SPG		Local Development Plan 2011-2026
SPGLAN	Landscape SPG		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 is located within the Community Council area of Llanfihangel and is located to the south of the rural settlement of Llanfihangel yng Ngwynfa, as categorised by the settlement hierarchy definitions in the Powys Local Development Plan (2018). The site is located to the south of the U2112 Highway, with Llanfihangel Cemetery located to the north, the B4382 Highway to the east, and agricultural land to the south and west.

This application seeks outline consent for the erection of an 115sqm affordable dwelling, new vehicular access off the U2112 Highway, and creation of a package treatment plant. The matters reserved for consideration are appearance, landscaping and layout.

### Principle of Development

Policy SP5 of the Powys Local Development Plan 2018 sets out the settlement hierarchy and provides a definition for rural settlements. Rural settlements are not listed in the plan but are considered to be historically recognised/named settlements which contain at least 10 closely grouped dwelling. The count of dwellings should not include farmhouses rural conversions or dwellings granted for local need/affordable or agricultural/rural occupancy.

Llanfihangel yng Ngwynfa is not listed as a larger category settlement (large village or small village) in the settlement hierarchy and therefore may be recognised as a rural settlement in the settlement hierarchy if it meets the definition. The settlement has been recognised as an historic rural settlement and contains more than 10 open market dwellings that are not restricted to farmhouses, rural conversions or local needs dwellings. In addition, Llanfihangel yng Ngwynfa contains a cemetery, church, public house and community centre, with all the built development located in a grouped, linear pattern along the B4382 Highway. It is therefore considered that Llanfihangel yng Ngwynfa qualifies as a rural settlement in accordance with LDP Policy SP5. Policy H1 of the Powys Local Development Plan 2018 sets out where housing development proposals will be permitted in accordance with the settlement hierarchy. For rural settlements, housing proposals are only considered to be acceptable where the proposal is for affordable housing in accordance with policy H6 which states that it must be for a single affordable dwelling on a site which is well integrated into the settlement; or alternatively where the proposal can demonstrate that it would satisfy the criteria for the policy on dwellings within open countryside.

The proposed development is for a single affordable dwelling which is proposed to the

south of the settlement of Llanfihangel yng Ngwynfa. Policy H1 reads as follows in relation to housing development proposals in rural settlements;

*“3. In Rural Settlements:*

- i. For affordable housing in accordance with Policy H6 where the development proposal is for only a single dwelling on a site which is well integrated into the settlement; or*
- ii. Where development satisfies one of the criteria set out in 4. i) - iii) below”.*

The application site would be located to the south of the U2112 Unclassified Highway, at a distance of approximately 80 metres, at its closest, from the nearest existing residential property associated with the settlement of Llanfihangel yng Ngwynfa. It is further noted there is a cemetery and county highway which separates the application site from the nearest residential properties associated with the settlement of Llanfihangel yng Ngwynfa. Officers consider that the cemetery and U2112 Highway form a boundary and logical ending to the settlement, and development further south of this point is considered would constitute development in the open countryside. Furthermore, it is noted the existing built development in Llanfihangel yng Ngwynfa follows a linear pattern, gaining access off the B4382 and U2129 Highways. Whilst this property would continue this linear development pattern, the proposal would be accessed off the U2112 Highway, which does not follow or respect the existing pattern of development in the settlement, and is considered would be unacceptably expanding the settlement into the open countryside, gaining access off a highway where no other properties within the existing settlement are accessed from.

The purpose of LDP Policy H1 requiring new housing development proposals in rural settlements to be well integrated is to ensure the settlements are not extended or expanded into the open countryside. It is considered that a dwelling at this location would extend the settlement significantly, for instance from the southern boundary of the extent of the application site to the nearest part of the curtilage of the nearest residential curtilage within the settlement of Llanfihangel yng Ngwynfa, is a distance of 108 metres, and a distance of 36 from the nearest part of the cemetery. This constitutes a significant extension of the settlement which is currently approximately 500 metres in length. Whilst the rural settlement of Llanfihangel yng Ngwynfa is considered acceptable in principle for accommodating an affordable dwelling, the location as proposed as part of this application is not considered to be well integrated into the settlement and is considered to not fulfil the requirements of part 3 of LDP Policy H1.

Consideration is now given to residential development in the Open Countryside. LDP Policy SP6 states that only housing development that complies with the national exceptions policies as set out in Planning Policy Wales and TAN 6 will be permitted in the open countryside. LDP Policy H1 states the following with regard to housing development in the open countryside;

*“4. In the Open Countryside:*

- i. Where the development relates to a need for housing which meets current national policy on housing in the open countryside; or*
- ii. Where the development relates to the conversion of a rural building(s) which accords with the current national policy on the sustainable re-use of rural buildings; or*
- iii. Where the development relates to the renovation of a former abandoned dwelling in accordance with Policy H8”.*

The proposal does not relate to any national policy on housing in the open countryside, does not involve the conversion of a rural building and does not relate to the renovation of an abandoned dwelling. It is therefore considered that the proposal for residential development at this location would result in unjustified development in the open countryside.

In light of the above, it is considered that the proposed development would be contrary to PPW, TAN 6 and LDP Policies SP6 and H1, and the principle of development at this location is therefore unacceptable.

#### Affordable Housing Eligibility

Policy H6 of the Powys Local Development Plan seeks to ensure that proposals for the development of affordable housing are to meet a proven, unmet local need that are of a size, scale and tenure commensurate with the defined need and appropriate to the settlement tier. The site should be solely for affordable housing and there are clear and adequate arrangements to ensure that the benefit of the affordable dwellings are secured for initial and subsequent occupiers in accordance with the requirements of policy SP3.

In accordance with the Affordable Housing SPG, in order to be eligible for affordable housing, applicants must meet the local connection and financial assessment detailed in Appendix C. The applicants have provided sufficient evidence to confirm that they would be eligible for affordable housing, meeting both the Local Connection and Financial Test. In addition, the Local Authority's Affordable Housing Team has confirmed that there is a demand for affordable dwellings within Llanfihangel.

The Local Authority's affordable housing policy and guidance restricts the floor space of proposed affordable homes to a maximum of 115 square metres in order to ensure they are affordable in nature and perpetuity. In addition, the restriction on the plot size to 0.1ha (in rural settlements) is encouraged to assist in limiting the value of the eventual dwelling, and for the same reason, the scale of outbuildings is 15sqm.

The plot size measures approximately 0.06 hectares, and it is usual practice to attach suitably worded conditions to the granting of any consent to ensure the scale of such a dwelling and any outbuilding is restricted to the parameters as indicated above.

In respect of this matter, subject to the inclusion of appropriately worded conditions, it is considered that the proposed development complies with relevant planning policy.

#### Scale, Design and Landscaping

With respect to design specific reference is made to LDP policy DM13 (Part 1) and LDP Policy DM4 in respect of landscape impact. 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.

Design and landscaping details are reserved matters and will be dealt with at a later point in time. It is indicated however that the scale of the dwelling will be approximately 115sqm and the development is for a single affordable dwelling. It is considered that the application site is capable of accommodating a single dwelling without unacceptably adversely affecting the character and appearance of the area or surrounding landscape. This would be further considered at the reserved matters stage.

#### Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by occupiers of neighbouring properties consideration has been given to the LDP Residential Design SPG & LDP: DM13 (Part 11).

Given that appearance and layout of the dwelling are reserved matters and would therefore be dealt with at a later date, it is not possible to assess the impact of the proposal in terms of loss of daylight and loss of privacy. However, from the indicative layout, it is considered the site is capable of accommodating a single dwelling without causing an unacceptable impact upon the amenities enjoyed by occupiers of neighbouring properties.

In light of the above, it is considered that the proposed development complies with relevant planning policy in this respect.

#### Highway Safety

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

The proposed dwelling will be accessed off the U2112 Highway. The Local Highway Authority are satisfied that a safe means of access can be achieved off the U2112 Highways, subject to the inclusion of a number of appropriately worded conditions regarding visibility, parking arrangements, stopping up of existing access, width of carriageway, surfacing, passing bays, gradient, surface water drainage and vehicular entrance gates. It is considered that subject to the recommended conditions from the Local Highway Authority being attached to the granting of any consent, that a safe

means of access can be achieved at the application site. It is noted that amended plans received have included the area of the junction to the B4382 and U2112 County Highway, in order to secure conditions 3 and 4 as recommended by the Highway Authority, namely relating to a junction improvement.

In light of the above, and subject to the inclusion of appropriately worded conditions, it is considered that the proposed development complies with relevant planning policy.

### Biodiversity

With respect to biodiversity specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

There are no SAC's or SSSI's located within 1km of the application site, however there are approximately 6 separate areas of Ancient Woodland located within 1km of the application site. However given the scale and nature of the proposed development, as well as the distance to the above mentioned areas of Ancient Woodland, it is not considered the proposed development will cause any detrimental impacts to these areas. It is further noted that the Council's Ecologist was consulted on the proposed development and has raised no objections.

It is noted that the proposed development would impact an area of existing agricultural grazing land, a habitat which is considered to be of relatively low ecological value. However, the proposed development will impact upon an area of existing hedgerow, and the application contains limited information on how this is to be protected or managed. It is therefore considered necessary to include a condition to the granting of any consent which requires the submission of a detailed hedgerow translocation plan. Given the nature of the use of the site there is potential for external lighting to be incorporated into the development. Therefore, a condition will be attached to the granting of any consent securing the submission of an external lighting design scheme, should any external lighting be proposed. It is noted that landscaping is a reserved matter, therefore it is considered that adequate landscape planting and associated biodiversity enhancement can be secured at the reserved matters stage of the development. The Council's Ecologist also recommended the inclusion of a condition relating to a Hedgerow Compensation and Aftercare Scheme, which shall be included as an appropriately worded condition.

With respect to the above matter, and subject to the inclusion of appropriately worded conditions, it is considered that the proposed development complies with relevant planning policy.

### Drainage

Welsh Government Circular 008/2018 – 'Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants (2018)', ensures that all new developments are served by an adequate

means of foul drainage arrangement.

The application proposes to connect to a packaged treatment plant. PCC – Environmental Health have commented on this proposed method of drainage and have deemed this to be acceptable at this location. It is noted that the grant of planning permission does not guarantee that an Environmental Permit will be granted, with this method of drainage requiring an Environmental Permit to be obtained from NRW. An informative note will therefore be attached to the granting of any consent highlighting to the applicant they will need to apply for an Environmental Permit with NRW.

In light of the above, and subject to the inclusion of an informative note, it is considered that the proposed development complies with relevant planning policy.

#### Llanfihangel yng Ngwynfa Conservation Area

Section 72 of The Planning (Listed Buildings and Conservation Areas Act 1990 states that, “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”, which is repeated in Planning Policy Wales and TAN24. Further guidance provided in TAN 24 and its annexe Managing Conservation Areas in Wales which came into effect on 31 May 2017 and advises in section 6.4 that, “Local planning authorities are involved in the management of conservation areas on a day-to-day basis through their duty to advise on, consider and respond to planning applications for new development. Because local planning authorities must aim to preserve or enhance the character or appearance of conservation areas, they should scrutinise planning applications closely with these objectives in mind.”

Due to the application site being located approximately 260 metres south of Llanfihangel yng Ngwynfa Conservation Area, consideration has been given to LDP Policies SP7, DM13 and TAN24: The Historic Environment.

Given the distance between the application site and the above-mentioned Conservation Area, it is considered the proposed development would not be readily visible from the Conservation Area because of this distance and the presence of existing built development. Subject to a carefully considered design at the reserved matters stage, it is considered that a dwelling at this location would not harm the historic fabric or character and appearance of the conservation area.

In light of the above, it is considered that the proposed development complies with relevant planning policy and legislation.

#### Public Right of Way

There is a public right of way which is located within close proximity of the boundary of the application site. Therefore, consideration has been given to LDP Policy SP7 – Safeguarding of Strategic Resources and Assets.



It is noted that the layout of the dwelling is not confirmed at this stage, however based on the indicative layout, it would not appear the nearby Public Right of Way would be affected by the proposed development. PCC – Countryside Services have been consulted on the proposed development and have raised no objection, subject to the inclusion of a lengthy informative note to the granting of any consent, reminding the applicant of their responsibilities regarding the public right of way. Subject to the applicant being made aware of their responsibilities regarding maintaining the right of way, it is not considered the proposed development would cause a detrimental impact upon this asset. The inclusion of this informative note is also considered to satisfy concerns raised by 3<sup>rd</sup> parties.

In light of the above, and subject to the inclusion of an informative note, it is considered that the proposed development complies with relevant planning policy.

### **RECOMMENDATION - REFUSE**

It is considered that the proposed development would be contrary to PPW, TAN 6 and LDP Policies SP6 and H1, and the principle of development at this location is therefore unacceptable.

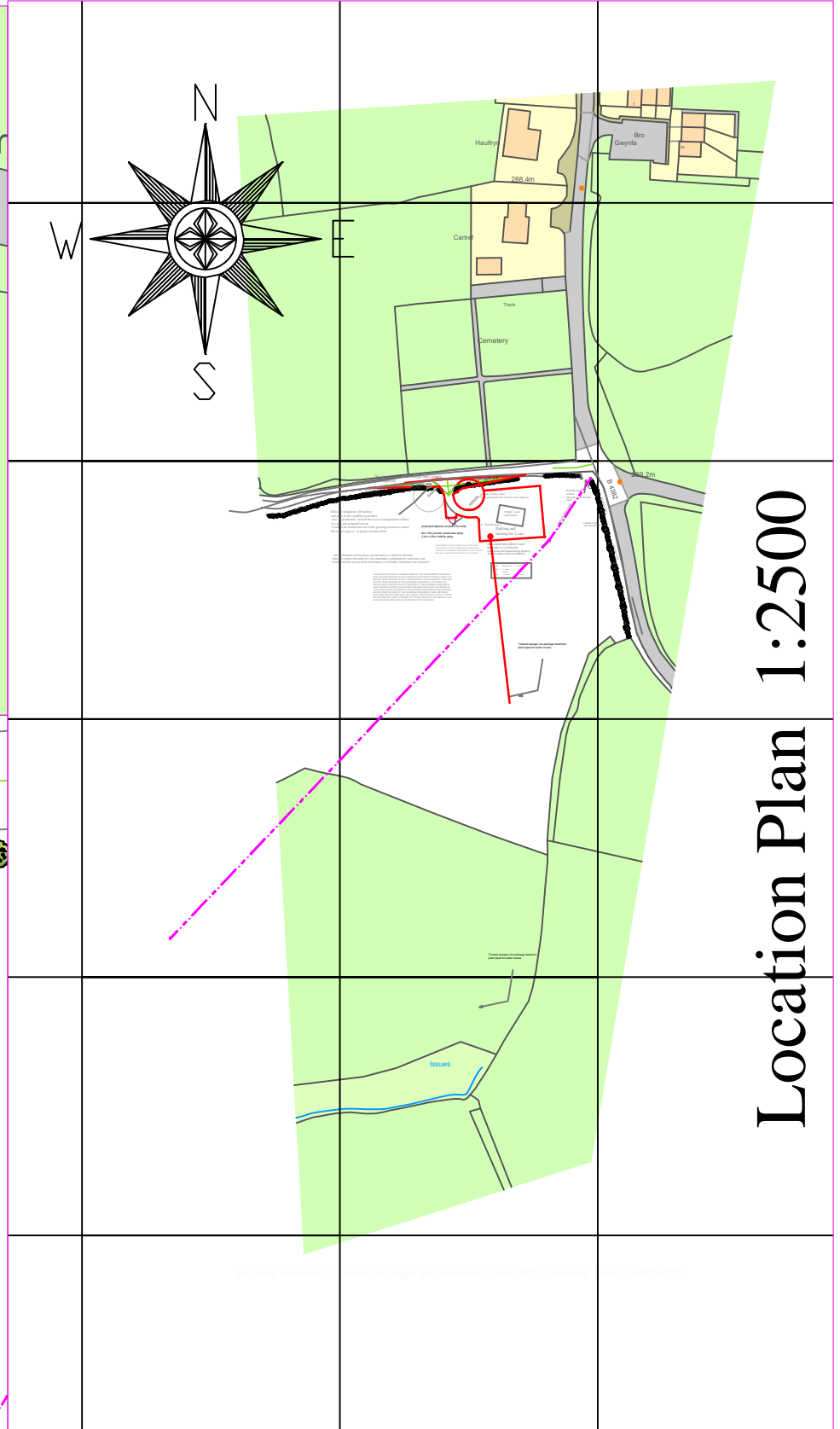
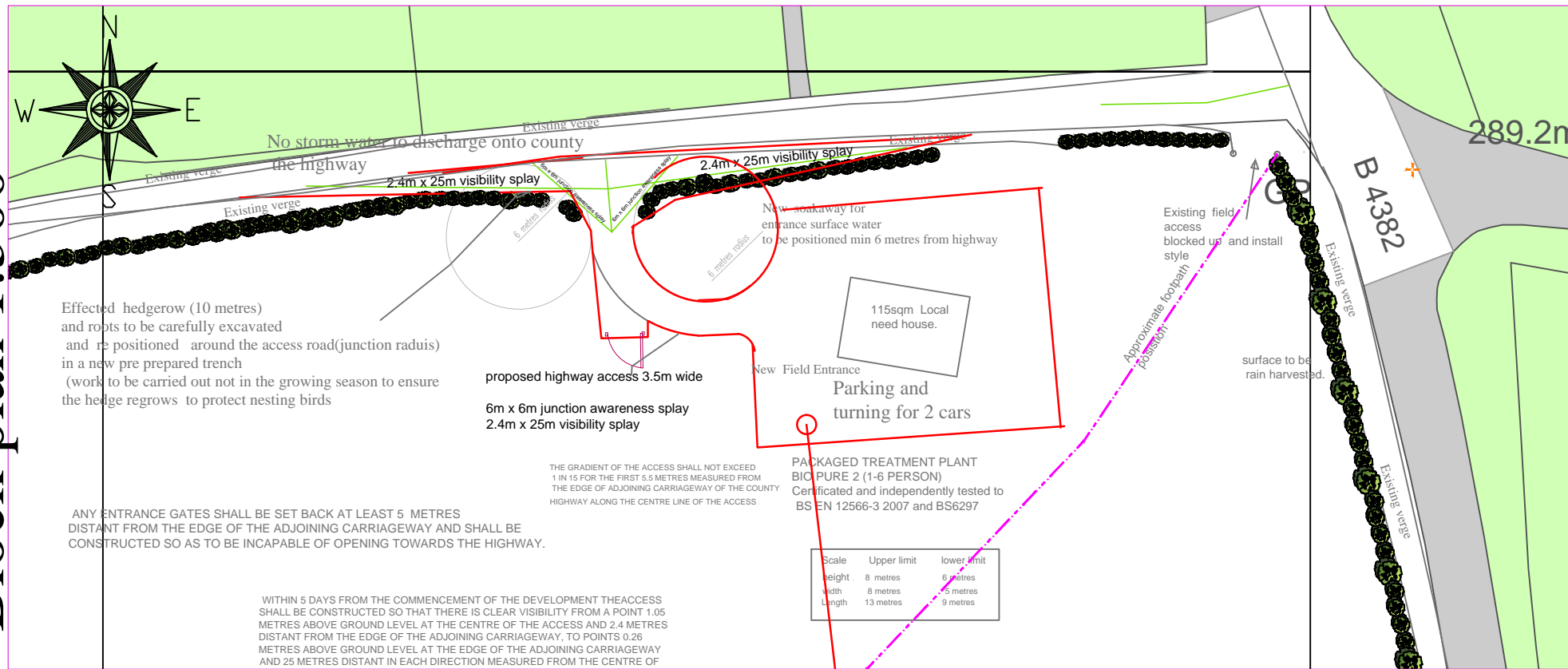
### **Reasons**

1. The proposed development is considered to be unjustified development in the open countryside, contrary to Planning Policy Wales (Edition 11, 2021), Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and policies SP6 and H1 of the Powys Local Development Plan (2018).

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Case Officer: Rhys Evans, Senior Planning Officer  
Tel: 01597 827235 E-mail: rhys.evans@powys.gov.uk

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NOTES:  
 1. Copyright: The contents of this drawing may not be reproduced or used in any form without the written consent of A. S. Lloyd  
 2. No dimensions to be used from this drawing.  
 3. All dimensions to be checked on site by Contractor.  
 4. This drawing is to be used in conjunction with specifications or other consultants drawings as applicable.  
 5. This drawing is intended to identify main features and principal components.  
 6. Construction work should be carried out and supervised by experienced and suitably qualified personnel.  
 7. Underground electric supply and water supply service positions have not been established.

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## Delegated List

71 Applications

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Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Aberhafesp Community	Consent	25/02/2021	21/0353/HH	Householder	10/05/2021	Erection of carport & fuel store	Hazel Grove Aberhafesp Newtown SY16 3HT
Abermule And Llandyssil Community	Approve	16/01/2020	20/0070/FUL	Full Application	28/04/2021	Conversion of agricultural building to form 3 dwellings, alterations to existing vehicular access and installation of sewage treatment plant and soakaway	Lower Bryntalch Abermule Montgomery Powys SY15 6LA
Berris Community	Approve	09/03/2021	21/0542/DIS	Discharge of Condition	07/05/2021	Discharge of condition 5 attached to permission 20/1699/LBC - relating to door details	Wayside Garthmyl Montgomery Powys SY15 6RS
	Approve	12/03/2021	21/0439/DIS	Discharge of Condition	07/05/2021	Discharge of condition 6 attached to permission 20/1698/FUL - relating to door details	Wayside Garthmyl Montgomery Powys SY15 6RS

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## Delegated List

### 71 Applications

	Approve	29/03/2021	21/0601/NMA	Non-Material Amendment	28/04/2021	Application for non material amendment to planning permission 20/0282/HH (changes to approved plans and inclusion of a replacement garage)	The Rylands Fron Montgomery SY15 6RT
Bettws Community	Approve	27/01/2021	21/0136/FUL	Full Application	27/04/2021	Conversion of barn into 3 holiday lets, installation of bio disc treatment plant and associated works (Part Retrospective)	Upper Ucheldre Brooks Welshpool Powys SY21 8QW
Builth Wells Community	Approve	03/02/2021	21/0184/HH	Householder	29/04/2021	Two-storey extension to rear elevation	67 Garth Road Builth Wells Powys LD2 3NH
Caersws Community	Approve	23/09/2019	19/1343/FUL	Full Application	22/04/2021	Conversion of an agricultural building to a dwelling, creation of a vehicular access and all associated works	Land Adjacent To Llanwnog Barn Llanwnog Caersws Powys SY17 5JG
Castle Caereinion Community	Approve	09/03/2021	21/0214/HH	Householder	30/04/2021	Erection of an extension and installation of a replacement treatment plant	The Waen Gofa Welshpool Powys SY21 9BD

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## Delegated List

### 71 Applications

Churchstoke Community	Approve	09/12/2020	20/1901/FUL	Full Application	28/04/2021	Siting of 4 holiday pods , installation of sewage treatment plant, hard standing areas, alterations to existing access and all other associated works	The Drewin Farm Churchstoke Montgomery SY15 6TW
Disserth And Trecoed Community	Approve	24/02/2021	21/0255/FUL	Full Application	29/04/2021	Change of use from licensed guesthouse to private dwelling	The Drawing Room Builth Road Builth Wells LD2 3RT
Felin-Fach Community	Approve	07/09/2020	20/1409/DIS	Discharge of Condition	10/05/2021	Application to discharge conditions 12, 19 and 20 of planning approval 19/0361/FUL	Brecon Waste Transfer Site Llan-y-wern Brecon Powys LD3 0TT
	Approve	19/02/2021	21/0311/HH	Householder	23/04/2021	Replace conservatory and balcony with single-storey extension to rear elevation and construct plant room for ground source heat pump equipment on side elevation.	Ysguborneydd Talachddu Brecon LD3 0NS
Forden With Leighton & Trelystan Com	Approve	26/02/2021	21/0355/HH	Householder	23/04/2021	Proposed Domestic outbuilding	Ty Ger-y-nant Forden Welshpool Powys SY21 8TR

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### 71 Applications

	Approve	02/03/2021	21/0368/FUL	Full Application	10/05/2021	Construction of a horse barn/fodder store	Land At Leighton Park Leighton Welshpool Powys SY21 8HJ
Guilsfield Community	Approve	05/03/2021	21/0317/FUL	Full Application	28/04/2021	Change of use of land , erection of 1x stable block and 1x shipping container and creation of hardstanding to enlarge the turning area	Land At Groesllwyd. Guilsfield Welshpool SY21 9BZ
	Approve	23/03/2021	21/0470/HH	Householder	04/05/2021	Relocation of the current store shed to behind the main house and erection of a new summer house	Orchard House Oak Lane Guilsfield Welshpool SY21 9NH
Kerry Community	Approve	27/01/2021	21/0084/HH	Householder	04/05/2021	New residential annex, workshop and associated landscaping works	Bryn David Fach Dolfor Newtown SY16 4AH
	Approve	09/03/2021	21/0432/DIS	Discharge of Condition	07/05/2021	Discharge of conditions 4, 8 and 9 attached to permission P/2016/0287	Penybank Hodley Kerry Newtown Powys SY16 4ND





## Delegated List

### 71 Applications

Knighton Community	Approve	04/09/2020	20/1341/DIS	Discharge of Condition	21/04/2021	Application to discharge Condition 8 (Drainage Details) Condition 9 (Dirty Water Tank Spec and Method Statement )and Condition 12 Amended Manure Management Plan attached to planning approval P/2016/0869 (free range poultry unit)	Grove Farm Knighton LD7 1LN
	Approve	17/03/2021	21/0569/TRE	Works to trees in Conservation Area	21/04/2021	Crown thinning and reduction of one ash tree (P1) and removal of one holly tree and 3 ash trees (P2)	2 The Old Coach House Church Road Knighton Powys LD7 1ED
	Consent	25/02/2021	21/0258/HH	Householder	29/04/2021	Replace leaking timber and felt flat roof on adjoining garage with 15 degree single pitch pressed steel roof.	12 Under Ffrydd Wood Knighton Powys LD7 1EF
	Prior Approval Refused	26/02/2021	21/0172/AGR	Full Application	30/04/2021	Excavation of a slurry lagoon	Hill House Farm Hill House Road Knighton Powys LD7 1NA

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### 71 Applications

	Split Decision	09/02/2021	21/0162/DIS	Discharge of Condition	27/04/2021	Discharge of conditions 3, 4, 5 and 6 from planning approval 20/0910/FUL in relation to external lights, biodiversity, tree protection and biosecurity.	Mile Brook Pitts Lane Knighton Powys LD7 1LR
Llanafan-Fawr Community	Approve	05/02/2021	21/0116/FUL	Full Application	10/05/2021	New external sand arena and manage requiring change of use from agricultural land to D2 (Assembly and leisure)	Tynclyn Llanafanfawr Builth Wells Powys LD2 3LU
Llanbister Community	Closed	03/03/2021	21/0384/HDG	Hedgerow Removal Notice	28/04/2021	Removal of 88 metres of hedgerow which will allow overall biodiversity improvements to the land through better management	Land North West Of Great Cwmillechwedd Llanbister Llandrindod Wells Powys LD1 6UH
Llandrinio And Arddleen Community	Approve	08/04/2021	21/0610/NMA	Non-Material Amendment	23/04/2021	Application for non-material amendment to planning permission P/2017/0623 (outline) and 20/0240/RES (reserved matters) in relation to approved plans (Plot 6)	Land Adjoining Windy Ridge Arddleen Llanymynech Powys

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### 71 Applications

Llanelwedd Community	Approve	23/02/2021	21/0213/FUL	Full Application	26/04/2021	Installation of new access ramp and steps	NFU Cymru Agriculture House Royal Welsh Showground Llanelwedd Builth Wells Powys LD2 3TU
Llanerfyl Community	Approve	02/03/2021	21/0367/RES	Reserved Matters	30/04/2021	Reserved matters application for details of appearance, layout, scale and landscaping in connection with outline approval for 4 dwellings - P/2017/1402 and vehicular access approval - 18/1083/RES	Land Adj. Derwen Talerddig Road Llanerfyl Welshpool Powys SY21 0EG
Llanfair Caereinion Community	Approve	10/02/2021	21/0153/RES	Reserved Matters	27/04/2021	Reserved matters application for details of appearance, landscaping, layout and scale in connection with outline approval for dwelling 20/0715/OUT	Land At Belan Llanfair Caereinion Welshpool Powys SY21 0BS
	Approve	09/03/2021	21/0321/FUL	Full Application	11/05/2021	Change of use of land to domestic and alterations and extension to domestic outbuilding (retrospective)	Springfield Bungalow Hassel Square Llanfair Caereinion Welshpool Powys SY21 0RN



## Delegated List

### 71 Applications

	Approve	01/04/2021	21/0613/AGR	Agricultural Notification	29/04/2021	Agricultural notification for erection of general purpose agricultural building (30.48 x 12.2 m)	Cross Farm Llanfair Caereinion Welshpool Powys SY21 0DP
Llanfechain Community	Consent	27/07/2020	20/1069/FUL	Full Application	29/04/2021	Construction of a manege for private equestrian use and change of use of an agricultural building to equestrian use	Land At Bwlch Y Ddar Bwlch-y-Ddar Llangedwyn Llanfechain Powys SY10 9LN
Llangammarch Community	Refused	17/07/2020	20/0375/FUL	Full Application	11/05/2021	Change of use and alterations of existing barn to holiday let accommodation	Site Nr Barium Villas Llangammarch Wells Powys
Llangyniew Community	Approve	24/03/2021	21/0555/DIS	Discharge of Condition	10/05/2021	Application to discharge conditions 16 and 19 from planning permission 20/1580/FUL in relation to closing up existing access and phasing scheme	Fir View Tan Y Fridd Caravan Park Llangyniew Welshpool SY21 0LT
Llanidloes Community	Approve	14/01/2021	21/0065/OUT	Outline planning	27/04/2021	Outline application for erection of an affordable dwelling, formation of vehicular access and all associated works (some matters reserved) (resubmission of 20/0382/OUT)	Land North Of Parc Derwen Fawr Llanidloes Powys SY18 6FE

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### 71 Applications

	Approve	10/02/2021	21/0166/FUL	Full Application	27/04/2021	Change of use of part of a commercial selling space (A1) to mixed use (A1 & A3), to incorporate a kitchen and cafe (A3)	Bethel Hall Bethel Street Llanidloes SY18 6BS
Llanidloes Without Community	Approve	01/03/2021	21/0210/FUL	Full Application	26/04/2021	Siting of a timber clad shipping container unit for use as E-bike hire for visitors including erection of fence surround	Land At Llyn Clywedog Visitor Centre Van Llanidloes Powys
Llansantffraid Community	Consent	20/11/2020	20/1910/RES	Reserved Matters	29/04/2021	Reserved matters application for appearance, layout, scale & landscaping in connection with outline approval P/2017/1056 development of 6 dwellings (4 detached and 2 semi-detached)	Land At Parc Bronhyddon Llansantffraid-ym-mechain Powys SY22 6DZ
Llanwddyn Community	Approve	14/01/2021	20/2043/FUL	Full Application	10/05/2021	Siting of holiday log cabin for holiday use, formation of vehicular access & all associated works.	Coedfryn Llanwddyn Oswestry SY10 0LZ
	Approve	21/01/2021	21/0022/FUL	Full Application	07/05/2021	Replacement of a redundant mobile home used as a mess room, with a new prefabricated office/welfare unit	Ty Llwyd, Llanwddyn Oswestry SY10 0LY

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### 71 Applications

Approve	03/03/2021	21/0373/FUL	Full Application	26/04/2021	Erection of new steel portal framed agricultural building within existing farmyard	Penisa'r Cwm Farm Llanwddyn Oswestry Powys SY10 0NJ
NMA Approved	25/02/2021	21/0268/NMA	Non-Material Amendment	21/04/2021	Application for non-material amendments to permission 20/1108/FUL to allow for a change in proposed path materials	Car Park At Lake Vyrnwy Llanwddyn Oswestry SY10 0LZ
Approve	24/02/2021	21/0345/FUL	Full Application	28/04/2021	Construction of two steel frame buildings to store grain and plant/machinery.	Bailea Farm Llywel Brecon LD3 8RH
Approve	26/02/2021	21/0349/DIS	Discharge of Condition	22/04/2021	Discharge of condition 13 of planning approval P/2016/0215	Land North Of Y Bryn Meifod Powys SY22 6DF

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### 71 Applications

	NMA Approved	16/03/2021	21/0494/NMA	Non-Material Amendment	21/04/2021	Non material amendment to planning consent 20/1083/FUL to alter the wording of conditions no 3, 4 and 7 of the planning approval relating to pre-commencement conditions on the existing access, to enable the applicant to demolish existing buildings as proposed to further investigatory work in relation to contaminated land	1 High Street Meifod Powys SY22 6DB
New Radnor Community	Approve	29/10/2020	20/1743/DIS	Discharge of Condition	07/05/2021	Application to discharge conditions 5,6,18 and 19 attached to planning approval 19/1764/FUL (landscaping, access improvement details, Tree & hedgerow protection plan and Lighting details)	Old Station Caravan Site Near New Radnor New Radnor Presteigne LD8 2AZ
Newtown And Llanllwchaiarn Community	Approve	13/01/2021	21/0090/FUL	Full Application	22/04/2021	Change of use of part of Unit D from retail use (class A1) to storage, light industrial & office use (class B1,B2 & B8)	Unit D- Vastre Industrial Estate Heol Vastre Y Drenewydd Powys SY16 1DZ

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### 71 Applications

Approve	14/04/2021	21/0720/NMA	Non-Material Amendment	27/04/2021	Application for non-material amendment to planning permission M/1998/0495 in respect of revised house type for Plot 42	42 Woodland Way Newtown Powys SY16 2TH	
Consent	10/02/2021	21/0164/FUL	Full Application	29/04/2021	Erection of perimeter fence	Vastre Industrial Estate, Unit E Heol Vastre Newtown SY16 1DZ	
Consent	05/03/2021	21/0189/FUL	Full Application	26/04/2021	Installation of 1 no. externally mounted air conditioning unit at ground floor level on the side elevation of the existing office building.	Ladywell House Park Street Newtown SY16 1JB	
Consent	08/03/2021	21/0318/HH	Householder	06/05/2021	Erection of a conservatory	Pine Close, Trefin Llanidloes Road Newtown SY16 1ET	
Consent	18/03/2021	21/0423/HH	Householder	07/05/2021	Side extension to existing dwelling	Sunnyside Bryn Lane Newtown SY16 3LZ	
Old Radnor Community	Approve	11/02/2021	21/0236/HH	Householder	23/04/2021	Erection of single detached garage	Cold Oak Slough Road Presteigne LD8 2NH

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## Delegated List

### 71 Applications

Pen-y-bont Fawr Community	Approve	11/03/2021	21/0513/VAR	Discharge/Modification of S106	23/04/2021	Application to discharge Section 106 legal agreement attached to planning permission M20020074 (occupancy restriction)	10 Y Ddol Pen-y-bont-fawr Oswestry Powys SY10 0NP
Presteigne Community	Approve	10/09/2020	20/1444/DIS	Discharge of Condition	21/04/2021	Application to discharge condition 4 (Manure Management Plan), condition 6 (Landscaping Scheme), condition 8 (Pollution Prevention Plan) and condition 9 (Drainage) attached to approval P/2016/0033 - agricultural building for broiler production	Gumma Farm Disgoed Presteigne Powys LD8 2NP
	Approve	05/02/2021	21/0122/FUL	Full Application	29/04/2021	Erection of two houses and associated works (part retrospective)	Plots 2 And 3 Silia Meadows Slough Road Presteigne Powys LD8 2NY

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### 71 Applications

Approve	20/04/2021	21/0735/NMA	Non-Material Amendment	06/05/2021	Non material amendment to reserved matters approval P/2017/1187 (outline planning permission P/2014/0067 and NMA/2017/0033) to amend design of approved bungalows and adjust siting following grant of extension to domestic land ref 19/1258/FUL to Plots 23 and 24 (Formerly Plots 17 and 18)	Land At Jacks View And Orchards End Norton Presteigne Powys LD8 2EQ
Approve	08/03/2021	21/0421/CAC	Conservation Area Consent	29/04/2021	Application for conservation area consent for demolition in a conservation area - demolition of timber cabin	The Cabin Bridge Street Rhayader LD6 5AG
Approve	10/03/2021	21/0407/FUL	Full Application	07/05/2021	Conversion of restaurant to 2 holiday units (1 bedroom & 2 bedroom) (resubmission of 20/1004/FUL)	The Mirchi East Street Rhayader Powys LD6 5DN
Approve	29/03/2021	21/0590/TRE	Works to trees in Conservation Area	07/05/2021	Fell ornamental conifer that has outgrown location and replace with native mountain ash	Stone House Tanners Row Rhayader Powys LD6 5BG

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## Delegated List

### 71 Applications

Prior Approval Approved	22/01/2021	20/1851/AGR	Agricultural Notification	29/04/2021	Agricultural notification for erection of a polytunnel	Coedmynach Elan Valley Rhayader Powys LD6 5HL
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Trefeglwys Community	Approve	12/04/2021	21/0647/NMA	Non-Material Amendment	27/04/2021	Application for a non-material amendment to planning permission 18/0693/REM in relation to a layout change in plots 19-23	PT Enclosure 7847 Phase 3 Plas Trannon Trefeglwys Caersws SY17 5PW
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Tregynon Community	Approve	09/03/2021	21/0434/NMA	Non-Material Amendment	21/04/2021	Application for a non-material amendment to planning approval P/2017/0580 to update the wording on condition number 8	Tyn Y Ddol Tregynon Newtown SY16 3PL
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	Approve	13/04/2021	21/0661/DIS	Discharge of Condition	26/04/2021	Application to discharge condition 3 of planning approval 19/0814/RES in relation to materials for Plot 1	Land Adjacent To Tyn Y Ddol Tregynon Newtown Powys SY16 3LP
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Trewern Community	Approve	29/01/2021	21/0150/HH	Householder	10/05/2021	Erection of new porch. 2x side extensions and internal alterations.	Pentre Mill, The Wain House Buttington Welshpool SY21 8HN
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### 71 Applications

	Approve	24/02/2021	21/0165/DIS	Discharge of Condition	21/04/2021	Discharge of condition 10 of permission 20/0302/FUL relating to external lighting	Land At Offas Dyke Business Park Fisher Road Buttington Welshpool Powys SY21 8JF
	Approve	04/03/2021	21/0388/REM	Removal or Variation of Condition	07/05/2021	Section73 application for the variation of condition 2 from planning permission P/2018/0225 in relation to dwelling design	Bryn Tirion Sale Lane Trewern Welshpool Powys SY21 8SY
Welshpool Community	Approve	09/04/2021	21/0651/DIS	Discharge of Condition	10/05/2021	Application to discharge condition 8 of planning approval 20/1251/FUL	Welshpool Church In Wales Primary School Howell Road Welshpool Powys SY21 7SU
Ystradgynlais Community	Approve	29/09/2020	20/1383/HH	Householder	11/05/2021	Erection of a wall	8 College Row Ystradgynlais Powys SA9 1BJ
	Approve	25/01/2021	21/0001/FUL	Full Application	04/05/2021	Change of use of an existing mobile home to a static glamping pod, and all associated works	Llundain Fach, Bed And Breakfast Unit Brecon Road Ystradgynlais Swansea SA9 1ST

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/04/21

gan R Duggan, BSc (Hons) DipTP  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 10/5/21

## Appeal Decision

Site visit made on 19/04/21

by R Duggan, BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers  
Date: 10<sup>th</sup> May 2021

**Appeal Ref: APP/T6850/A/21/3268965**

**Site address: Cremation Burial Ground, Out of Eden, Newchapel, Llanidloes, SY18 6LH**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Dr Kevin Blockley of Cambrian Archaeology Projects Ltd. against the decision of Powys County Council.
- The application Ref: 20/0249/FUL dated 27 January 2020, was refused by notice dated 10 December 2020.
- The development proposed is described as construction of Neolithic style passage tomb and covering mound for the interment of human cremations, change of use of that part of the field to burial ground.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the impact of the development on highway safety.

### Reasons

3. The appeal site currently comprises agricultural land located in an isolated position within open countryside as designated by the Adopted Powys County Council Local Development Plan (LDP) April 2018. It is proposed to create a Neolithic Passage Tomb for the storage of human cremations in pottery urns and the burial of ashes would also be undertaken around the perimeter of the mound behind the kerb stones. The proposed tomb is circular in shape and would measure approximately 14 metres in diameter and 4 metres in height surrounded by a 2 metre wide ditch with curb stones around the perimeter. It would be covered in mounded earth which is to be grassed over and given back to grazing.
4. Access to the site would be gained via the C2194/U2776 junction with direct access into the site via the U2776, which also provides access to Ty-Llo farmhouse and farm buildings (known locally and on maps as Pen-y-Bank) and an associated dwelling, and a further three dwellings within separate ownership. I saw that the U2776 is a narrow single lane highway with no formal passing spaces along its length up to the appeal

site. Indeed, during my site visit between 8:15am – 9:00am whilst only a snap shot in time, I encountered three separate vehicles on my way from Newchapel Church up to the appeal site and was forced to reverse a long way to enable vehicles to pass each other. I also saw a relatively high number of vehicles using the junction adjacent to Newchapel Church travelling in all directions, but especially towards and from Woodland View caravan site.

5. No detailed Traffic Impact Report has been provided by the Appellant which provides a detailed and robust assessment of the proposals, including the likely vehicular movements associated with each interment throughout the year and the impact of the activity on the surrounding road network. However, the Appellant has submitted a summary of discussions undertaken with the operators of similar facilities elsewhere<sup>1</sup> and indicates that it would be expected that the appeal site would generate around 3 depositions per annum with 1 or 2 cars for each. I have also noted the information provided by a number of interested parties who have first-hand experience of burial tombs or other urn deposition sites. However, I have not been provided with any information relating to the planning applications for these other examples or any planning conditions which may be attached to the planning consents. Whilst there will be similarities between such facilities, there will inevitably be significant differences in the local context, including the ability of the local highway network to cope with the vehicular movements generated and the popularity and particular use of such facilities throughout the year. Therefore, the impact on the local highway network will be different in each case.
6. Whilst I have had regard to the anticipated vehicular movements figures provided by the Appellant, they are best estimates and not sufficiently detailed or robust enough to allow me to make an informed judgement on the appeal proposals. Very little further information has been provided regarding the vehicular movements associated with those persons who would be leading the funeral/interment services, or the Appellant himself when visiting the site, other than coinciding with visits to check his livestock. I also share the Council's concerns that the Appellant's figures do not take into account the possibility of larger groups of mourners attending an individual interment as this cannot be controlled by planning condition or the Appellant. In addition, the Appellant states that the tomb will be kept locked between the interment of cremations and access will be allowed only to those who have placed ashes in the tomb, and on special open days to publicise the project. However, no further details have been provided regarding the special open days and what this entails in terms of anticipated visitor numbers and associated vehicular movements to and from the site.
7. I also note that the land benefits from planning permission for the erection of five holiday chalets, alterations to vehicular access, construction of parking area and installation of wind turbine<sup>2</sup> which includes a parking area and two passing spaces along the U2776. I saw that an area of hardstanding has been created but the consented car park and entrance have not been formally laid out and constructed and the passing bays along the highway have not been created. Notwithstanding the Appellant's agreement to provide additional car parking for the appeal proposals, the car park lies outside the current appeal site boundary and does not form part of the development before me.
8. Given the level of detail provided and based on all I have seen and read, I consider that the increase in vehicular movements as a result of the development, over and

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<sup>1</sup> All Cannings, Wiltshire; Mid England Long barrow; site in Abermule

<sup>2</sup> Planning application ref: P/2009/1246

above those vehicles currently using the road and those expected with the consented chalet scheme, would be likely to lead to increased amounts of unsafe vehicular manoeuvres along the local highway network and associated junctions. Given the increased number of vehicles, it is likely that they would be forced to undertake difficult manoeuvres by slowing, stopping and possibly attempting to turn off the highway in reverse gear. This would be detrimental to the free flow of traffic along the highway, and reversing within the narrow highway, a situation where the driver's visibility would be limited, would be hazardous to existing and future road users.

9. Further, I have not been provided with any details of visibility splays at the junction of the C2194/U2776 which indicate that sufficient sightlines could be achieved. As this junction has the potential to be busy when the adjacent church is used for Sunday services and funerals, and during the holiday period when visitors are staying at Woodland View caravan site, I consider that the additional traffic arising from the proposed development could cause further difficulties at this junction.
10. Having regard to the above and considered all other matters raised by the Appellant in support of the proposals, including the many letters of support for the proposed development, I conclude that it would be detrimental to highway safety contrary to Policies T1 and DM13 of the LDP, and the appeal should be dismissed.
11. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of building healthier communities and better environments.

*R Duggan*

INSPECTOR

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