

# Planning, Taxi Licensing & Rights of Way Committee

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Meeting Venue  
**By Teams**

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Meeting Date  
**Thursday, 1 July 2021**

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Meeting Time  
**10.00 am**

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



County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

24 June 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 MEETING</b>
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 20 May 2021 as a correct record.

(Pages 5 - 12)

<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 13 - 14)

**4.1. Updates**

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

**4.2. 20/1625/FUL Land to the West of School House, Llanfilo, Brecon, LD3 0RH**

(Pages 15 - 46)

<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 47 - 80)

<b>Rights of Way</b>
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<b>6.</b>	<b>DECLARATIONS OF INTEREST</b>
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To declare interests in the following agenda items.

<b>7.</b>	<b>OPPOSED CREATION AND EXTINGUISHMENT ORDERS: DETERMINATION BY WELSH GOVERNMENT</b>
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To consider a report regarding creation and extinguishment Orders - bridleway 75, footpaths 3, 6, 56 and 71 (Community of Ystradgynlais)

(Pages 81 - 104)

<b>8.</b>	<b>TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257 - PUBLIC PATH ORDER PROPOSAL</b>
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To consider a report on a proposal to divert part of footpath 16, at land adjacent to Aberannell Bungalow, Beulah LD5 4UA (Community of Treflys).

(Pages 105 - 118)

<b>9.</b>	<b>OPPOSED STOPPING UP ORDER 2021: ABANDONMENT AND MAKING OF A DIVERSION ORDER UNDER TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257</b>
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To consider a report on Public footpath B59, land at Ysgol Gymraeg y Trallwng (Howell Road, Welshpool SY21 7SU (Community of Welshpool.) Proposed abandonment of Stopping Up Order 2021 and making of a new Diversion Order.

(Pages 119 - 134)

<b>Taxi and other licensing</b>
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<b>10.</b>	<b>DECLARATIONS OF INTEREST</b>
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To declare interests in respect of the next item.

<b>11.</b>	<b>UPDATE ON TAXI LICENSING STANDARDS IN WALES</b>
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To receive a report for information.

(Pages 135 - 166)

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**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD BY TEAMS ON THURSDAY, 20 MAY 2021**

PRESENT

County Councillor K Lewis (Chair)

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

<b>1.</b>	<b>APOLOGIES</b>
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There were no apologies for absence.

<b>2.</b>	<b>MINUTES OF THE PREVIOUS MEETINGS</b>
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The Chair was authorised to sign as a correct record the minutes of the meetings held on 29 April and 13 May 2021.

<b>Planning</b>
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<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>
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(a) County Councillor G Pugh declared a personal and prejudicial interest in application 20/2087/FUL as he was involved in the proposed development.

(b) County Councillor L George requested that a record be made of his membership of Caersws Community Council where discussion had taken place of matters for the consideration of this Committee and that he had not taken part in these.

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

(d) The Committee noted that Councillors A Jenner and E. Jones (who are not a members of the Committee) would be speaking as the 'local representative' in respect of applications on the agenda.

<b>4.</b>	<b>PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE</b>
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The Committee considered the report of the Head of Property, Planning and Public Protection (copies filed with the signed minutes).

4.1 Updates

The Members confirmed that they had received and had time to read the update circulated the previous day and 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

The Committee considered the Local Impact Report [LIR] in respect of the application.

The following issues were raised as concerns and officers advised that these could be drawn to the attention of the Planning Inspector in the LIR:

- the potential risk of fire at the site and the impact of this on the main travel routes into Mid Wales, namely the Mid Wales – Shrewsbury railway line and the A458. It was noted that if the A458 was closed it could mean a 40 mile diversion,
- the potential build up of emissions from the stack and the impact on the surrounding farm land,
- the adequacy of the local road network to accommodate the increase in traffic movements,
- that the Civil Aviation Authority be consulted due to the potential impact of the proposed 70 metre stack on flights at the local airport.

The Senior Minerals and Waste Planning Officer advised that once the LIR had been submitted to the Planning Inspector the applicant has 10 days in which to respond to any of the observations made and could amend the application.

It was noted that as this was a Development of National Significance [DNS] the Welsh Government would consider the application and the local Planning Authority’s role was to submit comments via the LIR to the Planning Inspector. Local councillors and the public should submit any observations to the Planning Inspector. The Planning Inspector would write a report and make a recommendation to the Welsh Minister.

It was moved and duly seconded to accept the LIR with the addition of the issues identified above.

<b>RESOLVED</b>	<b>Reason for decision</b>
<p><b>That the Local Impact Report be approved for submission to the Planning Inspectorate to assist the appointed Inspector in their consideration of the DNS application and that the following issues are added to the report for the Planning Inspectors attention:</b></p> <ul style="list-style-type: none"> <li>• <b>the potential risk of fire at the site and the impact of this on the main travel routes into Mid Wales, namely the Mid Wales – Shrewsbury railway line and the A458. If the A458 was closed it could mean a 40</b></li> </ul>	<p><b>To ensure the planning authority submits a Local Impact Report to assist the appointed Inspector in their consideration of the DNS application.</b></p>

<p><b>mile diversion,</b></p> <ul style="list-style-type: none"> <li>• <b>the potential build up of emissions from the stack and the impact on the surrounding farm land,</b></li> <li>• <b>the adequacy of the local road network to accommodate the increase in traffic movements,</b></li> <li>• <b>that the Civil Aviation Authority be consulted due to the development including a 70 metre stack and its potential impact on flights at the local airport.</b></li> </ul>	
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The Committee adjourned for a short comfort break.

On reconvening a roll call was made and all Committee members were present.

County Councillor G Pugh having declared a personal and prejudicial interest left the meeting for the next item.

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

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

**Valid Date:** 17/12/20

**Community Council:** Caersws Community Council

**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

Mr D Evans and Mr K Humphreys spoke against the application.  
Mr A Southerby, Mr J Hurlstone and Mr S Richards spoke as the Agent and consultants respectively.

The Principal Planning Officer advised that if the Committee was minded to approve the application the conditions were those detailed in the update report. The Officer also advised that the application was subject to a holding direction from Welsh Government which prevented the authority from issuing a decision whilst Welsh Government considered whether to call-in the application for its own determination.

In response to questions the Principal Planning Officer advised that Natural Resources Wales [NRW] was content with the information submitted and had reviewed the Tier 3 information submitted by the applicant. NRW had asked that a condition for monitoring of ground water be undertaken during the operation of the site and five years after the site ceases to operate and the Officer advised that such a condition should be added if the Committee was minded to approve the application.

She advised that the burial of ashes was covered by the Crematorium Act 1902 and therefore planning conditions would not duplicate that legislation.

Concerns were raised about traffic movement associated with the proposed development and the impact of this on the local road network. The Highways Officer advised that the applicant had submitted a comprehensive and robust traffic statement. The maximum vehicle movements per day were estimated as 400. He considered this was the worst case scenario and considered that there was no significant adverse impact on the highway. In response to comments the Highways Officer advised that the Authority had to consider the national accident data, which was based on police records. He advised that no incidents were reported in the last three years in respect of the crossroad junction near the proposed development site. He acknowledged what the local member was saying about incidents but the Highway Authority was required to only consider data from the national data base. He advised that the maximum of vehicle movements was not a reason for refusing the application on highway grounds. He advised that there were no concerns about capacity issues on the local network and no safety concerns.

It was moved and duly seconded to approve the application as recommended by the officer in their update report, with an additional condition being added that monitoring of ground water be undertaken during the operation of the site and five years after the site ceases to operate. County Councillor R Williams did not vote as he had lost connection to the meeting during the discussion.

The Solicitor advised that as the applicant was a Councillor, he had reviewed the information held on the Planning Portal and confirmed that it had been processed “normally”, as required under the Planning Protocol.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes and to a condition being added that monitoring of ground water be undertaken during the operation of the site and five years after the site ceases to operate.</b>	<b>As officer’s recommendation as set out in the update report which is filed with the signed minutes. Additional condition to ensure protection of ground waters, as recommended by Natural Resources Wales</b>

The Committee noted that no decision will be issued until confirmation has been received by the Welsh Ministers regarding the call in request.

The meeting was adjourned at 1400hrs and recommenced at 1431hrs.

County Councillor G Pugh re-joined the meeting. County Councillor L Skilton did not return to the meeting and County Councillors D Selby, M Weale and J Wilkinson advised that they would be leaving at 1500hrs.

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

**Grid Ref:** E: 328442 N: 307357  
**Valid Date:** 15/01/21  
**Community Council:** Trewern Community Council  
**Applicant:** Cambrian Birds Ltd  
**Location:** Rhos Farm, Trelystan, Leighton SY21 8JB

**Proposal:** 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.

**Application Type:** Full Application

County Councillor A Jenner spoke as the local representative.  
 Mr W Jones spoke as the Agent.

The Senior Planning Officer advised that if the Committee was minded to approve the application the conditions were those detailed in the update report.

The Committee noted that a condition had been proposed limiting the use of the development to a tourism facility only. In response to questions the Senior Planning Officer advised that the previous reasons for refusal had been overcome by the reduction in the number of chalets proposed, the reduction in the height of the proposed chalets and the increased distance of the development from the nearest unassociated property. The Highway Authority officer advised that the applicant had agreed to a number of highways improvements which would benefit all road users and he advised that the road network was currently open to all vehicles. He advised there were no highway concerns.

County Councillors D Selby, M Weale and J Wilkinson had left the meeting prior to the vote being taken.

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

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes.</b>	<b>As officer's recommendation as set out in the update report which is filed with the signed minutes.</b>

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

**Grid Ref:** E: 307975 N: 316479

**Valid Date:** 23/02/21

**Community Council:** Llanfihangel Community Council

**Applicant:** Mr Eamon Pryce

**Location:** Land Adjacent To The Cemetery, Llanfihangel-Yng-  
Ngwynfa, Llanfyllin, Powys, SY22 5JH

**Proposal:** Erection an affordable dwelling, creation of access, installation of  
treatment plant and all other associated works (some matters reserved)

**Application Type:** Outline Planning

County Councillor E Jones spoke as the local representative.  
Mr G Lloyd spoke as the Agent.

The Committee noted that the cemetery and unclassified road separated the development site from the village of Llanfihangel-Yng-  
Ngwynfa. The Professional Lead Planning advised that policy and Supplementary Planning Guidance stated that a development of one affordable house should be integrated into a settlement. He advised that the cemetery should be not be considered as part of the rural settlement and therefore officers considered that the proposed site was not well integrated into the settlement. Comment was made that the proposed site fitted into the ribbon type development of the settlement. It was noted that if the Committee was minded to approve the application, it should not consider the needs of the applicant but the merits of the proposed development. The Professional Lead Planning advised that if the Committee was minded to approve the application, contrary to officer's recommendation that it be delegated to him in consultation with the Chair and Vice Chair to agree appropriate conditions.

It was noted that during the discussion County Councillor G Williams had left the meeting due to technical issues.

It was moved and duly seconded to approve the application contrary to officer's recommendation.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that, contrary to officer recommendation, the application be granted consent, subject to suitable conditions to be imposed by the Professional Lead Planning in consultation with the Chair and Vice Chair.</b>	<b>That the proposed development site is considered to be integrated into the rural settlement of Llanfihangel-Yng- Ngwynfa and acceptable in all other planning policy matters.</b>

<b>5.</b>	<b>21/0796/AGR DYFFRYN, MEIFOD, POWYS, SY22 6HL</b>
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**Grid Ref:** E: 314827 N: 312864

**Valid Date:** 04/05/21

**Community Council:** Meifod Community Council

**Applicant:** Mr JW Wilkinson

**Location:** Dyffryn, Meifod, Powys, SY22 6HL

**Proposal:** Agricultural storage building

**Application Type:** Agricultural Notification

The Solicitor advised that as the applicant was a Councillor, he had reviewed the information held on the Planning Portal and confirmed that it had been processed “normally”, as required under the Planning Protocol.

It was moved and duly seconded to approve the application to officer’s recommendation.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that prior approval would not be required.</b>	<b>To be permitted development under the Town and County Planning General Permitted Development Order 1995.</b>

<b>6.</b>	<b>DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS</b>
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 21 April 2021 and 12 May 2021.

In response to a question the Professional Lead Planning advised that officers were satisfied that conditions had been complied with to enable the discharge application 20/1743/DIS - Old Station Caravan Site, Near New Radnor, New Radnor, Presteigne LD8 2AZ to be approved.

<b>7.</b>	<b>APPEAL DECISION</b>
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The Committee received a copy of the Planning Inspectorate’s letter regarding the appeal in respect of application 20/0249/FUL - Cremation Burial Ground, Out of Eden, Newchapel, Llanidloes, SY18 6LH. The Committee noted that the Inspector had dismissed the appeal.

## Taxi and other licensing

### 8. ANIMAL LICENSING FEES

The Committee considered the further information relating to Animal Licensing fees, which had been requested at the previous meeting. A statement from Councillor J Williams, who was unable to speak in person due to technical difficulties, was read out to the Committee.

The Senior Enforcement Officer confirmed that where complaints had been received concerning particular categories of licence regarding the proposed increase in fees, rebates had been given to all those in that category. The Committee noted the impact on the service of the reimbursement of these increases.

It was moved and duly seconded to approve the officer's recommendation.

**RESOLVED that the objections raised in the 2020 consultation are duly considered. That the revised Licensing fees that were proposed for the year 2020/21 for the categories of licence where objections were received are now approved for implementation from 1st April 2021 to ensure a more accurate cost recovery situation for the Council. However in recognition of the pressures that businesses have been subject to as a result of COVID19 that no further increases in fees will be considered until April 2022 at the earliest for all animal licensing sectors.**

**County Councillor K Lewis  
(Chair)**

**Planning, Taxi Licensing and Rights of Way Committee**  
**1<sup>st</sup> July 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>20/1625/FUL</b></p> <p>Felin Fach Community</p> <p>311976 232210</p> <p>30/10/2020</p>	<p>Full: Erection of new shed, installation of a Menage and stables, formation of new access and associated works</p> <p>Land to the west of School House, Llanfilo, Brecon LD3 0RH</p> <p>Emma Palmer</p> <p><b>Recommendation:</b> Conditional Consent</p>
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# 4.2

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

**Application Number:** 20/1625/FUL

**Grid Ref:** E: 311976  
N: 232210

**Community Council:** Felin-Fach Community

**Valid Date:** 30.10.2020

**Applicant:** Emma Palmer

**Location:** Land to the West of School House, Llanfilo, Brecon, LD3 0RH.

**Proposal:** Full planning application for erection of a new shed, installation of a Menage and stables, formation of a new access and associated works

**Application Type:** Full Application

### The reason for Committee determination

The applicant is a Head of Service for Powys County Council.

### Consultee Responses

#### Consultee

#### Received

PCC-(S) Highways

16th Nov 2020

Thank you for consulting the Highway Authority (HA) on this planning application, which covers the erection of a new shed, installation of a ménage and stables, formation of a new vehicular access and all associated works, on land to the west of School House, Llanfilo.

Whilst the local highway network serving this site is considered to be constrained, due to the limited carriageway widths, poor horizontal alignment and a severely constrained access to the site from the adjoining highway, this proposal includes measures to create a new improved vehicular access to the land, which is already being used to accommodate the applicants horses. The proposals do not seek to introduce a commercial use on the site and as such, the provision of improved facilities should not give rise to significantly increased levels of travel to the site.

In light of the above, the HA contends that the proposed new access to the site should serve to improve highway safety at this location and as such have no objection to the proposal, subject to the inclusion of the following conditions.

1. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
2. 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.
3. 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.
4. Notwithstanding the submitted information, before any other development is commenced the area of the access to be used by vehicles is to be constructed in full accordance with the approved highway drawing to a minimum of 450mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material 40mm bituminous surface course material for a distance of 12m 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.
5. Notwithstanding the submitted information, prior to first beneficial use of the buildings, provision shall be made within the curtilage of the site for the parking one vehicle and a horsebox together with a turning space such that all towing 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.
6. 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.
7. Within 21 days from the creation of the new vehicular access the existing means of

access from the county highway shall be stopped up, in accordance with the detail contained on the approved drawing and this shall be retained for as long as the development is in existence.

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

Welsh Water

10th Nov 2020

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

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

#### SEWERAGE

It appears that the applicant does not propose to connect to the public sewerage system and we therefore have no comments to make regarding this application.

#### Surface Water Drainage

The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB).

Should it be determined that SAB consent is not required, we request that if you are minded to grant Planning Consent for the above development that the following Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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

environment.

#### Advisory Notes

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

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

Environmental Protection

9th Nov 2020

Having taken at the location where the proposed development will be sited and given consideration to noise creation, I would recommend that during the landscaping and construction period working hours and delivery times be restricted as follows:

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

- o 0800 - 1800 hrs Monday to Friday
- o 0800 - 1300 hrs Saturday
- o At no time on Sunday and Bank Holidays

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

CPAT

9th Nov 2020

Thank you for the consultation on the above application on land to the west of School House in Llanfilo, Brecon. While there are unlikely to be any direct archaeological impacts as a result of the proposed works, it would be worth consulting with Cadw via Neil Maylan [cadwplanning@gov.wales](mailto:cadwplanning@gov.wales) just in case they have any setting issues in relation to the Scheduled Llanfilo Moated Site which is located 230m to the north.

PCC-Ecologist – First Response

26th Feb 2021

Thank you for the opportunity to comment on planning application 20/1625/FUL which concerns an application for erection of a new shed, installation of a manège and stables, formation of a new access and associated works at Land To The West Of School House, Llanfilo, Brecon, LD3 0RH.

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 40 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, tree sparrow and yellow hammer.

No statutory or non-statutory designated sites were identified within 500m of the proposed development. Three 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 their associated features.

I have reviewed the Ecological Impact Assessment produced by Ecological Services Ltd dated 15th October 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 outside of the season recommended for vegetation surveys but it is considered unlikely that accurate assessment of habitats and presence/likely absence of protected species on site was affected.

The report details the findings of a phase 1 habitat survey and a protected species habitat suitability assessment undertaken on 7th October 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 Semi-improved grassland
- o Gravel track
- o Buildings (stable, chicken coop)
- o Hedgerow
- o Fencing
- o Allotment

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 Dormice
- o Bats
- o Reptiles
- o Nesting birds
- o Otter
- o Badger

The site comprised mostly semi-improved grassland bordered by a hedgerow along the eastern boundary. An assessment of the two existing stable blocks was undertaken to determine suitability for roosting bats. Both buildings were considered to offer negligible potential for bats and no further surveys were recommended. The site was considered unsuitable for supporting great crested newt, otter or badger. The structure of the eastern hedgerow was identified as providing potential habitat for both dormouse and reptiles.

The proposed development was identified as having a potentially negative impact on a short section of hedgerow (through creation of a new site access), dormouse, reptiles and nesting birds. A precautionary approach to hedgerow removal was recommended and appropriate reasonable avoidance measures were identified for nesting birds, dormice and reptiles. Compensatory planting of a new hedgerow will be undertaken. External lighting of the Menage area will be required to enable exercise of horses during the winter. Use of lighting in the winter months was not considered likely to impact foraging or

commuting bats, which coincides with the hibernation season.

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

Provision of additional bat roosting and bird nesting opportunities, at least 190m of new hedgerow planting and a new pond were identified as biodiversity enhancements in the ecological report. It is considered that the enhancements for bats, birds and hedgerow habitat are appropriate to the proposed development and are in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016. The submitted plans confirm details of the enhancements. I have reviewed the planting specification and aftercare details for the new hedgerow and consider them to be acceptable. The new pond will also provide enhancement subject to prevention of pollution from the adjacent chicken coop and run.

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

An external lighting design specification has been submitted with the application. Eight solar powered floodlights, angled downwards over the Menage with restricted vertical light spillage, are proposed to be installed on 4m poles located around the edge of the Menage. Subject to a restriction on winter usage it is considered that there is not likely to be an adverse impact on nocturnal wildlife passing through/near the site.

A security light is also proposed for the front elevation of the new stable/shed, which will be controlled by PIR motion sensor. External lights must use a LED bulb of a colour that avoids the cool-white part of the colour spectrum, i.e. <4,000oK, preferably with a peak wavelength of >550nm (~3000°K). Luminary design must ensure no upward light spill and use cowls or a downlighting design to restrict the lit area.

Confirmation of the lighting design on the stable/shed is required.

Welsh River SACs and phosphate contributions

The proposed development is located within the catchment of the River Wye Special Area for Conservation (SAC). In accordance with NRW's interim planning advice first issued on 17th December 2020, it will be necessary to demonstrate that all proposed developments within the River Wye SAC catchment will not result in an adverse effect on the integrity of the River Wye SAC through further addition of phosphate to the SAC, either directly or indirectly. With regard to the current proposal, consideration has been given to the storage, management and spreading of organic material and the potential for additional phosphate from organic material to enter the River Wye SAC catchment.

The submitted Planning Statement identifies that the equine stabling and exercise area

do not form part of an agricultural enterprise, and it states that the proposed shed will be used 'for storage of hay, bedding and feed in connection with the horses, sheep and poultry, associated equipment and machinery needed to maintain the entire field parcel and riding equipment.' It has also been confirmed by the applicant's agent that there will be no increase in the number of horses stabled on site (29/01/2020). No information has been provided in relation to the management of waste bedding/manure and any dirty waters from washing out of the stable block. The Proposed Site Plan identifies a roadside ditch immediately adjacent to the site and it is considered that if organic materials are not appropriately managed, there is potential for nutrient runoff to enter the ditch and adjoining watercourses. The pond to be installed as part of a Sustainable Drainage System (SuDS)/biodiversity enhancement scheme will discharge excess clean surface waters to the same adjoining ditch. The submitted plans identify that a chicken coop and run will be located immediately adjacent to the pond. This increases the likelihood that clean surface waters will be polluted with nutrient and sediment runoff from the poultry run and/or coop before entering the ditch. It is also not clear how any poultry waste will be managed. In addition to the potential for watercourse pollution, increased levels of nutrients within the pond will also significantly reduce its ecological value and limit any potential biodiversity benefits. It is considered that there is also potential for pollution from construction activities to enter the adjacent ditch.

Therefore, to demonstrate that the proposed development would not result in a Likely Significant Effect on the River Wye SAC and/or its associated features during construction activities or during operation of the site the following information is required:

- i) Details regarding storage, management, spreading and/or disposal of horse and poultry manure.
- ii) A revised Drainage Plan clearly identifying separate and appropriate management of dirty/fouled waters and surface waters. Relocation of the chicken coop and run should be considered to avoid pollution of surface waters.
- iii) A Pollution Prevention Plan that identifies measures and actions to prevent or reduce the likelihood of a pollution incident occurring, particularly during the construction phase.

It is considered that further information is required to enable the Local Planning Authority to assess the potential impacts of the proposed development on the River Wye SAC, part of the national site network, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). This information is required to be submitted prior to determination of the application.

It is recommended that preparation of the Pollution Prevention Plan refers to relevant

guidance including GPP 1: A general guide to preventing pollution and GPP5 Works and maintenance in or near water, which can be found at:

<https://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/>

The applicant's attention is also drawn to GPP24 Stables, kennels and catteries, which may provide useful advice in relation to management/disposal of stable waste.

Although it is acknowledged that the current application was submitted prior to the release of NRW's evidence report regarding water quality of Welsh river SACs, the applicant should be advised that in the light of NRW's recent advice, the absence of sufficient information regarding the storage, management, spreading and/or disposal of organic materials, including disposal of dirty/fouled waters, means that an adverse impact on the integrity of the SAC cannot be ruled out and, therefore, the LPA would not be able to lawfully grant planning permission.

A copy of NRW's interim planning advice is attached for the applicant's information. The advice is based on NRW published evidence (<https://naturalresources.wales/evidence-and-data/research-and-reports/water-reports/river-wye-compliance-report/?lang=en>). Further information regarding the evidence report and development is available at <https://naturalresources.wales/about-us/news-and-events/news/nrw-issues-new-advice-to-safeguard-the-river-wye-special-area-of-conservation/?lang=en>

Further comment will be provided once the required information has been received.

Cadw - SAM

24th Nov 2020

Thank you for your letter of 6 November 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 an Annex A.

Assessment

BR040 Llanfilo Camp

## BR152 Llanfilo Moated Site

The application is located some 600m southeast of scheduled monument BR040 Llanfilo Camp and some 240m south of scheduled monument BR152 Llanfilo Moated Site.

Scheduled monument BR040 Llanfilo Camp comprises the remains of large and strongly defended Iron Age hillfort, occupying a ridge top summit. In plan it is an elongated oval roughly 330m north to south by 130m. It is defined by multiple banks and ditches on all sides except the north where a single bank lies at the head of steeper ground.

The hillfort is located in a strategic position overlooking the valleys of the Afon Dulais to the north and the Gwlithen and Afon Llynfi to the south and east. It would also have had an important relationship with the probably contemporary Western Camp hillfort (scheduled monument BR039) to the west. Consequently whilst all views from the scheduled monument are important the significant one are to the north and northeast over the Afon Dulais Valley, southeast in an arc from east to southwest over the valleys of the Gwlithen and Afon Llynfi and to the west to scheduled monument BR039.

Scheduled monument BR152 Llanfilo Moated Site comprises the remains of a well-preserved medieval moated homestead. It comprises a square platform measuring 20m by 20m that is surrounded by a moat averaging 0.9m wide and 1m deep. Stones around the edge of the platform suggest that it may have been revetted, and traces of an external bank can be seen outside the moat on the north and east sides. On the western side of the platform are the well-preserved remains of an oblong building measuring 24m north-south by 10m east-west. These comprise stone wall footings measuring between 0.6m and 0.8m wide. The entrance is through the eastern wall at the northern end of the building and there is a small room at the southern end. A low bank extends from the outer southeast corner of the moat for 24m towards the remains of a stone tower. This comprises a ring of stones, some quite large, measuring 6m in diameter and a maximum of 0.6m high. A second low bank extends from the northeast corner of the moat towards the remains of at least two roughly oval platforms. A wall with an inturned entrance runs along the west side of the adjacent lane and may be related to the moated site.

The site probably represents a manorial complex, which would have had rudimentary defences but was not a strategic site. In general, therefore long views from the site were probably not significant, but the views over the fields farmed from the site, especially to the east south and west would be of great importance.

The proposed development will see the existing portable field shelters removed and replaced by a larger agricultural building and stables, along with a ménage. The main building will be visible from both scheduled monuments, which are at a higher level but it will be partly screened by the existing hedgerow. The ménage will be less visually obvious and screened by the main building. Whilst the proposed development will

constitute a visual change in the identified significant views from both scheduled monuments this will be a slight change and this will not have any effect on the way that they are experienced, understood and appreciated. Consequently the proposed development will have no impact on the settings of scheduled monuments BR040 and BR152.

PCC-Ecologist – Second response.

17th May 2021

I have reviewed the revised Site Layout Plan, Proposed Elevations and Proposed Floor Plans. The Site Layout identifies that the chicken coop and run will be located away from the proposed pond and surface drainage features, thereby reducing the risk of pollution to the pond and adjacent surface waters. The lighting of the front elevation of the stables identifies that a downward facing light controlled by PIR sensor will be installed, which is welcomed. It is proposed to install an additional covered manure storage area on the northern elevation of the stable block for horse and poultry manure. The plans identify the concrete base and roof will extend over the storage area but it appears that the sides will be open and, therefore, will be liable to ingress of water from rainfall and potentially adjacent surface runoff. This is highly likely to result in the production of slurry, which presents a pollution risk. The manure storage area should be designed so the stored contents remain 'dry' and any effluent, if present, is not capable of leaking out of the store. Timber panels on their own are unlikely to be sufficient to avoid water ingress/effluent egress in the long-term.

Further information is required regarding design of the manure storage area.

A Pollution Prevention Plan has been requested but has not yet been submitted. Pollution prevention measures and manure storage details are required to be submitted prior to determination of the application; a Habitat Regulations Assessment will be required for the proposal.

Ecology - 3<sup>rd</sup> Response – 14<sup>th</sup> June, 2021

An amended plan has been submitted that identifies that the covered manure storage area will be constructed with a concrete floor and concrete block walls. I have reviewed the submitted Pollution Prevention Plan, which demonstrates that construction and operation of the site will be undertaken in accordance with best practice and in a

manner that minimises risk of pollution impacting the environment and biodiversity.

It is, therefore, recommended that adherence to the submitted Pollution Prevention Statement is secured through an appropriately worded planning condition.

Given the nature of the proposed development and the proximity to the River Wye SAC the Local Planning Authority is required to undertake a Habitats Regulations Assessment Test of Likely Significance as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), to establish whether the proposed development could result in a likely significant impact to the River Wye SAC and/or its associated features.

The submitted information has been used to undertake a Habitats Regulations Assessment Screening, this screening concluded that a likely significant effect to the River Wye SAC and/or its associated features could not be ruled out. (This conclusion was reached by assessing the proposed development in the absence of mitigation as required by recent CJEU ruling). A copy of the screening record has been provided for your records.

An Appropriate Assessment of the application has, therefore, been undertaken to determine whether the proposed development would result in an adverse effect on the integrity of the national site network. The report concludes that subject to inclusion of appropriate conditions the proposed development would not result in an adverse effect to the integrity of the River Wye SAC in light of its' conservation objectives. I have attached a copy of the Appropriate Assessment Report.

Therefore, should you be minded to approve the application the following conditions must be attached to any consent to secure the proposed mitigation measures as set out in the Habitat Regulations Appropriate Assessment:

The development shall be undertaken in strict accordance with the approved plans:

- i) Proposed Site Layout Plan, Drawing no. DG03 C
- ii) Proposed Site Plan, Drawing no. DG04 C
- iii) Proposed Floor Plan, Drawing no. DG06 B (uploaded to PCC Planning 20/05/2021)

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 Pollution Prevention Statement, undated (uploaded to PCC Planning 20/05/2021). The approved measures 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 DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

The following conditions are also recommended:

The development shall be undertaken in strict accordance with the following

i) Ecological Impact Assessment, by Ecological Services Ltd, dated 15<sup>th</sup> October 2020

ii) Manage Light Specification, uploaded to PCC Planning 09/10/2020

The approved measures 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 DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

In addition, I consider it would be appropriate to include the following informatives:

### **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 by phone at 0300 065 3000.

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

It is an offence for any person to:

- Intentionally kill, injure or take any dormice.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 that works to trees or hedgerows where that work involves the

disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

### **Reptiles – Wildlife & Countryside Act 1981 (as amended)**

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

It is therefore an offence to:

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

The maximum penalty that can be imposed, in respect of each offence, is a fine of up to 5,000 pounds, six months imprisonment or both. In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016, which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern in the Powys LBAP. If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

### **Birds – Wildlife and Countryside Act 1981 (as amended)**

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

- 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.

## Representations

One public representation has been received objecting to the proposal. Their concerns are summarised as follows:

- impact of lighting on the dark skies and wildlife,
- too close to adjoining properties,
- increase in traffic,
- increase in pollution,
- too large a scale,
- welfare of reaching animals in winter weather, and
- lack of information given on application form.

## Planning History

App Ref	Description	Decision	Date
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None

## Principal Planning Constraints

Historic Landscapes Register Right of Way Scheduled Ancient Monument	Middle Wye Valley close to northeast of site Llanfilo Moated site 200m to north of site
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## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN5	Nature Conservation and Planning		National Policy

TAN6	Planning for Sustainable Rural Community	National Policy
TAN24	The Historic Environment	National Policy
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SP7	Safeguarding of strategic resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026

### **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 proposed application site is currently an agricultural field outside of any settlement development boundary and therefore considered to be located within the open countryside as defined by the Powys Local Development Plan (2018). The site lies south-west of a dwelling known as School House, the former Llanfilo school with the hamlet of Llanfilo some 1km south.

The site in question is an existing field with a fenced off area that currently houses two mobile stables measuring approximately 5 metres x 7.2 metres each, and a chicken coop and attached run, with a small pull-in for parking.

This application seeks full planning consent for the erection of a new shed, installation of a menage, formation of a new access and associated works.

The existing field shelters are approximately 7.2 metres x 5 metres, including an overhanging porch section at the front, and are constructed of horizontal shiplap timber cladding, with corrugated bitumen roofing sheets and clear roof panels. These existing structures will be relocated and made permanent fixtures.

The proposed new main shed would be 18.5 metres in width and 13.5 metres deep. It is 2.55 metres to eaves height with an off-set central pitch height of 5.5 metres. It has concrete panels to the height of the eaves, with the gable ends being concrete walled with profiled metal cladding above. The roof will be dark grey fibre cement roof sheeting, with four clear sections of roofing panels on either side of the pitch, plus a further four on the off-set section of roof.

The proposed Menage is 25 metres x 45 metres and is located to the south-eastern corner of the field. The Menage will be surfaced with a flex-ride and sand finish. There will be eight lighting poles around the Menage, of 4 metres high with down-lit solar lights on them. The Menage will be surrounded by a post and rail fence.

## Principle of Development

There is no specific Powys Local Development Plan (2018) policy which deals with equine uses and associated buildings/stables.

Local Development Plan policies DM4 and DM13 set out the general requirements applied to all developments. The main planning consideration relating to this type of proposal is whether the proposal would cause any unacceptable adverse effects on Powys landscape. Other planning considerations to take into account are design and building materials and impacts on protected sites and amenities. It is noted the location is currently used as an equine site and has two existing temporary stables and a chicken coop on site.

The proposal is for the erection of a new shed and Menage for private use only.

In light of the above, and subject to the inclusion of suitably worded conditions attached to the granting of any consent regarding the use of the Menage being suitably restricted, it is considered that the principle of development complies with relevant planning policy, subject to the following material planning considerations:

### Scale, Design and Landscape Impact

With respect to design, specific reference is made to LDP policies DM4 and DM13. These indicate that development proposals will be required to demonstrate good quality design that complements and/or enhances the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing. Development proposals must not have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape.

A LANDMAP evaluation has been completed with identifies the following areas of consideration:

- Geological - Moderate

Strike ridges in Raglan Mudstone Fm with fault controlled valleys

- Landscape Habitats – Moderate

Largely improved agricultural landscape with the River Usk as the focus for biodiversity.

- Historic Landscape – Outstanding

Containing a number of small medieval settlements, this is an area of large straight-sided fields many of which appear to be the remains medieval open field systems surrounding the settlements. The area lies on the undulating plateau above the Usk valley and at the foot of hills ultimately rising to the north to meet Mynydd Epynt. The principal settlement here is Llanddew, a complex early medieval settlement notable for its associations with Geraldus Cambrensis, but a number of smaller settlements also exist such as Llandefalle, Alexanderstone and Felin Fach. Within the area's relict fields sit a number of medieval moated sites and isolate mottes. A single large iron age hillfort occupies the southern corner of the area

- Visual and Sensory – Moderate

This area forms part of the subtle watershed between Usk and Wye valleys. It is gently rolling hills and valleys with well managed pastoral (and some mixed) farmland. The hedges are generally neatly cut and open views are often possible, including to the Black Mountains which the area faces to the south east/east. Mature trees can be found in woodland blocks and some hedges and also associated with settlement. The A470 passes by and through the area and creates noise disturbance in its corridor.

LANDMAP states that the area is of outstanding value in terms of its historic character, and this is identified as a planning constraint to be considered. The impact of the

proposal on the individual nearby Scheduled Ancient Monuments are dealt with below, but the impact of the proposal must be considered against the wider backdrop of an outstanding historical landscape.

It is considered that as the development proposals are grouped with existing buildings, are relatively small in size, and are designed to be constructed of materials that will take the impact on the landscape into account, then the impact on the wider historical landscape will be minimal in character and therefore acceptable in terms of LDP policy DM4 and the Landscape SPG.

With regard to the impact on the wider and more general landscape character, it is considered that the proposed buildings and Menage would introduce a visual change in the locality but all the structures are of a low profile, designed with appropriate material for the rural location and would be grouped towards the roadside and other buildings rather than in the middle of the field. The applicant has agreed to amending the elevations to be slate grey or dark blue in order to make them blend better into the landscape. A condition will be inserted to this effect. The existing hedgerow and the proposed landscaping will help to screen the development from a wider view.

The scale and design of the Menage is typical of a development of this type and is not considered to introduce an unacceptable landscape impact at this location. In addition, there are already currently stables at this site, albeit ones of a temporary nature.

In light of the above, it is considered that the proposed development complies with relevant planning policy, and in particularly LDP policy DM4 and the Landscape SPG.

### External Lighting

LDP policy DM7 deals with external lighting. This is of particular interest due to the site being so close to the BBNP International Dark Sky Reserve.

There are eight lighting stands proposed for the Menage and these would stand at 4 metres in height. The lights would be solar-powered with 6.8W solar cells. These are directed down-lighters and have a hooded standard to avoid night-glare. It is considered that a condition can ensure that such lights are not altered to cause greater sky-glow, and so to retain this compliance.

It is therefore considered that these lights are acceptable within the policy and therefore in accordance with the policy framework, and in particular LDP policy DM7.

### Residential Amenity

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide 2020 and LDP policy DM13 (Part 12).

The objection received gave concerns about the proximity of the proposal to the neighbouring dwelling.

Environmental Health have responded and whilst they have requested a condition about the construction times so construction noise would not impact on local residents, they have not considered that the proximity of the use is too close to neighbouring dwellings. Indeed, the use is already in existence, albeit with temporary buildings, plus the setting is a rural setting with other animal / grazing activities occurring upon the land around the adjoining dwelling.

It is therefore considered that this application is acceptable within the remit of the Powys Residential Design Guide 2020 and LDP policy DM13 (Part 12).

### Scheduled Ancient Monuments

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.

The application area is located some 600m south-east of scheduled monument BR040 Llanfilo Camp and some 240m south of scheduled monument BR152 Llanfilo Moated Site.

CPAT and CADW have been consulted and have confirmed that the proposal would not be considered to adversely affect the setting of the SAMs. Therefore, it is considered that this proposal is acceptable within the remit of SAMs and is in accordance with LDP policy SP7 and TAN 24.

### Highways

A safe access and parking are a fundamental requirement of any development. TAN 18, LDP policy T1, and section 10 of LDP policy DM13 deal with highway provision for proposed developments and requires proposals to be designed to minimise the impacts on the transport network and demonstrate that the strategic and local network can absorb the traffic impacts and reduce or mitigate any adverse impacts from the development.

The site is accessed onto the County Class III Highway, the C089. Concerns have been raised regarding the potential increase in traffic the development may cause.

The Highway Authority has been consulted and stated that they consider that the proposal is an improvement in facilities, rather than an increase in use, and therefore should not result in any significant increase in traffic movements. It has therefore stated

that they are content with the proposal, subject to conditions.

In addition to the recommended highway conditions, it is considered prudent to include a condition to ensure that the site remains domestic to the occupier of the site, and that a commercial element which may increase traffic is never introduced.

In light of the above and subject to the inclusion of appropriately worded conditions, it is considered that the proposed development fundamentally complies with relevant planning policy

#### Public Rights of Way

LDP policy, DM13 deals with public rights of way that run within or close to a development site.

A public footpath runs from east to west, in the field to the north of the site. However, it is not considered that the proposal will affect the public right of way in any way, as it is not on the applicant's land, and therefore it is considered that this application is acceptable in terms of the public right of way, and in particular is in accordance with LDP policy DM13.

#### Ecology, Biodiversity and the River Wye SAC

Policy DM2 of the Powys Local Development Plan and TAN5 seek to maintain biodiversity and safeguard protected 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 Ecologist reviewed the proposed plans and identified 40 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, tree sparrow and yellow hammer.

No statutory or non-statutory designated sites were identified within 500m of the proposed development. Three Ancient Woodland (AW) sites were identified within 500m of the proposed development.

A Phase 1 Habitat Survey and Protected Species Habitat Suitability Assessment was also undertaken and submitted in support of the application. The application site itself was considered to be of low ecological value of semi-improved grassland.

#### *Protected Species*

The site comprised mostly semi-improved grassland bordered by a hedgerow along the

eastern boundary. An assessment of the two existing stable blocks was undertaken to determine suitability for roosting bats. Both buildings were considered to offer negligible potential for bats and no further surveys were recommended. The site was considered unsuitable for supporting great crested newt, otter or badger. The structure of the eastern hedgerow was identified as providing potential habitat for both dormouse and reptiles. The proposed development was identified as having a potentially negative impact on a short section of hedgerow (through creation of a new site access), dormouse, reptiles and nesting birds. A precautionary approach to hedgerow removal was recommended and appropriate reasonable avoidance measures were identified for nesting birds, dormice and reptiles.

It is noted that compensatory planting of a new hedgerow will be undertaken and this will be secured through an appropriately worded condition.

### *External Lighting*

An external lighting design specification has been submitted with the application. Eight solar powered floodlights, angled downwards over the menage with restricted vertical light spillage, are proposed to be installed on 4m poles located around the edge of the menage.

Subject to a restriction on winter usage it is considered that there is not likely to be an adverse impact on nocturnal wildlife passing through/near the site.

A security light is also proposed for the front elevation of the new stable/shed, which will be controlled by PIR motion sensor and is considered acceptable by the Powys Ecologist.

Subject to an appropriately worded condition it is therefore considered that the proposed development can be managed to an acceptable level.

### Drainage

Development proposals that will result in a development area of over 100m<sup>2</sup> require a SAB application to deal with the drainage.

This proposal is 234m<sup>2</sup> in area, and therefore a SAB application will be required.

### *Biodiversity Enhancement*

Provision of additional bat roosting and bird nesting opportunities, at least 190m of new hedgerow planting and a new pond were identified as biodiversity enhancements in the ecological report. It is considered that the enhancements for bats, birds and hedgerow habitat are appropriate to the proposed development and are in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

The submitted plans confirm details of the enhancements. The Ecologist has reviewed the planting specification and aftercare details for the new hedgerow and considers them to be acceptable. It is noted that the new pond will also provide enhancement subject to prevention of pollution from the adjacent chicken coop and run.

Subject to appropriate worded conditions it is therefore considered that the identified enhancement measures comply with relevant planning policy.

#### *Pollution Prevention Plan*

An amended plan has been submitted that identifies that the proposed covered manure storage area will be constructed with a concrete floor and concrete block walls.

The Ecologist has reviewed the submitted Pollution Prevention Plan, which demonstrates that construction and operation of the site will be undertaken in accordance with best practice and in a manner that minimises risk of pollution impacting on the environment and biodiversity.

Subject therefore to a condition ensuring adherence to the submitted Pollution Prevention Statement it is considered that the storage of the manure and wider risk of pollution from the application site can be appropriately managed.

#### *River Wye SAC*

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site (previously designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and, therefore, such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

The submitted information has been used to undertake a Habitats Regulations Assessment Screening, this screening concluded that a likely significant effect to the River Wye SAC and/or its associated features could not be ruled out.

An Appropriate Assessment of the application has, therefore, been undertaken to determine whether the proposed development would result in an adverse effect on the integrity of the national site network. The assessment concluded that subject to inclusion of appropriate conditions the proposed development would not result in an adverse effect to the integrity of the River Wye SAC in light of its' conservation

objectives.

In light of the above and subject to the attachment of appropriate conditions, it is considered therefore, the proposed development complies with policy DM2.

## **RECOMMENDATION**

In light of the above, it is considered that the proposed application would not result in an unacceptable impact upon the locality, the environment and the site's neighbours – subject to the conditions below - and is therefore considered to be acceptable and in accordance with relevant planning policies. The recommendation is therefore one of conditional consent.

### **Conditions**

1 The development shall begin not later than five years from the date of this decision.

2 The development shall be carried out in accordance with the following approved plans and documents: DG01, DG02, DG03 Rev C, DG04 Rev C, DG05, DG06 B, Location plan showing ROW, Proposed Floor Plans of Stables, Typical Fence Detail.

3 Notwithstanding the approved plans, the profiled metal cladding of the elevations of the building hereby approved shall have a dark blue or grey finish.

4 The development hereby permitted shall be used for purposes ancillary to the occupier of the site and shall not be used for any commercial purposes.

5 Any external lighting provided within the application site shall be completed in full accordance with the Menage Light Specification as submitted in support of the application.

6 The development shall be undertaken in strict accordance with the Ecological Impact Assessment, by Ecological Services Ltd, dated 15th October 2020, and the Pollution Prevention Statement, received May 2021. .

7 No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

8 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.

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 Notwithstanding the submitted information, before any other development is commenced the area of the access to be used by vehicles is to be constructed in full accordance with the approved highway drawing to a minimum of 450mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material 40mm bituminous surface course material for a distance of 12m 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 Notwithstanding the submitted information, prior to first beneficial use of the buildings, provision shall be made within the curtilage of the site for the parking one vehicle and a horsebox together with a turning space such that all towing 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 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.

13 Within 21 days from the creation of the new vehicular access the existing means of access from the county highway shall be stopped up, in accordance with the detail contained on the approved drawing and this shall be retained for as long as the development is in existence.

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

15 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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

- o 0800 - 1800 hrs Monday to Friday
- o 0800 - 1300 hrs Saturday
- o At no time on Sunday and Bank Holidays

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

17 Prior to the first beneficial use, the biodiversity enhancements detailed in DG05 Rev A shall be carried out and thence maintained for perpetuity.

18 In the first planting season after the first beneficial use of the building, the hedgerow planting detailed in the Ecological Impact Assessment (by Ecological Services LTD, dated 15th October, 2020) shall be implemented and maintained thereafter.

### **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 To comply with Powys Local Development Plan Policy DM4 in relation to the ecological qualities of the landscape and meet the requirements of Planning Policy Wales.

4 To safeguard the amenities of the locality in accordance with policy DM13, section 13 of the Powys Local Development Plan.

5 To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

6 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.

7 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales (Edition 11, February 2021).

8 In the interest of highway safety in accordance with Powys Local Development

Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales (Edition 11, February 2021).

9 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales (Edition 11, February 2021).

10 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales (Edition 11, February 2021).

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13 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales (Edition 11, February 2021).

14 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales (Edition 11, February 2021).

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

16 To safeguard the amenities of the locality in accordance with policy DM13, section 13 of the Powys Local Development Plan.

17 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

18. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

## **Informative Notes**

## 1 Ecology

### 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 by phone at 0300 065 3000.

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

It is an offence for any person to:

- o Intentionally kill, injure or take any dormice.
- o Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 that works to trees or hedgerows where that work involves the disturbance of a dormouse is an offence if a licence has not been obtained from Natural Resources Wales. If a dormouse is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

### Reptiles - Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

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

The maximum penalty that can be imposed, in respect of each offence, is a fine of up to 5,000 pounds, six months imprisonment or both. In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016, which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern in the Powys LBAP. If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

#### Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

## 2 Dwr Cymru

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity

Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition.

Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

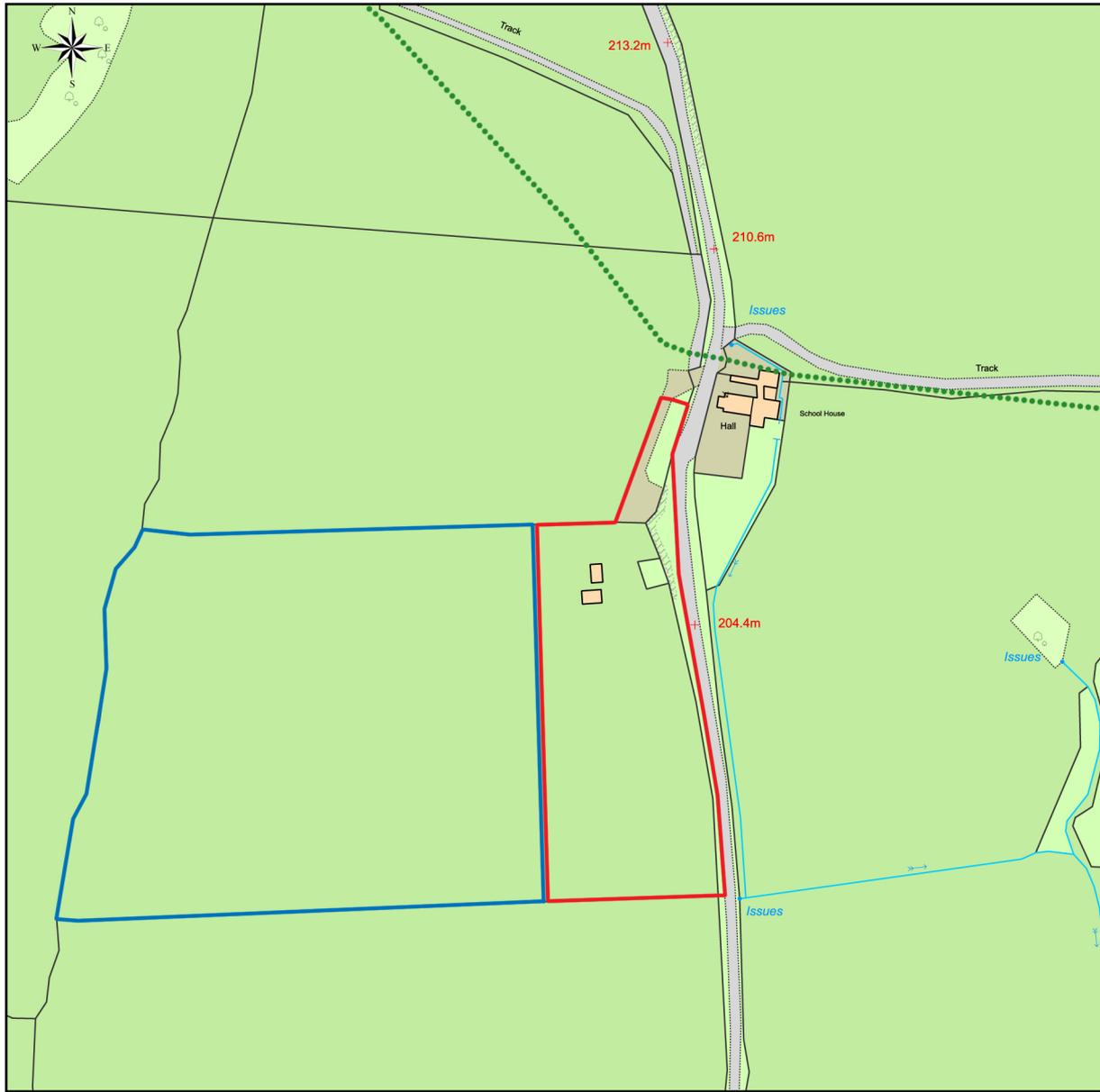
### 3. Sustainable Drainage Systems

The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB).

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Case Officer: Lorraine Jenkin, Senior Planning Officer  
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# Site Location Plan



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## Delegated List

163 Applications

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Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Abermule And Llandyssil Community	Approve	18/02/2021	21/0298/RES	Reserved Matters	01/06/2021	Reserved matters application in respect of outline planning consent P/2017/1325 for the erection of a dwelling, garage, access and septic tank (access, appearance, landscaping, layout and scale)	Plas Robin Llandyssil Montgomery SY15 6LQ
	Approve	15/03/2021	21/0304/FUL	Full Application	14/05/2021	Installation of 2 x 10kW ground source heat pumps and all associated works	Pentre Farm Llandyssil Montgomery Powys SY15 6LJ
	Approve	27/05/2021	21/1009/NMA	Non-Material Amendment	15/06/2021	Application for non material amendment to planning approval 21/0043/FUL (replacement dwelling) for dwelling orientation to be amended, roof pitch amended and lower external wall amended to brick	Lletty Maengwyn Abermule Montgomery SY15 6JJ

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### 163 Applications

Banwy Community	Approve	26/03/2021	21/0582/DIS	Discharge of Condition	21/05/2021	Discharge of condition 3 (historical building survey) and 4 (biodiversity enhancement plan) of planning approval 20/1768/FUL	Llys Mwyn Llangadfan Welshpool SY21 0PY
	Approve	23/04/2021	21/0778/AGR	Agricultural Notification	21/05/2021	Creation of a track from the existing track network to the felling area	Llanbrynmair Forest Off The A458 Foel Welshpool Powys SY21 0NZ
	Permitted Development	07/06/2021	21/1060/AGR	Agricultural Notification	16/06/2021	Proposed general purpose agricultural building 22.9m x 9.1m x 5.8m	Ty Mawr Llanfyllin Welshpool Powys SY21 0QH
Beguildy Community	Consent	07/04/2021	21/0550/FUL	Full Application	02/06/2021	Formation of a replacement vehicular access to an agricultural field from the highway.	Brandy House Farm Felindre Knighton LD7 1YL
	Planning Permission Required	01/06/2021	21/1024/AGR	Agricultural Notification	15/06/2021	Erection of a metal frame feed store	Dolyfelin Heyope Knighton LD7 1RA
	Refused	22/12/2020	20/2038/OUT	Outline planning	26/05/2021	Demolition of old prefabricated building and erection of a 2 storey domestic property and access	The Cabin Heyope Knighton LD7 1PN

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### 163 Applications

Berriew Community	Approve	08/03/2021	21/0379/DIS	Discharge of Condition	09/06/2021	Discharge of conditions 3, 4, 6, 7, 11 & 12 of planning approval 20/0434/FUL (Landscaping and biodiversity plan, passing place plan, access plan, tree survey)	Development At Land West Of New House Berriew Welshpool Powys SY21 8QQ
	Approve	13/05/2021	21/0998/TRE	Works to trees in Conservation Area	18/06/2021	Felling and removal of three trees	Land At Berriew Welshpool Powys SY21 8QE
Bettws Community	Approve	10/11/2020	20/1757/FUL	Full Application	28/05/2021	Extension to a dwelling, closing of a vehicular access and formation of new access and driveway	Tynybanadl Bettws Cedewain Newtown Powys SY16 3LG
	Consent	18/02/2021	21/0187/FUL	Full Application	04/06/2021	Single storey extension to public house	Bull And Heifer Bettws Cedewain Newtown SY16 3DS
	Consent	12/04/2021	21/0672/CAC	Conservation Area Consent	04/06/2021	Conservation Area Consent - demolition of temporary buildings	Bull And Heifer Bettws Cedewain Newtown SY16 3DS

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Bronllys Community	Approve	16/03/2021	21/0488/FUL	Full Application	20/05/2021	Demolition of existing boiler room extension and construction of new single-storey plant room in its place, at Grade II listed Basil Webb Hall, Bronllys Hospital, Bronllys.	Basil Webb Bronllys Hospital Bronllys Aberhonddu Powys LD3 0LY
	Approve	16/03/2021	21/0489/LBC	Listed Building Consent	20/05/2021	Demolition of existing boiler room extension and construction of new single-storey plant room in its place, at Grade II listed Basil Webb Hall, Bronllys Hospital, Bronllys.	Basil Webb Bronllys Hospital Bronllys Aberhonddu Powys LD3 0LY
	Approve	29/03/2021	21/0580/NMA	Non-Material Amendment	17/05/2021	Application for non material amendment to outline planning consent P/2016/0793 in relation to rewording of condition 5 (drainage scheme)	Land At The Rear Of Bronllys CP School Bronllys Brecon Powys



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### 163 Applications

Cadfarch Community	Approve	08/04/2021	21/0575/FUL	Full Application	04/06/2021	Removal of the existing 15m Airwave tower and replacement with a 20m tower upon which will be attached antennae and dishes for Airwave, the ESN (EAS) networks. At ground level, additional cabins/cabinets will be positioned adjacent to the new tower base, along with a standby generator. A VSAT dish will also be positioned on the new tower base in the south east corner thereof.	Mast 265M From Penyglog Aberhosan Machynlleth Powys SY20 8SG
	Permitted Development	26/05/2021	21/0804/AGR	Agricultural Notification	09/06/2021	Agricultural notification for erection of an agricultural building to house livestock slurry	Cleiriau Isaf Aberhosan Machynlleth Powys SY20 8RG

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### 163 Applications

Caersws Community	Approve	12/01/2021	20/1716/FUL	Full Application	04/06/2021	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
	Approve	09/04/2021	21/0563/DIS	Discharge of Condition	03/06/2021	Discharge of condition 9 (Hedgerow Replacement and Aftercare Scheme), condition 10 (Ranging Area Hedgerow Protection Scheme) and condition 12 (Biodiversity Enhancement Scheme) of planning approval 19/1491/FUL	Pertheirin Pontdolgoch Caersws SY17 5NJ
	Consent	29/10/2020	20/1719/FUL	Full Application	04/06/2021	Change of use of agricultural land to holiday park amenity area in conjunction with proposed holiday park (subject to separate application)	Land At Ael Y Bryn Aberhafesp Newtown SY16 3HR

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Carno Community Council	Approve	22/01/2021	21/0096/HH	Householder	04/06/2021	Erection of an extension and conversion of a shed to habitable space	Bryn Cledan Carno Caersws Powys SY17 5JS
	Approve	07/04/2021	21/0628/DIS	Discharge of Condition	21/05/2021	Discharge of condition 4 of planning permission 20/1446/FUL in relation to programme of building recording and analysis	Ty-coch Carno Caersws Powys SY17 5LT
	Approve	06/05/2021	21/0958/ELE	Electricity Overhead Line	15/06/2021	Application under section 37 of the Electricity Act 1989 to install an additional wooden pole at Carno	Land Opp Brynhyfryd Carno Caersws Powys SY17 5LE
Carreghofa Community	Approve	22/02/2021	21/0233/HH	Householder	09/06/2021	Erection of an extension and raised decking	Hazel Cottage Llanymynech Powys SY22 6PA
	Approve	16/04/2021	21/0537/HH	Householder	09/06/2021	Removal of fence at the front of the property and replace with brick boundary wall with complementing pillars and railing, together with a single walkway entrance and gates to the entrance of the property	Elm Tree Farm House Llanymynech SY22 6PA

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Castle Caereinion Community	Approve	05/05/2021	21/0838/NMA	Non-Material Amendment	21/05/2021	Application for Non-Material amendment of P/2017/1236 to vary Condition 4 to align with current planning policy	Land At Tynllan Farm Castle Caereinion Welshpool Powys SY21 9AL
Churchstoke Community	Approve	11/05/2021	21/0795/NMA	Non-Material Amendment	27/05/2021	Application for non material amendment to planning approval M2006 08994 (Design change - relocation of chimney and 2 windows on end elevation including change of external material to timber clad from stone on end and rear elevations )	Todleth View Churchstoke Montgomery Powys SY15 6DU
	Consent	31/03/2021	21/0611/FUL	Full Application	14/06/2021	Erection of a agricultural building	The View Churchstoke Montgomery Powys SY15 6DT
Clyro Community	Approve	06/05/2021	21/0853/DIS	Discharge of Condition	17/05/2021	Discharge of condition 3 of planning permission 20/1567/HH (biodiversity enhancements)	Ty-lle-heulog Clyro Hereford Powys HR3 5SG

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### 163 Applications

Disserth And Trecoed Community	Approve	27/11/2020	20/1841/FUL	Full Application	18/05/2021	Erection of an agricultural building and hardstanding	Lower Gaufron Farm House Howey Llandrindod Wells LD1 5RG
	Approve	18/02/2021	21/0190/FUL	Full Application	14/06/2021	Erection of a material and machinery storage shed near the entrance of private woodland to maintain the woodland	Coed Mawr Wood Unmarked Track Off A483 Builth Wells LD2 3TG
Duhonw Community	Approve	18/12/2020	20/2070/FUL	Full Application	09/06/2021	Erection of an agricultural building	Neuadd Sharmon Maesmynis Builth Wells Powys LD2 3HT
Dwyrywan Community	Approve	01/10/2020	20/1535/FUL	Full Application	03/06/2021	Erection of agricultural building, silos and associated works	Land Near To Nant Wylt Cefn Coch Welshpool Powys SY21 0AY
	Approve	23/04/2021	21/0502/VAR	Discharge/Modification of S106	18/06/2021	Discharge of Section 106 Agreement attached to planning permission M/2001/1059 in relation to occupancy restriction	8 Treganol Adfa Newtown Powys SY16 3DW
	Consent	04/03/2021	21/0247/HH	Householder	18/05/2021	PROPOSED TIMBER FRAMED DOUBLE GARAGE AND STORE	Glanedyr Barn New Mills Newtown SY16 3NR

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Felin-Fach Community	Approve	15/03/2021	21/0473/HH	Householder	15/06/2021	Erection of a rear extension to provide garden room	Tregunter Lodge Bronllys Brecon Powys LD3 0PA
Forden With Leighton & Trelystan Com	Approve	06/01/2020	20/0002/RES	Reserved Matters	14/05/2021	Application for reserved matters following the approval of P/2017/0703 for the erection of 9 dwellings and all associated works	Land At Oaklands Forden Welshpool Powys SY21 8NA
	Consent	02/11/2020	20/1767/FUL	Full Application	20/05/2021	Erection of a replacement dwelling, improvement of existing access and associated works	Bridge Cottage Forden Welshpool SY21 8NR
Glantwymyn Community	Approve	28/04/2021	21/0579/DIS	Discharge of Condition	17/06/2021	Discharge of condition 14 of planning permission 18/0931/FUL (landscaping plan)	Pen Y Graig Farm Darowen Machynlleth Powys SY20 8LN
	Consent	05/01/2021	20/2027/FUL	Full Application	04/06/2021	Erection of a new rural enterprise dwelling, formation of vehicular access, installation of septic tank and all associated works	Glandulas Mawr Pantperthog Machynlleth SY20 9AX

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### 163 Applications

Glasbury Community	Approve	08/03/2021	21/0313/FUL	Full Application	18/06/2021	Installation of 2 no. biomass boilers and drying containers on concrete base (retrospective)	Glynmawr Ffynnon Gynydd Hereford HR3 5LU
Guilsfield Community	Consent	21/04/2021	21/0705/FUL	Full Application	04/06/2021	Proposed change of use of land from agricultural to tourism use for the siting of seven holiday lodges on an existing holiday park and all associated works.	Hidden Valley Caravan And Chalet Park Maes Mawr Welshpool SY21 9DB
Kerry Community	Approve	08/04/2020	20/0582/DIS	Discharge of Condition	08/06/2021	Application to discharge conditions 6 and 17 of planning approval 19/0710/FUL	Glanmiheli Farm Chicken Units Kerry Newtown Powys SY16 4LN
	Approve	18/09/2020	20/1490/DIS	Discharge of Condition	21/05/2021	Discharge of conditions 4, 6, 7 and 22 of planning approval P/2018/0385	Drefor Farm Kerry Newtown SY16 4PQ
	Approve	24/02/2021	21/0341/HH	Householder	13/05/2021	Erection of detached garage	Ty Nant Kerry Newtown SY16 4NA
	Approve	29/04/2021	21/0711/DIS	Discharge of Condition	27/05/2021	Application to discharge condition no. 6 attached to planning approval P/2017/1489 for 7 affordable dwellings (details of external lighting)	Land Adj Sarn Village Hall Sarn Newtown Powys SY16 4FE

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Knighton Community	Approve	04/03/2021	21/0378/FUL	Full Application	27/05/2021	Erection of an agricultural building for housing cattle	Heartsease Farm Knighton LD7 1LU
	Approve	09/04/2021	21/0727/TRE	Works to trees in Conservation Area	19/05/2021	Application for works to trees within a conservation area	The Old Library West Street Knighton Powys LD7 1EN
	Approve	05/05/2021	21/0949/NMA	Non-Material Amendment	14/06/2021	Application for a non-material amendment to planning permission P/2015/0697 to change the wording of condition 3	Riverside Cottage Station Road Knighton LD7 1DT
Llanafan-Fawr Community	Approve	12/02/2021	21/0242/FUL	Full Application	24/05/2021	Change of use of land and the construction of a 20m by 40m menage.	Brynheulog Llanafanfawr Builth Wells Powys LD2 3LR
Llanbrynmair Community	Approve	22/01/2021	21/0113/FUL	Full Application	18/05/2021	Proposed Holiday let development, junction improvement, installation of septic tank and associated works	Land At Groesheol Mallwyd Machynlleth Powys SY20 9HS
	Approve	21/04/2021	20/1959/FUL	Full Application	15/06/2021	Construction of cover over existing livestock feeding yard	Pentrecelyn Llanbrynmair Powys SY19 7DZ

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### 163 Applications

	Refused	14/08/2020	20/1274/FUL	Full Application	18/06/2021	Siting of 3no. glamping pods, installation of sewage treatment plant, new vehicular access, parking area and associated works (resubmission of 20/0035/FUL)	Land At Tafolwern Llanbrynmair Powys
Llanddewi Ystradenni Community	Consent	14/04/2021	21/0685/HH	Householder	14/06/2021	Erection of a single storey living room extension, replacement single storey side extension and proposed carport	Cae Glas Llanddewi Llandrindod Wells LD1 6SD
	Permitted Development	06/05/2021	21/0802/AGR	Agricultural Notification	27/05/2021	Erection of a implement and feed store	Merehouse Llanbister Road Llandrindod Wells LD1 6SY
Llandrindod Wells Community	Approve	16/12/2020	20/2017/FUL	Full Application	09/06/2021	Erection of a dwelling, creation of vehicular access all associated works	Land At Cecil Lodge Spa Road Llandrindod Wells Powys LD1 5EY
	Approve	16/12/2020	20/2018/CAC	Conservation Area Consent	09/06/2021	Demolition of a 4 meter section of a boundary wall	Land At Cecil Lodge Spa Road Llandrindod Wells Powys LD1 5EY



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### 163 Applications

	Approve	19/03/2021	21/0504/FUL	Full Application	08/06/2021	Installation of an awning	Sefton House Middleton Street Llandrindod Wells Powys LD1 5DG
	Approve	23/03/2021	21/0548/FUL	Full Application	27/05/2021	Proposed extension to the existing unit to provide additional storage facilities.	Unit 3 Ddole Industrial Estate Road Llandrindod Wells LD1 6DF
	Approve	06/05/2021	21/0846/NMA	Non-Material Amendment	21/05/2021	Application for a non-material amendment to planning approval 20/0290/FUL in relation to changes to the approved plans	Unit 1 Ddole Industrial Estate Road Llandrindod Wells LD1 6DF
	NMA Approved	15/04/2021	21/0692/NMA	Non-Material Amendment	13/05/2021	Non material amendment to reserved matters P/2015/0472 (outline consent P/2014/0272) in relation to garage design on Plot 4 (change from single to double)	Development Adj To Tyn Y Coed Cefnlllys Lane Llandrindod Wells Powys LD1 5LD
Llandrinio And Arddleen Community	Approve	13/03/2020	20/0455/RES	Reserved Matters	28/05/2021	Application for reserved matters following the approval of permission P/2016/0319 for the residential development of 9 dwellings and all associated works	Land At Bryn Perthy Ardleen Llanymynech Powys

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### 163 Applications

Approve	22/02/2021	21/0329/FUL	Full Application	07/06/2021	Construction of new vehicular access road to serve existing dwelling and construction of new agricultural access opposite to include closing up of 2 existing accesses (resubmission of 20/1198/FUL)	Little Penthryn Llandrinio Llanymynech SY22 6RR
Approve	09/03/2021	21/0380/REM	Removal or Variation of Condition	19/05/2021	Section 73 application to vary conditions 2 and 3 of planning consent P/2017/0974 in relation to submission of reserved matters and commencement of development	Land Adjoining Cil Fach Glyd Deytheur Llansantffraid-ym-mechain Powys SY22 6TF
Approve	31/03/2021	21/0678/DECC	DECC overhead line	04/06/2021	Application under section 37 of the Electricity Act 1989 to rebuild the existing 11kV single circuit overhead line - Llandrinio - Sarnau Phase II Rebuild Scheme	Overhead Power Line Courthouse Lane Four Crosses Llanymynech Powys
Permitted Development	26/05/2021	21/0875/AGR	Agricultural Notification	08/06/2021	Erection of a steel frame agricultural building	The Firs Farm Llandrinio Llanymynech Powys SY22 6SG

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### 163 Applications

Llandysilio Community	Approve	14/05/2021	21/0916/DIS	Discharge of Condition	27/05/2021	Application to discharge conditions 4, 5 & 6 of planning approval 20/0345/FUL	Greystones Four Crosses Llanymynech SY22 6PN
Llanfair Caereinion Community	Approve	26/01/2021	21/0131/FUL	Full Application	17/05/2021	Change of use of land to form an extension comprising six new holiday lodges, native planting, installation of new treatment plant and associated works'	Dolgead Hall Caravan Park Llanfair Caereinion Powys SY21 0HT
	Approve	17/03/2021	21/0420/HH	Householder	18/05/2021	Demolition of carport and erection of an extension and garage	Cwmdrwr Eithinog Lane Cyfronydd Welshpool SY21 9ED
	Approve	22/04/2021	21/0751/NMA	Non-Material Amendment	21/05/2021	Non material amendment to planning permission P/2016/1205 in relation to change of design & reduction in size	Ty Isaf Llanfair Caereinion Welshpool SY21 0DP
	Approve	27/04/2021	21/0788/AGR	Agricultural Notification	24/05/2021	Agricultural notification for erection of a general purpose agricultural building - (10m x 9m)	Yr Helyg Llanfair Caereinion Welshpool Powys SY21 0DB
Llanfechain Community	Approve	24/03/2021	21/0459/DIS	Discharge of Condition	13/05/2021	Application to discharge planning condition no's 5, 6, 7, 12, 20 and 21 from planning approval 20/0978/FUL for 2 holiday let units	1 Bronhaul Llanfechain Powys SY22 6XD

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### 163 Applications

	Approve	21/05/2021	21/0972/DIS	Discharge of Condition	16/06/2021	Application to discharge conditions 6, 9, 10, 14, 15 of planning approval 20/1069/FUL	Land At Bwlch Y Ddar Bwlch-y-Ddar Llangedwyn Llanfechain Powys SY10 9LN
Llanfihangel Community	Approve	09/03/2021	21/0428/RES	Reserved Matters	14/05/2021	Reserved matters application for details of design, layout, scale, access and landscaping in connection with outline approval 20/0908/OUT for proposed dwelling	Penyffordd Llanfihangel Llanfyllin SY22 5JF
	Approve	07/04/2021	21/0491/FUL	Full Application	04/06/2021	Extension to an agricultural building	Cefn Cleisiog Llanfihangel-yng-ngwynfa Llanfyllin Powys SY22 5JE
Llanfrynach Community	Approve	07/12/2020	20/1954/HH	Householder	21/05/2021	Erection of a single storey side extension and construction of first floor extension to external ancillary domestic store for home office	Penrheol House Llechfaen Brecon LD3 7SP
Llanfyllin Community	Permitted Development	19/05/2021	21/0889/AGR	Agricultural Notification	11/06/2021	Erection of a agricultural polytunnel for sheep housing	Tynycelyn Llanfihangel Llanfyllin Powys SY22 5JQ

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### 163 Applications

Llangammarch Community	Consent	07/12/2020	20/1967/FUL	Full Application	08/06/2021	Construction of 2 covered areas over existing muck store and existing cattle feeding area	Neuaddau Llangammarch Wells LD4 4BY
Llangors Community Council	Approve	23/02/2021	21/0418/HH	Householder	24/05/2021	Erection of a single storey extension	1 Rockfield Terrace Tal-y-llyn Brecon Powys LD3 7TB
	Approve	01/04/2021	21/0602/DIS	Discharge of Condition	08/06/2021	Discharge of condition 19 of planning permission P/2009/1037 (Sample of materials to include Walls Llangorse stone and K-Rend render system) Roof - Marley Modern Roof tile - grey Windows and doors - Anthracite grey UPVC Gutters and downpipes - Black	Plot 15 Pistyll Farm Llanfihangel Tal-y-llyn Brecon Powys LD3 7TJ



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### 163 Applications

Approve	12/05/2021	21/0894/NMA	Non-Material Amendment	07/06/2021	Application for a non-material amendment to planning approval P/2009/1037 in respect of removing conditions 20, 21 & 22	Musa Qala Dol Pistyll 15 Spring Meadow Llanfihangel Tal-y-llyn Brecon Powys LD3 7TJ
Consent	16/04/2021	21/0591/NMA	Non-Material Amendment	08/06/2021	Application for non-material amendments to planning permission P/2009/1037 in respect of approved plans	Musa Qala Dol Pistyll 15 Spring Meadow Llanfihangel Tal-y-llyn Brecon Powys LD3 7TJ
Approve	13/08/2020	20/1187/RES	Reserved Matters	16/06/2021	Application for reserved matters following the approval of P/2016/1337 for the erection of 9 dwellings and all associated works	Land Adj To Pant-Y-Ddafad Pont Robert Meifod Powys SY22 6JF
Approve	19/03/2021	21/0588/DIS	Discharge of Condition	08/06/2021	Discharge of conditions 12 and 15 of planning permission 20/1740/FUL (tree protection plan and flood evacuation scheme)	Riverside Vista Pont Robert Meifod Powys



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### 163 Applications

Llanidloes Community	Approve	09/03/2021	21/0429/HH	Householder	07/06/2021	Proposed car port	1 Eastgate Street Llanidloes Powys SY18 6HD
	Approve	24/03/2021	21/0289/FUL	Full Application	02/06/2021	Siting of a portakabin to provide changing rooms and first aid facilities	Llanidloes Football Club Victoria Avenue Llanidloes Powys SY18 6AS
Llanidloes Without Community	Approve	19/03/2021	21/0447/FUL	Full Application	07/06/2021	Erection of a rural workers dwelling and all associated work	Penybanc Van Llanidloes SY18 6NX
	Approve	25/03/2021	21/0464/FUL	Full Application	04/06/2021	The installation of a 40m lattice mast, 3 no antenna and 2 no 600mm dishes, equipment cabin, 1 no meter cabinet, generator and a 1.2m satellite dish and ancillary development, to include a secure fenced compound	Land At Hafren Forest Forestry Track Llanidloes Powys SY18 6PT



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### 163 Applications

	Approve	12/04/2021	21/0734/ELE	Electricity Overhead Line	27/05/2021	Application under Electricity Act 1989 Overhead Lines (Exemption) (England and Wales) Regulations 2009 for rebuild an existing 33kV Overhead electricity line Ref: E92896	Land Between Llanidloes To Llandinam
	Permitted Development	26/05/2021	21/0985/AGR	Agricultural Notification	16/06/2021	Roofing of an existing agricultural yard	Coed Mawr Oakley Park Llandinam SY18 6LS
Llanrhaeadr-Ym-Mochnant Community	Approve	10/03/2021	21/0448/FUL	Full Application	04/06/2021	2 storey extension to the main house, with a single storey porch extension to provide a new building entrance.	Newgate Llanrhaeadr-Ym-Mochnant SY10 0ED
	Approve	30/03/2021	21/0584/DIS	Discharge of Condition	03/06/2021	Discharge of conditions 3 and 10, attached to permission 20/1785/FUL (relating to highways requirements)	Ty Isa Maengwynedd Llanrhaeadr-Ym-Mochnant Powys SY10 0DE
	Approve	22/04/2021	21/0749/HH	Householder	04/06/2021	Erection of a garage with first floor storage above	Sychnant Farm House Llanrhaeadr-Ym-Mochnant Oswestry SY10 0DE
Llansantffraid Community	Approve	18/01/2021	21/0726/TPO	Works to Trees subject to a TPO	14/05/2021	Application to reduce a TPO copper beech tree by 30%	Tan Y Foel Llansantffraid-ym-mechain Powys SY22 6XP

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	Approve	13/05/2021	21/0864/TRE	Works to trees in Conservation Area	15/06/2021	Application for works to trees in a conservation area namely felling of 2 x larch trees and reduction in crown to 1 x oak and 2 x beech trees	St Ffraid's Church Church Lane Llansantffraid-ym-mechain Powys
Llansilin Community	Approve	23/03/2021	21/0539/HH	Householder	04/06/2021	Erection of extensions and alterations to dwelling	3 Cae Eglwys, Hill View Llansilin Oswestry SY10 7PG
Page 68	Permitted Development	12/05/2021	21/0708/AGR	Agricultural Notification	03/06/2021	Erection of an agricultural building	Lawnt Farm Moelfre Oswestry Powys SY10 7QP
	Permitted Development	26/05/2021	21/0955/AGR	Agricultural Notification	14/06/2021	Erection of an agricultural building	Bwlchydonge Cefn Canol Llansilin Powys SY10 7JG
Llanyre Community	Approve	31/03/2021	21/0681/HH	Householder	11/06/2021	Erection of a two storey extension to dwelling	1 Gwaryffordd Newbridge-on-wye Llandrindod Wells Powys LD1 6LR
	Permitted Development	17/05/2021	21/0888/AGR	Agricultural Notification	11/06/2021	Erection of a roof over existing cattle yard	Froncoed Llanyre Llandrindod Wells Powys LD1 6DY

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### 163 Applications

Llywel Community	Permitted Development	27/04/2021	21/0576/AGR	Agricultural Notification	03/06/2021	Application for prior notification of forestry development - proposed road	Halfway Woodland Halfway Forest Llywel Brecon Powys
Machynlleth Community	Approve	23/04/2021	21/0648/HH	Householder	21/06/2021	Proposed demolition of existing garage and replacement with new	Y Garreg Lwyd Machynlleth Powys SY20 8HB
	Approve	11/05/2021	21/0871/DIS	Discharge of Condition	03/06/2021	Application to discharge condition 12 of planning approval 20/0857/REM	Bro Ddyfi Community Hospital Maengwyn Street Machynlleth SY20 8AD
Manafon Community	Permitted Development	20/05/2021	21/0944/AGR	Agricultural Notification	10/06/2021	Proposed general purpose agricultural building	Glyn Cogan Barn Manafon Welshpool Powys SY21 8BJ
Meifod Community	Consent	28/05/2020	20/0788/FUL	Full Application	14/05/2021	Erection of 2 no. poultry units including silos (as extension to existing poultry unit) and all associated works	The Gaer Gaer Lane Meifod SY22 6XX

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### 163 Applications

	Consent	21/08/2020	20/1188/REM	Removal or Variation of Condition	14/05/2021	Section 73 application in relation to variation of condition 2 of planning permission P/2017/0692 (revised position of access and layout)	Land 50 Meters East Of Llwyn Derw Bwlch-y-cibau Meifod Powys
Montgomery Community	Approve	29/03/2021	21/0516/HH	Householder	09/06/2021	Erection of detached garage.	Plas Newydd Montgomery SY15 6UJ
	Consent	06/11/2020	20/1827/LBC	Listed Building Consent	25/05/2021	Demolition of derelict workshop and repairs to stone wall	Land Adjacent To The Old Goal Gaol Road Montgomery Powys SY15 6QR
	Consent	10/11/2020	20/1826/FUL	Full Application	25/05/2021	Erection of a 3 bedroom detached dwelling, demolition of derelict workshop, repairs to stone wall and associated works	Land Adjacent To The Old Goal Gaol Road Montgomery Powys SY15 6QR

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### 163 Applications

Nantmel Community	Approve	11/05/2021	21/0887/NMA	Non-Material Amendment	03/06/2021	Application for a non-material amendment to planning approval 20/0332/FUL in relation to amending the design of the 6 permanent log cabins to 6 smaller temporary caravan style units	Land North Of Upper Dolau Nantmel Rhayader Powys LD6 5PE
	Refused	17/12/2020	20/2031/OUT	Outline planning	18/06/2021	Erection of 1 no. affordable dwellings, 1 no. access points and 1 no. foul water receptacles	Church Field Nant Glas Llandrindod Powys
Newtown And Llanllwchaiarn Community	Approve	11/03/2021	21/0452/DIS	Discharge of Condition	03/06/2021	Application to discharge condition 16 of planning approval 19/2042/FUL	Former Red Dragon Public House & Newtown Youth Centre Plantation Lane Newtown Powys SY16 1LQ
	Approve	07/04/2021	21/0710/TRE	Works to trees in Conservation Area	13/05/2021	Application for works to a tree in a conservation area namely removal of tree at rear	Regent Centre Broad Street Newtown Powys SY16 2NA

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### 163 Applications

Approve	10/05/2021	21/0967/NMA	Non-Material Amendment	04/06/2021	Application for a non-material amendment to planning approval 19/0816/FUL to reduce the overall size of the new extension	All Saints Church Commercial Street Newtown Powys SY16 2BW
Consent	15/02/2021	21/0180/HH	Householder	14/06/2021	New single storey detached garage with pitch tiled roof complete with new drive.	18 Green Acres Newtown SY16 1HZ
Consent	09/03/2021	21/0405/FUL	Full Application	19/05/2021	Erection of a General Purpose Agricultural Building and formation of a new access	Green Lane Cottage Beehive Lane Aberhafesp Newtown SY16 3NA
Consent	16/03/2021	21/0395/LBC	Listed Building Consent	24/05/2021	Listed building consent for rebuilding of dangerous chimney stack	18 Llanfair Road Newtown SY16 2DQ
Consent	31/03/2021	21/0609/FUL	Full Application	14/06/2021	Installation of one new CCTV camera to High Street Elevation	HSBC, The Cross Broad Street Newtown SY16 2LX
Consent	13/04/2021	21/0485/FUL	Full Application	14/06/2021	Erection of a tree house	Land At Pant Farm Aberbechan Newtown Powys SY16 3AX
Consent	28/04/2021	21/0687/HH	Householder	18/06/2021	Proposed First floor extension	3 Brynmor Close Newtown SY16 3GB



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### 163 Applications

Penybont Community	Planning Permission Required	01/06/2021	21/0893/AGR	Agricultural Notification	09/06/2021	Erection of a manure store	Broniarth Newtown Powys SY16 3AN
	Refused	26/04/2021	21/0660/CLE	Certificate of Lawfulness - Existing	27/05/2021	Section 191 application in relation to construction of a garden shed with decked roof	54A Hendidley Way Llanllwchaiarn Newtown SY16 2AL
	Consent	01/04/2021	21/0500/HH	Householder	26/05/2021	Proposed Extension and associated works	Tybryn Dolau Llandrindod Wells LD1 5TB
	Refused	23/07/2020	20/1020/FUL	Full Application	18/06/2021	Siting of a holiday unit, formation of a vehicular access road and installation of a septic tank	Development At Land At Ashlea Llandegley Llandrindod Wells Powys LD1 5UD
Pen-y-bont Fawr Community	Approve	03/11/2020	20/1777/FUL	Full Application	10/06/2021	Conversion of barn to holiday accommodation installation of septic tank, construction of hard standing for parking and all other associated works	Bwlchsych Hirnant Pen-y-bont-fawr Powys SY10 0HT

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	S106 Discharged	21/04/2021	21/0801/VAR	Discharge/Modification of S106	04/06/2021	Discharge of Section 52 Agreement attached to planning consent M18695 (relating to occupancy)	Drws-y-coed Ffordd Goed Pen-y-bont-fawr Oswestry Powys SY10 0PF
Presteigne Community	Approve	05/05/2021	21/0951/NMA	Non-Material Amendment	07/06/2021	Non material amendment to planning approval 20/0458/FUL - for an artist's studio (alterations to roof pitch, window apertures and minor internal layout revisions)	9 Harper's Lane Presteigne Powys LD8 2AN
	Approve	07/05/2021	21/0780/DIS	Discharge of Condition	14/06/2021	Application to discharge conditions 4, 5 and 6 of planning approval 20/0609/FUL	Presteigne Mill Presteigne Powys LD8 2HN
	Consent	30/03/2021	21/0604/HH	Householder	02/06/2021	Erection of Single Storey Garden Room to Replace Existing Conservatory	44 Caenbrook Meadow Presteigne Powys LD8 2NE
	Consent	30/03/2021	21/0675/HH	Householder	14/06/2021	Erection an extension, to replace an existing conservatory	5 Silia Meadow Presteigne Powys LD8 2NY

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### 163 Applications

Rhayader Community	Approve	17/12/2020	20/2034/HH	Householder	04/06/2021	Installation of ground mounted solar panel array and air source heat pump system	6 Elan Village Elan Valley Rhayader Powys LD6 5HP
	Approve	11/03/2021	21/0454/DIS	Discharge of Condition	08/06/2021	Discharge of conditions 3, 4 and 7 attached to permission 19/0483/FUL - in respect of contaminated land and tree protection	The Cabin Bridge Street Rhayader Powys LD6 5AG
	Approve	23/03/2021	21/0270/HH	Householder	04/06/2021	External shiplap timber cladding to front and side elevations of property, the replacement and alteration to balcony, and creation of patio area (part retrospective)	35 Maesmawr Rhayader LD6 5PL
	Referred to CADW	17/12/2020	20/2035/LBC	Listed Building Consent	04/06/2021	Listed building consent for internal and external renovation works including works to ground floors and ceilings	6 Elan Village Elan Valley Rhayader Powys LD6 5HP
St. Harmon Community	Approve	19/03/2021	21/0525/HH	Householder	27/05/2021	Erection of two-storey rear extension and single-storey porch extensions	Dolhelfa Ganol Llangurig Llanidloes SY18 6RX



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### 163 Applications

Trefeglwys Community	Approve	25/03/2021	21/0633/VAR	Discharge/Modification of S106	26/05/2021	Application to discharge Section 106 legal agreement attached to planning permission M/2003/0064 (occupancy and size restriction)	Cae Celyn Bungalow Trefeglwys Caersws Powys SY17 5PH
Treflys Community	Refused	23/07/2020	20/1155/FUL	Full Application	24/05/2021	Change of use of annexe to ancillary holiday accommodation (part retrospective)	Land At The Hexagon Garth Llangammarch Wells Powys LD4 4AT
Tregynon Community	Approve	03/04/2020	20/0556/FUL	Full Application	19/05/2021	Re-use of abandoned dwelling & associated works (including installation of sewerage treatment plant).	Brynheulog Old Farmhouse Tregynon Newtown Powys SY16 3PP
Trewern Community	Approve	14/05/2021	21/0909/AGR	Agricultural Notification	27/05/2021	Erection of a general purpose agricultural building	Land Adjacent To The Firs Trewern Welshpool Powys SY21 8EQ

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### 163 Applications

Welshpool Community	Approve	18/02/2021	21/0286/LBC	Listed Building Consent	19/05/2021	Cover main and cross ranges with natural slates, replace rotten windows on east and south elevations with windows to match existing, remove modern kitchen window and lintel and provide new window and door to match existing fenestrations, remove modern porch and repoint south and west walls with lime mortar	Home Farmhouse Coed Y Dinas Welshpool Powys SY21 8RP
	Approve	24/03/2021	21/0427/HH	Householder	19/05/2021	Erection of first floor extension	Fir Tree View Brook Street Welshpool SY21 7LY
	Approve	13/04/2021	21/0543/LBC	Listed Building Consent	16/06/2021	To affix a temporary small microwave broadband antenna on the external fenestration at second floor level.	Powis Castle And Parklands, Estate Office Red Lane Powis Castle Welshpool SY21 8RG
	Approve	26/04/2021	21/0713/HDG	Hedgerow Removal Notice	03/06/2021	Removal of 20 meters of hedgerow	A458 Trunk Road Spring Bank Culvert Golfa Welshpool Powys SY21 9AF

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## Delegated List

### 163 Applications

Approve	26/04/2021	21/0714/HDG	Hedgerow Removal Notice	03/06/2021	Removal of 100 meters of hedgerow	A458 Trunk Road Spring Bank Culvert Golfa Welshpool Powys SY21 9AF
Approve	26/04/2021	21/0737/DIS	Discharge of Condition	13/05/2021	Discharge of conditions 20, 21 and 22 of planning consent P/2017/0501 (remediation scheme)	Site Off Greenfields Foundry Lane Welshpool SY21 7TR
Approve	26/04/2021	21/0781/DIS	Discharge of Condition	21/05/2021	Application to discharge condition no. 4 attached to planning approval 20/1251/FUL (drainage plans for disposal of foul & surface water flows	Welshpool Church In Wales Primary School Howell Road Welshpool Powys SY21 7SU
Approve	06/05/2021	21/0844/DIS	Discharge of Condition	27/05/2021	Application to discharge condition 3 of planning approval P/2012/0321	Frochas Farm Frochas Welshpool SY21 9JD
Approve	20/05/2021	21/0960/TRE	Works to Trees subject to a TPO	18/06/2021	Application for works to 3 trees within a TPO Zone	Traethllawn Oldford Rise Welshpool Powys SY21 7ST
Consent	10/11/2020	20/1679/HH	Householder	13/05/2021	Proposed Garage at Rear of Property	2 Park Terrace Mount Street Welshpool SY21 7LL

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## Delegated List

### 163 Applications

Whitton Community	Permitted Development	04/05/2021	21/0739/AGR	Agricultural Notification	28/05/2021	Erection of an agricultural storage building	Land Near To Cabin Lock Access Pool Quay Welshpool Powys SY21 9JU
	Refused	26/05/2021	21/0976/NMA	Non-Material Amendment	10/06/2021	Application for non- material amendment to planning permission P/2012/0051 in respect of approved plans	Lower Llanerchuddol Old House Cefn Yspin Lane Welshpool Powys SY21 9PG
	Approve	31/03/2021	21/0614/DIS	Discharge of Condition	08/06/2021	Submission of annual One Planet Development performance report, for approval under condition 4 of permission P/2016/0984	Twiscob Top Cascob Presteigne Powys LD8 2NT
Ystradgynlais Community	Consent	15/03/2021	21/0315/FUL	Full Application	19/05/2021	Siting of a holiday cabin, installation of a sewage treatment plant and all associated works	Upper House Farm Rhos-Y-Meirch Knighton LD7 1PD
	Approve	23/12/2020	20/2102/HH	Householder	24/05/2021	Erection of a replacement rear extension and formation of a new off street parking area	14 Heol Maes-Y-Dre Ystradgynlais SA9 1HA
	Approve	03/02/2021	21/0169/HH	Householder	26/05/2021	Erection of a rear extension	58 Wind Road Ystradgynlais SA9 1AF

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## Delegated List

### 163 Applications

Approve	26/02/2021	21/0356/HH	Householder	07/06/2021	Erection of a ground floor rear extension	94 Wind Road Ystradgynlais SA9 1AH
Approve	15/03/2021	21/0381/HH	Householder	08/06/2021	Erection of a two storey side extension including demolition of existing single storey garage	Woodlands Tanyrallt Abercrave Swansea SA9 1XD
Approve	01/04/2021	21/0617/TPO	Works to Trees subject to a TPO	09/06/2021	To prune one oak tree T1	89 Tawe Park Ystradgynlais Powys SA9 1GW
Approve	10/05/2021	21/0925/DIS	Discharge of Condition	17/05/2021	Discharge of Condition 4 attached to permission 21/0001/FUL in relation to a Biodiversity Plan	Little London 2 Llundain Fach Brecon Road Ystradgynlais Abertawe Powys SA9 1ST
Approve	14/05/2021	21/0757/NMA	Non-Material Amendment	17/06/2021	Application for non-material amendments to planning permission 20/1237/FUL in respect of approved plans	24 Palleg Road Lower Cwmtwrch Swansea SA9 2QE
Approve	17/05/2021	21/0891/NMA	Non-Material Amendment	07/06/2021	Non material amendment following planning permission 20/0474/hh regarding a change to the approved plans	18 Alder Avenue Ystradgynlais Powys SA9 1AQ

**Application**

**163**

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**CYNGOR SIR POWYS COUNTY COUNCIL****PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE****1<sup>st</sup> July 2021****REPORT BY: HEAD OF HIGHWAYS, TRANSPORT AND  
RECYCLING****SUBJECT: Opposed creation and extinguishment Orders:  
Determination by Welsh Government**

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**REPORT FOR: DECISION**

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**Creation and extinguishment Orders - bridleway 75, footpaths 3, 6, 56  
and 71 (Community of Ystradgynlais)****Background:**

On the 12<sup>th</sup> November 2020, the Planning, Taxi Licensing and Rights of Way Committee considered a package of changes to public rights of way adjoining the haul road to the former Brynhenllys Opencast Coal site, Ystradgynlais. Approval was given to make public path Orders in respect of the changes. For technical reasons, concurrent creation and extinguishment Orders were made, as at appendices A and B.

The Orders were made as a means to resolve a long-standing problem with the legal line of footpath 6, which crosses the Nant Gwrach gorge at a point that is too wide, deep and steep-sided for it to be feasible to construct a footbridge. The proposals would re-route the path to the footbridge that has been in place and in use across the Nant Gwrach for over 20 years. In addition, bridleway 75 would be moved onto an alignment that is considered to be more convenient for the public than the existing legal line of the bridleway, once practical works are carried out.

The proposals would also facilitate land management by moving parts of footpath 6 and bridleway 75 onto field edge routes. Some sections of path that are no longer needed for public use would be removed, namely footpath 71 and a short spur of footpath 56.

**Consultation:**

Before the Committee was asked to consider the proposals in November 2020, extensive pre-Order consultation was carried out. No objections were made at that time to the proposals, as reflected in the Orders at appendices A and B.

The Orders were advertised on site and in the Brecon and Radnor Express on 11<sup>th</sup> February 2021; at the same time, statutory consultees were notified of the making of the Order. In view of the ongoing COVID 19 restrictions at that time,

photographs of the existing and proposed new routes were emailed to consultees with copies of the Orders, to avoid the need for site visits. Copies of the Orders were made available on the Council website, so that consultees did not need to visit an office to view them. Emailed copies were available on request, free of charge.

### **Objections:**

One objection has been received to the Orders, from County Councillor Sandra Davies. The objection was duly made, the original email and appended letter having been received on 22<sup>nd</sup> February 2021. The objection was discussed initially via Teams; once COVID 19 restrictions were sufficiently eased, a site meeting was held with the objector, to discuss the proposals. This has resolved several of the points raised in the original letter of objection.

However, parts of the objection have been sustained, as noted in the revised letter of objection dated 6<sup>th</sup> May 2021 at appendix C. This relates to the realignment of part of footpath 6 from E-F to alignment E-I-F. The substance of the objection is that the proposal breaks the link of footpath 6 as a continuous path. In addition, the objector comments byway 20 would lead to a dead end.

In response, byway 20 would not become a cul-de-sac legally, if these Orders were to come into effect. It would remain a continuous route, although its connection to bridleway 75 would be moved from point N to point T. As a motor vehicular public right of way, any change to the route of the byway would need to be achieved via the Magistrates Court, not through a public path Order.

The proposals do not sever footpath 6; new footpath 6(A) would serve as a link to ensure that this remains a continuous path, rerouted around the edge of the field for a short distance. It should be noted that due to the slope of the field, point E cannot be seen from point F. However, point I can be seen from points F and E, so there is a direct line of sight to assist walkers in navigating between these points. A waymarker post could be installed at point I to assist with this.

The objection has been discussed with the owner of the land crossed by section E-F. This aspect of the proposal is very much a compromise to facilitate land management, in exchange for the landowner being prepared to offer the public secure use of the existing footbridge over the Nant Gwrach and along the top of the former haul road. In view of the protracted negotiations and extensive consultation that have already taken place to date, the landowner does not wish to consider further amendments now in relation to section E-I-F.

The objector has made comments about the state of repair of the existing paths. It has been explained that these will be addressed at the same time as the rest of the work to make the new paths ready for use. It should be noted that several of the routes that are in use by the public are not on the legal lines of the public rights of way. This package of changes has been in progress since 2007 and it is intended that these issues be resolved through the realignment package. However, maintenance is outside the scope of the matters that can be considered by a Planning Inspector, in relation to the public path Orders.

The Rambler's Association has written an email actively supporting the Orders, which is at appendix D.

### **Options:**

In view of the above, the options are to:

1. Abandon the Orders; this would mean that the situation with regard to footpath 6 remains unresolved. Use of the footbridge that is currently in place is by permission of the landowner, which could be withdrawn. If that were to happen, public access between the eastern and western sides of the Nant Gwrach gorge would effectively be severed. Likewise, current use of the top section of the haul road is permissive; if permission were withdrawn, the public would need to revert to the legal line of bridleway 75 through the adjacent forestry.
2. Submit the Orders to the Planning Inspectorate for determination, with a request that the two Orders be considered concurrently. Given that the Council has promoted the package of changes and there are felt to be significant benefits to the public, it is proposed that the Council takes a supportive stance with respect to confirmation of the Orders.

There is some risk that the Inspector may choose to confirm the creation Order but not the extinguishment Order. To mitigate against this, the Council can ask that the Planning Inspector considers the extent to which the creation Order would provide paths in replacement for those to be extinguished. Provision is made for this under section 118(5) of the Highways Act 1980.

The owner of the land crossed by section E-F of footpath 6 has given consent for the Orders to be submitted to the Planning Inspectorate. No objections have been sustained to the proposals affecting the other landowners concerned.

### **RECOMMENDATION:**

That the file be sent, along with an officer's report in support of the Orders, to the Welsh Government, so that it may be determined by the Planning Inspectorate on their behalf.

### **APPENDICES:**

Appendix A: Creation Order 2021, footpaths 3(A),6(A) and bridleway 75(A)  
Ystradgynlais

Appendix B: Extinguishment Order 2021, footpaths 3,6, 56, 71 and bridleway  
75 Ystradgynlais

Appendix C: Letter of objection with covering email of 6<sup>th</sup> May 2021

Appendix D: Email in support of the proposals from Rambler's Association  
dated 8<sup>th</sup> June 2021

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PUBLIC PATH CREATION ORDER UNDER THE HIGHWAYS ACT 1980

POWYS COUNTY COUNCIL

THE POWYS COUNTY COUNCIL (CREATION OF PUBLIC FOOTPATHS 3(A) AND 6(A) AND BRIDLEWAY 75(A) IN THE COMMUNITY OF YSTRADGYNLAIS) PUBLIC PATH CREATION ORDER 2021

This Order is made by Powys County Council ("the Authority") under Section 26 of the Highways Act 1980 ("the 1980 Act") because it appears to the Authority that, having regard for the matters set out in section 26(1), there is a need for two public footpaths and a bridleway over the land to which this Order relates, and that it is expedient that the paths should be created.

Ystradgynlais Town Council has been consulted as required by section 120(2) of the 1980 Act.

**BY THIS ORDER:**

1. There shall at the end of 28 days from the date of confirmation of this Order be two public footpaths and a bridleway over the land situated at Bryn-y-Groes and Bryn Grunin described in Part 1 of the Schedule and shown by a bold broken line on the plans contained in this Order.
2. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 2 of the Schedule.

THE COMMON SEAL of  
 POWYS COUNTY COUNCIL  
 was hereunto affixed this 30<sup>th</sup> day  
 of February 2021  
 in the presence of:-

*J. G. Jones*



Solicitor to the Council  
PRINCIPAL LEGAL ASSISTANT

19904

**SCHEDULE**

**PART 1**

**Description of land**

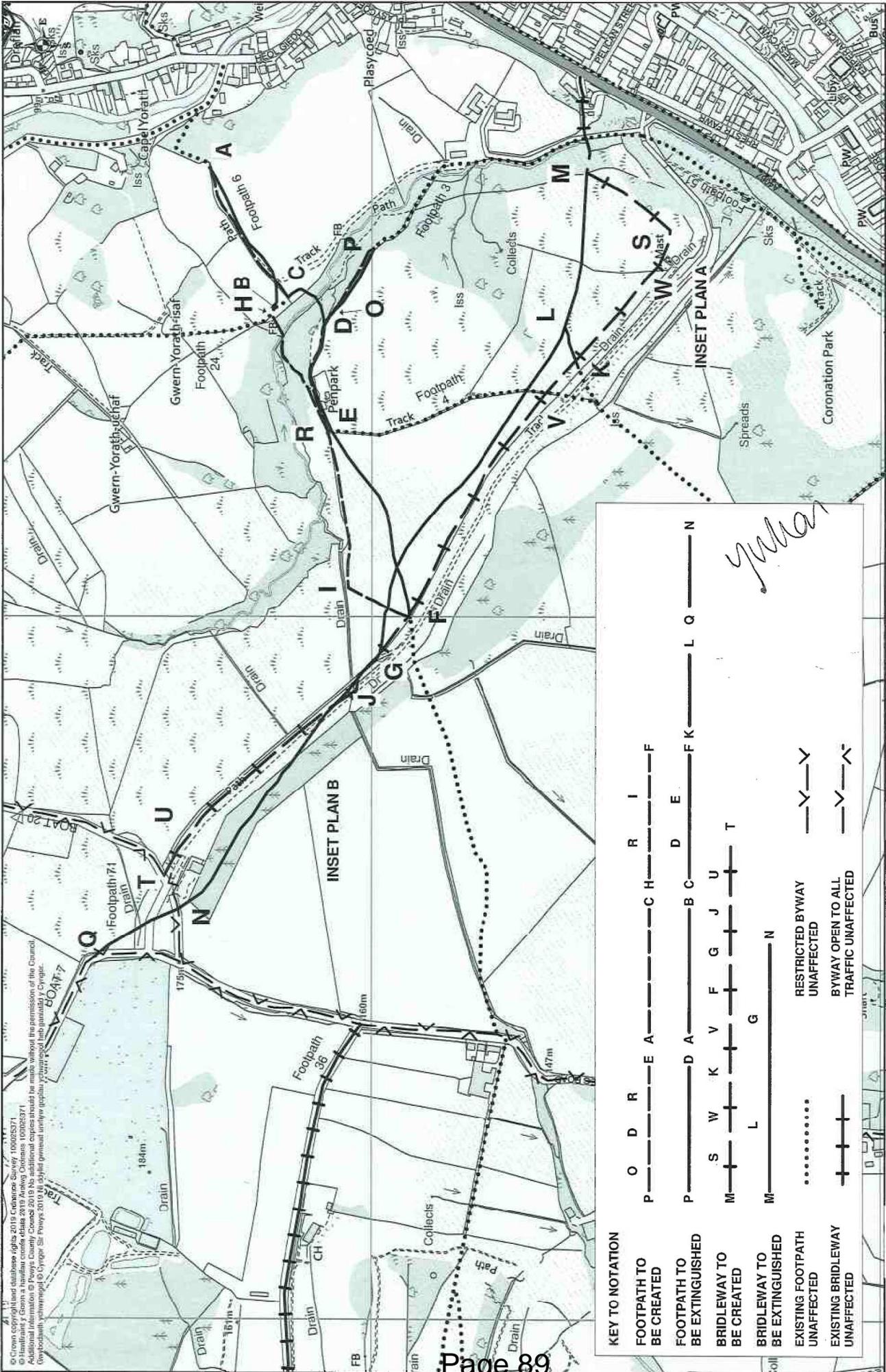
Section of highway as indicated on plan	Position	Width
Footpath 3(A) P-O-D-R-E	Commences on a track in a woodland area, at OS Grid Reference SN 7852,1099 (point P.) It follows the unsurfaced track in a generally northwesterly direction for approximately 114 metres to a field gate at OS Grid Reference SN 7843,1105 (point O.) It continues along the track in a generally northwesterly and then more west-southwesterly direction for approximately 176 metres via a junction with footpath 6 at OS Grid Reference SN 7840,1107 (point D) and then to a point to the east of the field boundary at OS Grid Reference SN 7826,1106 (point R.) It turns to follow a generally southerly direction for approximately 6 metres to end where it meets footpath 4 at OS Grid Reference SN 7826,1105 (point E.) The total distance is approximately 290 metres.	2 metres
Footpath 6(A) A-C	Commences at the corner of the field at OS Grid Reference SN 7864,1123 (point A.) It follows a generally west-southwesterly direction for approximately 214 metres parallel with the field boundary to end in the corner of the field at a pedestrian gate and junction with footpath 24 at OS Grid Reference SN 7845,1111 (point C.) The total distance is approximately 214 metres.	2 metres
Footpath 6(A) H-R-I-F	Commences where it meets footpath 24 at OS Grid Reference SN 7843,1114 (point H.) It passes through a pedestrian gate and follows a generally southwesterly direction for approximately 200 metres down a flight of steps, across the Nant Gwrach via a footbridge and through a pedestrian gate at the end of the bridge then up a slope and steps and along the edge of the Pen-Parc enclosure to a pedestrian gate at OS Grid Reference SN 7826,1106 (point R.) It continues along the field edge in a generally west-southwesterly direction for approximately 220 metres to the edge of	2 metres

	<p>a wide ditch at OS Grid Reference SN 7804,1103 (point I.) It continues in a generally south-southwesterly direction beside the ditch for approximately 90 metres to end at a pedestrian gate on the boundary of the haul road where it meets new bridleway 75(A) at OS Grid Reference SN 7799,1095 (point F.) The total distance is approximately 510 metres.</p>	
<p>Bridleway 75(A) M-S-W-K-V-F-G-J-U-T</p>	<p>Commences near woodland at OS Grid Reference SN 7863,1070 (point M.) It follows a generally south-southwesterly direction for approximately 142 metres up the slope to OS Grid Reference SN 7855,1058 (point S.) It turns to follow a generally west-northwesterly direction for approximately 63 metres up the slope to cross the field boundary via a bridle gate at OS Grid Reference SN 7849,1062 (point W.) It ascends in a generally northwesterly direction along the field edge for approximately 230 metres past its junction with footpath 56 at OS Grid Reference SN 7835,1071 (point K) to meet footpath 4 and pass through a bridle gate at OS Grid Reference SN 7832,1074 (point V.) It continues in a generally northwesterly direction along the field edge for approximately 376 metres to meet footpath 6 at OS Grid Reference SN 7799,1095 (point F.) It continues in a generally northwesterly direction for approximately 72 metres along the field edge then passing through a bridle gate at OS Grid Reference SN 7794,1099 (point G) onto the former haul road. It continues along the surfaced track in a generally northwesterly direction for approximately 402 metres passing through a field gate at OS Grid Reference SN 7789,1102 (point J) then a second field gate at OS Grid Reference SN 7769,1126 (point U) and then through a bridle gate to end on byway 20 at OS Grid Reference SN 7763,1129 (point T.) The total distance is approximately 1326 metres.</p>	<p>3 metres</p>

**PART 2**  
**Conditions and Limitations**

Position of path or way to which conditions and limitations apply	Limitations and conditions
<b>Footpath 3(A)</b>	
Point O SN 7843,1105	Field gate to British Standard BS5709:2018
<b>Footpath 6(A)</b>	
Point C SN 7845,1111	Pedestrian gate to British Standard BS5709:2018
Point H SN 7843,1114	Pedestrian gate to British Standard BS5709:2018
Southern end of footbridge at SN 7840,1112	Pedestrian gate to British Standard BS5709:2018
Point R SN 7826,1106	Pedestrian gate to British Standard BS5709:2018
Point F SN 7799,1095	Pedestrian gate to British Standard BS5709:2018
<b>Bridleway 75(A)</b>	
Point W SN 7849,1062	Bridle gate to British Standard BS5709:2018
Point V SN 7832,1074	Bridle gate to British Standard BS5709:2018
Point G SN 7794,1099	Bridle gate to British Standard BS5709:2018
Point J SN 7789,1102	Field gate to British Standard BS5709:2018
Point U SN 7769,1126	Field gate to British Standard BS5709:2018
Point T SN 7763,1129	Bridle gate to British Standard BS5709:2018

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**KEY TO NOTATION**

FOOTPATH TO BE CREATED	P — O — D — R — E — A — C — H — I — F
FOOTPATH TO BE EXTINGUISHED	P — D — A — B — C — D — E — F — K — L — Q — N
BRIDLEWAY TO BE CREATED	M — S — W — K — V — F — G — J — U — T
BRIDLEWAY TO BE EXTINGUISHED	M — L — G
EXISTING FOOTPATH UNAFFECTED	.....
EXISTING BRIDLEWAY UNAFFECTED	— + — + — + — + —
RESTRICTED BYWAY UNAFFECTED	— V — V — V
BYWAY OPEN TO ALL TRAFFIC UNAFFECTED	— V — V — V

*Ystradgynlais*

Cyngor Sir Powys County Council  
 Public path creation and extinguishment Orders: OVERVIEW PLAN - See inset plans A and B for detail at 1:2500 scale  
 Extinguishment of public footpaths 3, 6, 56, and 71 and bridleway 75 (parts); creation of new footpath 3(A), 6(A) and bridleway 75(A), Community of Ystradgynlais Scale 1:5000 OSGR SN 779,109  
 Printed by: barness Date: 19/03/2019



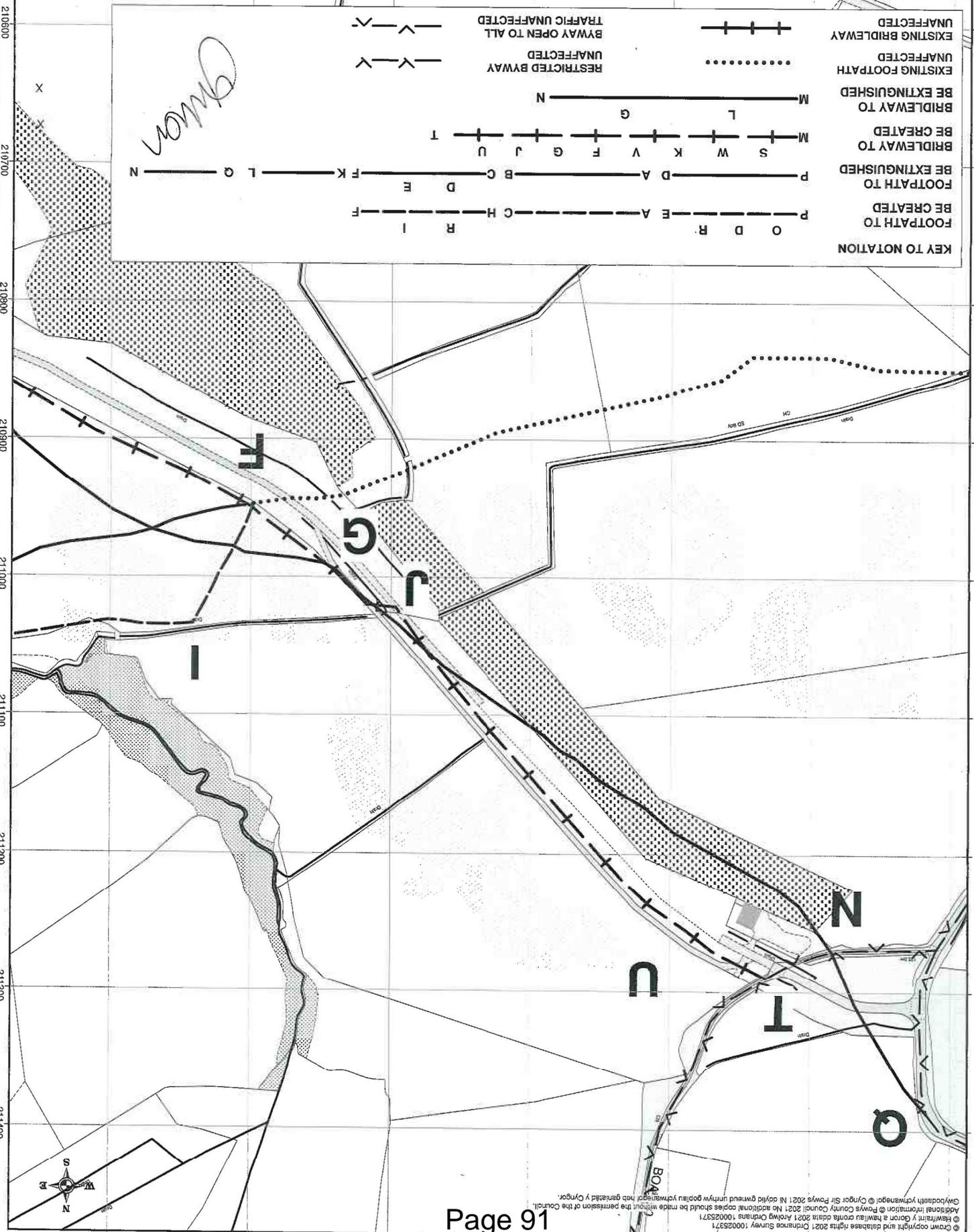
Public path creation and extinguishment Orders: INSET PLAN B  
 Extinguishment of public footpaths 3, 6, 56, and 71 and bridleway 75 (parts);  
 creation of new footpaths 3(A), 6(A) and bridleway 75(A),  
 Community of Ystradgynlais  
 Scale 1:2500 OSGR SN 779,109

**KEY TO NOTATION**

- FOOTPATH TO BE CREATED (Dashed line)
- FOOTPATH TO BE EXTINGUISHED (Dotted line)
- BRIDLEWAY TO BE CREATED (Line with cross-ticks)
- BRIDLEWAY TO BE EXTINGUISHED (Line with cross-ticks and dots)
- EXISTING FOOTPATH UNAFFECTED (Solid line)
- EXISTING BRIDLEWAY UNAFFECTED (Line with cross-ticks)
- RESTRICTED BYWAY UNAFFECTED (Line with V-ticks)
- BYWAY OPEN TO ALL TRAFFIC UNAFFECTED (Line with V-ticks and dots)

**ORD E A C H R I F**  
**P D A B C D E F**  
**M S W K V F G J U T**  
**M L G N**

*Gwynon*



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PUBLIC PATH EXTINGUISHMENT ORDER UNDER THE HIGHWAYS ACT 1980

POWYS COUNTY COUNCIL

THE POWYS COUNTY COUNCIL (EXTINGUISHMENT OF PARTS OF PUBLIC FOOTPATHS 3, 6, 56 AND FOOTPATH 71 AND PART OF BRIDLEWAY 75 IN THE COMMUNITY OF YSTRADGYNLAIS) PUBLIC PATH EXTINGUISHMENT ORDER 2021

This Order is made by Powys County Council ("the Authority") under Section 118 of the Highways Act 1980 ("the 1980 Act") because it appears to the Authority that the footpaths and bridleway described in paragraph 1 of this Order are not needed for public use.

Ystradgynlais Town Council has been consulted as required by section 120(2) of the 1980 Act.

**BY THIS ORDER:**

1. The public rights of way over the land situated at location and shown by a bold continuous black line on the plans contained in this Order and described in the Schedule to this Order shall be extinguished after 28 days from the date of confirmation of this Order.

2. Notwithstanding this Order any statutory undertaker having apparatus affected by this Order shall have the following rights over the land referred to in paragraph 1 namely access at all reasonable times to maintain or repair statutory apparatus.

)  
 ) THE COMMON SEAL of  
 ) POWYS COUNTY COUNCIL  
 ) was hereunto affixed this 3<sup>rd</sup> day  
 ) of February 2021  
 ) in the presence of:



*Juan*

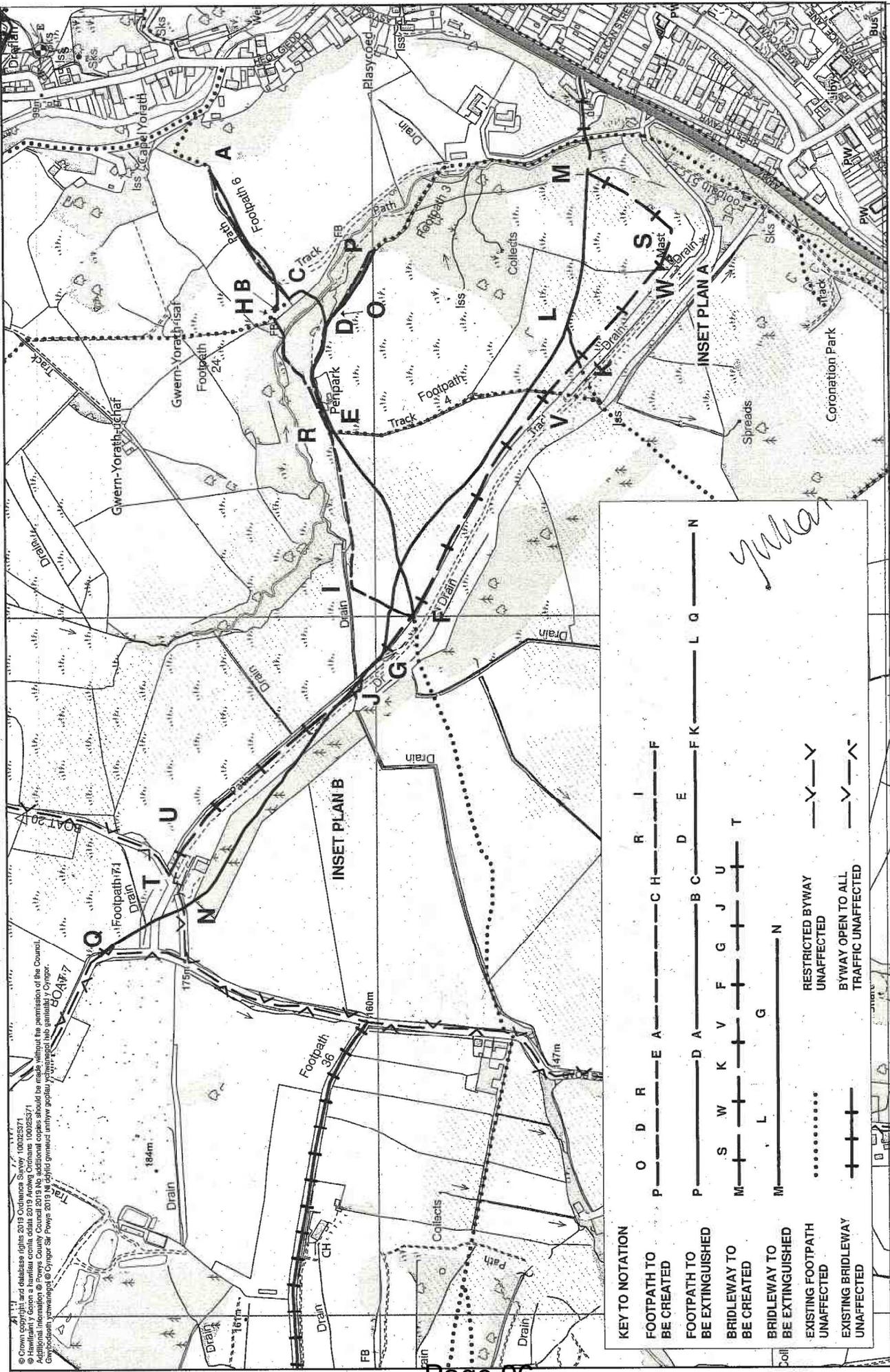
-Solicitor-to-the-Council-  
 PRINCIPAL LEGAL ASSISTANT

50661

**SCHEDULE**

Section of highway as indicated on plan	Position	Width
<p><b>Footpath 3</b> Points P-D</p>	<p>Commences on a track in a woodland area, at OS Grid Reference SN 7852, 1099 (point P.) It crosses the field boundary and runs along the field edge in a generally northwesterly direction for approximately 130 metres. It rejoins the track in the woodland at OS Grid Reference SN 7840, 1107 (point D.) The total distance is approximately 130 metres.</p>	<p>Undefined in the Statement</p>
<p><b>Footpath 6</b> Points A-B</p>	<p>Commences at the corner of the field at OS Grid Reference SN 7864, 1123 (point A.) It follows a generally west-southwesterly direction for approximately 224 metres across the top of the field and through the field to the northwest to end at OS Grid Reference SN 7843, 1113 (point B.) The total distance is approximately 224 metres.</p>	<p>Undefined in the Statement</p>
<p>Points C-D-E-F</p>	<p>Commences beside the field boundary at OS Grid Reference SN 7845, 1111 (point C.) It follows a generally southeasterly and then southwesterly direction for approximately 87 metres across a steep section of the Nant Gwrach gorge to join footpath 3 on the southern bank at OS Grid Reference SN 7840, 1107 (point D.) It then follows a generally west-southwesterly direction along the northern edge of the Pen-Parc enclosure to meet footpath 4 at OS Grid Reference SN 7826, 1105 (point E.) It continues across the field in a generally southwesterly direction for approximately 291 metres to end on the former haul road at OS Grid Reference SN 7799, 1095 (point F.) The total distance is approximately 538 metres.</p>	<p>Undefined in the Statement</p>
<p><b>Footpath 56</b> Points K-L</p>	<p>Commences beside the field boundary with the former haul road at OS Grid Reference SN 7835, 1071 (point K.) It follows a generally east-northeasterly direction for approximately 62 metres across the field to meet bridleway 75 at OS Grid Reference SN 7841, 1073 (point L.) The total distance is approximately 62 metres.</p>	<p>Undefined in the Statement</p>

<p><b>Footpath 71</b> Points Q-N</p>	<p>Commences on byway 7 at OS Grid Reference SN 7751, 1138 (point Q.) It follows a generally south-southeasterly direction for approximately 137 metres across the field and county road and through an area of scrubland to end on byway 20 at OS Grid Reference SN 7758, 1127 (point N.) The total distance is approximately 137 metres.</p>	<p>Undefined in the Statement</p>
<p><b>Bridleway 75</b> Points M-L-G-N</p>	<p>Commences near woodland at OS Grid Reference SN 7863, 1070 (point M.) It follows a generally westerly direction for approximately 223 metres to meet footpath 56 at OS Grid Reference SN 7841, 1073 (point L.) It continues in a generally northwesterly direction for approximately 543 metres to the boundary of the former haul road at OS Grid Reference SN 7794, 1099 (point G.) It continues in a generally west-northwesterly direction for approximately 465 metres to end where it meets byway 20 at OS Grid Reference SN 7758, 1127 (point N.) The total distance is approximately 1231 metres.</p>	<p>Undefined in the Statement</p>



**KEY TO NOTATION**

FOOTPATH TO BE CREATED	O — D — R — E — A — — — — — C — H — — — — — R — I — — — — — F
FOOTPATH TO BE EXTINGUISHED	P — — — — — D — A — — — — — B — C — — — — — D — E — — — — — F — K — — — — — L — Q — — — — — N
BRIDLEWAY TO BE CREATED	M — — — — — S — — — — — W — — — — — K — — — — — V — — — — — F — — — — — G — — — — — J — — — — — U — — — — — T
BRIDLEWAY TO BE EXTINGUISHED	M — — — — — L — — — — — G — — — — — N
EXISTING FOOTPATH UNAFFECTED	.....
EXISTING BRIDLEWAY UNAFFECTED	— + + + —
RESTRICTED BYWAY UNAFFECTED	— Y — Y —
BYWAY OPEN TO ALL TRAFFIC UNAFFECTED	— V — V —

*Ystradgynlais*

Public path creation and extinguishment Orders: **OVERVIEW PLAN** - See inset plans A and B for detail at 1:2500 scale  
 Extinguishment of public footpaths 3, 6, 56, and 71 and bridleway 75 (parts); creation of new footpath 3(A), 6(A) and bridleway 75(A), Community of Ystradgynlais Scale 1:5000 OSGR SN 779,109

278100 278200 278300 278400 278500 278600 278700

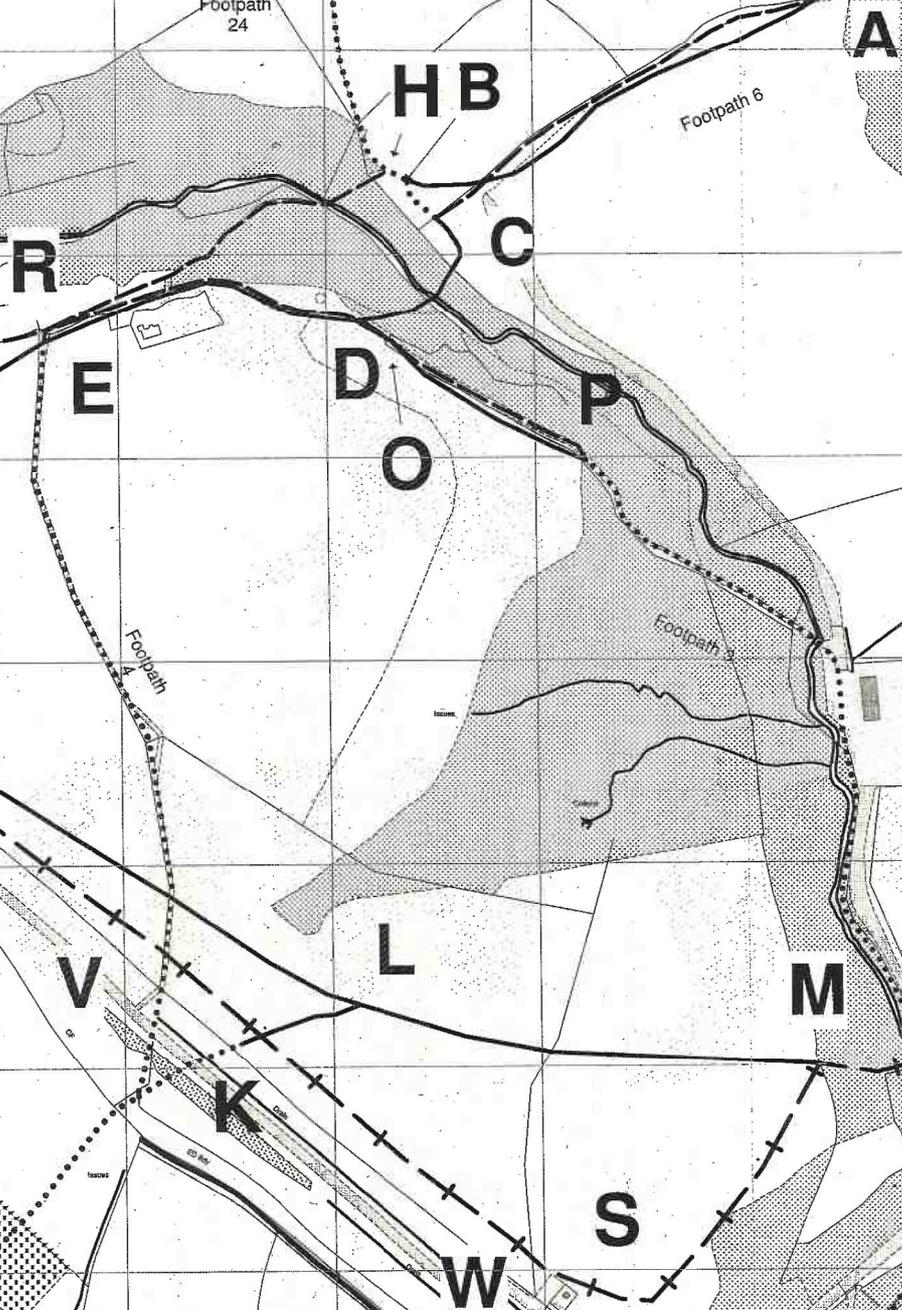
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Footpath 24

Footpath 6

Footpath 3



**KEY TO NOTATION**

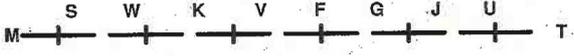
FOOTPATH TO BE CREATED



FOOTPATH TO BE EXTINGUISHED



BRIDLEWAY TO BE CREATED



BRIDLEWAY TO BE EXTINGUISHED



EXISTING FOOTPATH UNAFFECTED



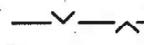
RESTRICTED BYWAY UNAFFECTED



EXISTING BRIDLEWAY UNAFFECTED



BYWAY OPEN TO ALL TRAFFIC UNAFFECTED



*Guman*

278100 278200 278300 278400 278500 278600 278700

Cyngor Sir **Powys** County Council

**Public path creation and extinguishment Orders: INSET PLAN A**  
 Extinguishment of public footpaths 3, 6, 56, and 71 and bridleway 75 (parts);  
 creation of new footpath 3(A), 6(A) and bridleway 75(A),  
 Community of Ystradgynlais  
 Scale 1:2500 OSGR SN 779,109

Printed by: barness Date: 20/01/2021



**Sian Barnes**

---

**From:** Councillor Sandra Davies  
**Sent:** 06 May 2021 09:32  
**To:** Sian Barnes; Martin Davies  
**Subject:** Footpaths  
**Attachments:** fp6 May.docx

Good Morning Sian and Martin,

Thank you both for meeting and walking part of Footpath number 6 with me.

I apologise for the delay in writing to you, I have given this a great deal of thought, taking into consideration your comments too.

I have attached my response to this email.

Regards

Powys County Councillor Sandra C Davies.

Cwmtwrch Ward.

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Dear Sian and Martin,

Thank you both for taking time out to visit and walk Footpath number 6 with me.

I was somewhat surprised Sian, when you mentioned to me, that my objection (15<sup>th</sup> March 2021) would go public unless I withdrew it: the landowner and other members of the public would see my comments. I thought, once I wrote my objection it would go into the public domain.

As stated previously -

I will **subtract** my concerns on the removal of footpath 71.

I **object** to sections E-I-F this breaks the link of footpath 6 as a continuous path. E-F has been used for as long as one can remember and is still being used.

BOAT 20 (By Way Open to all Traffic), now leads to a dead end.

I repeat what I wrote on 7<sup>th</sup> July 2016:

**As nothing has been done to remedy the situation and it is now 2021**, five years on—

*“I find it strange that on existing footpaths, gates have been left in disrepair. In stark comparison to this it was noticed that **three new gates** have been put on an unregistered Bridleway 75?*

*There is a **new kissing gate** at point E /R on an unregistered footpath?  
And a **new gate** on the proposed new footbridge?”*

Having spoken with Sian Barnes, I am now aware that no new money is available to improve any existing footpaths that are **not** being diverted.

I respectfully request that letters be sent to the existing landowners asking them to repair the broken styles on the footpaths on their land.

I also request signs for gates and styles to be displayed for people to know where they may walk, especially on the main road at the entrance to Bridleway 75.

Powys County Councillor Sandra C Davies.  
Cwmtwrch Ward.  
5<sup>th</sup> May 2021

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**Sian Barnes**

---

**From:** Chris <[REDACTED]>  
**Sent:** 08 June 2021 16:20  
**To:** Sian Barnes  
**Cc:** [REDACTED]  
**Subject:** Re: Footpath issues in the Ystradgynlais area

**Categories:** Public path Order

Hi Sian

Thanks for updating me on the current situation with the Ystradgynlais order.

Would you kindly convey the following comments to the Planning, Taxi Licensing and Rights of Way Committee that I am making on behalf of the Ramblers Association. I am also happy that they go to the Planning Inspectorate.

We are fully in favour of the changes proposed in the Ystradgynlais Path Orders made on 3rd February 2021 relating to Public Paths 3,6,56, and 71 and to Public Bridleway 75. It is unfortunate that an objection has been submitted to the Orders. We would now request that these Orders be referred to the Planning Inspectorate.

We see the benefits of these orders:

- a) Providing a legal crossing of the Nant Gwrrach gorge and a pleasant path up to Penpark.
- b) Providing a good and clear route from Penpark to the Haul Road that avoids a boggy area.
- c) Re-routing Bridleway 75 northern end from woodland to use the top end of the Haul Road

One problem that the orders do not solve is the condition of Bridleway 75 at its eastern end. It crosses very tussocky and boggy ground. However, the proposed line is no worse than the existing line, and I understand that surface improvements are being contemplated.

Thanks for the effort being put in by the ROW team.

Regards

Chris Playford

(Ramblers Association, Powys Area)

On 03/06/2021 15:29, Sian Barnes wrote:

> Hi Chris,

>

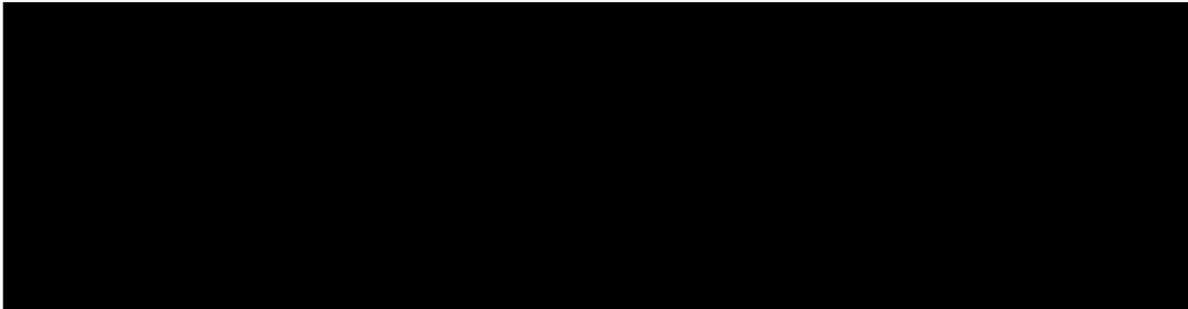
> Further to Martin's email, we have been working hard to try to resolve the objection that has been submitted to the creation and extinguishment Orders for this path network, including bridleway 75. Unfortunately, the objection has been sustained. The key issue seems to be the re-routing of footpath 6 along the field edge for a short distance; this aspect of the proposals is a compromise to facilitate land management, in view of the landowner's willingness to grant secure use of the bridge over the Nant Gwrrach and along the top section of the haul road, which have clear public benefits.

>

> Given that it would not be feasible to install a bridge on the legal line of footpath 6, we do need to find a way to conclude this long-running matter. To that end, we will seek the approval of the Planning, Taxi Licensing and Rights of Way Committee to refer the creation and extinguishment Orders to the Planning

Inspectorate for a decision. A report is scheduled to be presented to the Committee on 1st July 2021. If the Rambler's Association wishes to submit any comments about the proposals for consideration by the Committee or the Planning Inspectorate, please do let me know.

- >
- > Regards,
- > Sian
- >
- > Sian Barnes
- > Arweinydd Proffesiynol Mynediad i Gefn Gwlad a Hamdden Professional
- > Lead, Countryside Access and Recreation Gwasanaethau Cefn Gwlad /
- > Countryside Services Cyngor Sir Powys / Powys County Council Ffon /
- > Tel: 01597 827595
- >
- > Croesawu gohebiaeth yn Gymraeg / We welcome correspondence in Welsh
- > Visit our website at Cyngor Sir Powys County Council: Countryside Find
- > us on
- > <https://eur03.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.facebook.com%2Fpowys.countryside&data=04%7C01%7Csian.barnes%40powys.gov.uk%7Ca43b0ad9c4724c47f6dc08d92a90ef55%7Cc01d9ee10eb0475499ae03ae8a732b50%7C0%7C0%7C637587624248010185%7CUnknown%7CTWFpbGZsb3d8eyJWljoImC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C1000&reserved=0>
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- >
- > Mae Gwasanaethau Cefn Gwlad a'r Gwasanaeth Hamdden Awyr Agored yn prosesu'ch data personol er mwyn bodloni ein dyletswyddau statudol, ein pwerau a'n cyfrifoldebau mewn perthynas â hawliau tramwy cyhoeddus a'r canlynol: Y Map Diffiniol, Y Gofrestr Tir Comin, parciau, lleoedd chwarae, a'r lleoedd agored rydym yn eu rheoli. Pe ddymunech wybod mwy am sut rydym yn defnyddio data personol, ewch i:
- > <https://cy.powys.gov.uk/article/3793/Gwasanaethau-Cefn-Gwlad--Rhybudd-Preifatrwydd>
- >
- > Countryside Services and Outdoor Recreation are processing your personal data for the purpose of meeting our statutory duties, powers and responsibilities in relation to public rights of way, the Definitive Map, Commons Register, parks, playgrounds and open spaces that we manage. If you would like to know more about how we use personal data, please see
- > <https://en.powys.gov.uk/article/3792/Countryside-Services-Privacy-Notice>
- > ce
- >
- >
- >



## CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE  
1 July 2021

**REPORT BY:** HEAD OF HIGHWAYS, TRANSPORT AND  
RECYCLING

**SUBJECT:** Town and Country Planning Act 1990, section 257  
Public path Order proposal

---

**REPORT FOR:** DECISION

---

**Proposal to divert part of footpath 16, at land adjacent to Aberannell Bungalow, Beulah LD5 4UA (Community of Treflys.)**

**Background:**

An application was made by Mr M & Mrs J Evans in July 2015, to divert part of footpath 16. Initially, this application was made to move the path out of the garden of Aberannell Bungalow and so it was placed on file to await processing.

However, in 2016, a planning application (P/2016/0994) was submitted for the erection of two dwelling houses, formation of two vehicular accesses and all associated works on land adjacent to Aberannell Bungalow. The proposed location was on the line of footpath 16. Given that, the applicants were advised that the path would need to be formally diverted before they could implement the development. The applicants were asked to undertake the pre-Order consultation. The applicants' plan, as submitted during the planning permission process showing the development and the existing footpath across the site is at appendix A.

The diversion proposals also affect land owned by two private landowners.

**Current Definitive route:**

The length of footpath 16 to be diverted commences at a point in open field at OS Grid Reference SN 9172, 5139 (point A as shown on plan at appendix B) and runs in a generally east-south easterly direction for approximately 82 metres to OSGR SN 9179, 5136 (point D). It then turns north-eastwards at the property boundary for approximately 30 metres to join the County Road No. C4 at OSGR SN 9181, 5138 (point E).

**Proposed alternative route:**

The proposed alternative route commences at a point in open field at OSGR SN 9172, 5139 (point A) and runs in a north easterly direction for approximately 55 metres to join the County Road No. C4 at OSGR SN 9176, 5143 (point B). The total length of the proposed new path is approximately 55 metres. The proposed width is 2 metres.

**Works required:**

The applicant proposes to install a kissing gate at OSGR SN 9176, 5143 (point B).

**Consultation:**

The applicants carried out pre-Order Consultation in January 2021 and consultees were given 28 days to respond. Responses to the proposal have been received from:

- Cllr T J Van-Rees (Local Member) who strongly supports the proposal.
- Treflys Community Council, who have no objection and support the proposal.
- The Ramblers Association, whose response is described below.
- The Open Spaces Society, whose response is described below.
- PCC Planning, Wales and West Utilities, BT Openreach, Natural Resources Wales, CPAT and Western Power Distribution, none of whom objected to the proposals.
- Balfours Ltd, agent for the Llwyn Madoc Estate, the landowner for the field adjoining the development site, who have given their consent to the proposal.

The Ramblers Association commented that the proposed path is about 20 metres longer than the existing but involves an extra 50 metres walking on the road rather than through a field. As it is a fairly minor road, this was considered acceptable, and the Association would therefore not object to an order being made.

Comments on the proposal were received from Mr Peter Newman of the Open Spaces Society in a letter dated 3<sup>rd</sup> April 2021. In his response, Mr Newman stated that the new route would not be acceptable as it meets the road further from the village. He suggested that the diversion could start at point A following the field boundary via point C and meeting the road at the northeast corner of Plot 1 (should read as Plot 2.) The applicants responded to Mr Newman's comments in a letter dated 23<sup>rd</sup> April, as at Appendix D. They set out the reasons for which they feel that the path should be diverted through the field adjoining the building plots, rather than along a fenced corridor between houses. Mr Newman replied and reiterated that he was unable to support the proposal. A copy of this letter can be found at Appendix E.

**Options:**

This application has been made under section 257 of the Town and Country Planning Act 1990. The legal criteria for the making of a diversion Order under this legislation is that it is necessary to do so, in order to enable development to be carried out in accordance with planning permission that has been granted.

Planning permission P/2016/0994 has been granted for the erection of two dwellings and associated works that will lie on the line of footpath 16. As such,

and as the development is not 'substantially complete', it is considered that the legal criteria for the making of a diversion Order are met.

If a diversion Order is made, opposed and submitted to the Planning Inspectorate, the Inspector could consider wider issues, including the suitability of the proposed new route, in deciding whether the Order should be confirmed or not. However, they will not re-open the matter of the planning merits of the development itself.

The Committee could:

1. Decide not to make a diversion Order in respect of this application; in that event, the applicant would not be able to implement the development subject of the planning permission that has been granted, as to do so would obstruct the line of footpath 16.
2. Approve the making of a diversion Order. Given the outstanding objection, there is a significant risk that the Order may then be formally opposed.

If a diversion Order is made and opposed, it could be formally abandoned. Alternatively, the Order could be submitted to the Planning Inspectorate for determination.

If a diversion Order is made, opposed, and submitted to the Planning Inspectorate, the Council can decide to support, remain neutral with respect to, or oppose the confirmation of the Order.

If the Council decides to support the Order, then it must make a case as to why the Order should be confirmed. If the Council chooses to remain neutral or oppose the confirmation of the Order, that responsibility lies with the applicant.

This diversion is considered to be primarily in the interest of the applicants, as the diversion is needed to allow them to implement the planning permission that has been granted.

Given that and as the proposal meets the legal criteria for the making of a diversion Order, it is proposed that a diversion Order be made. If it is opposed, then unless significant new information comes to light, it is proposed that the Order should be submitted to the Planning Inspectorate for determination, but that the Council should remain neutral with respect to its confirmation.

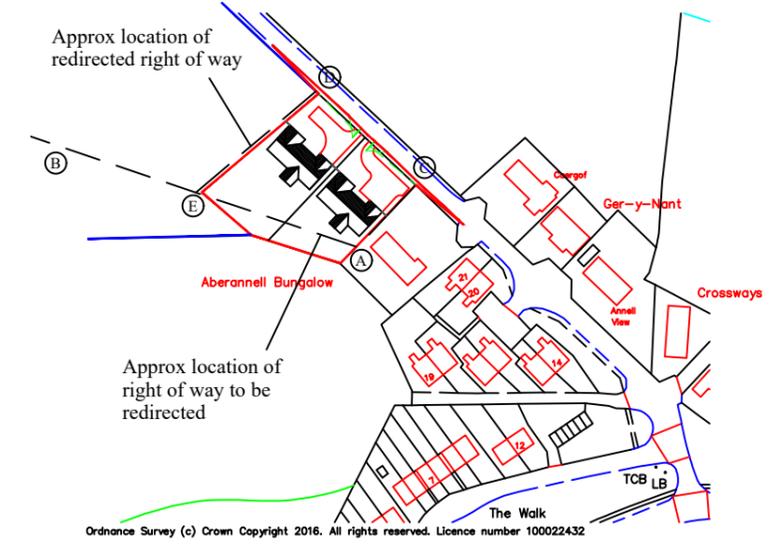
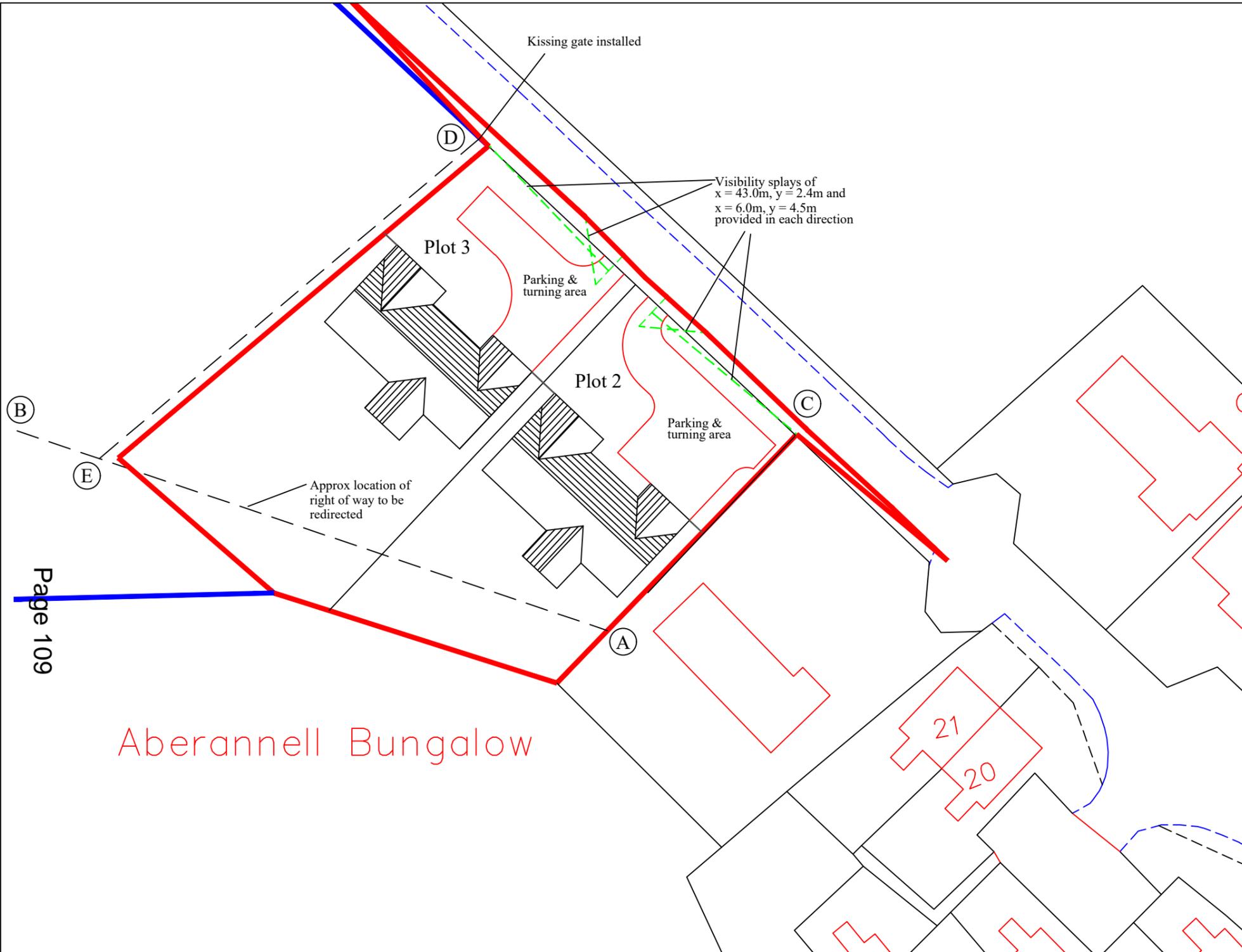
#### **RECOMMENDATIONS:**

1. That an Order be made to divert footpath 16, at land adjacent to Aberannell Bungalow, Beulah in the community of Treflys as shown on the plan at appendix B;
2. That if the Order is made and opposed, unless significant new information comes to light, it is submitted to the Planning Inspectorate for determination;

3. That the Council takes a neutral stance with respect to confirmation of the Order, if it is submitted to the Planning Inspectorate for determination.

**APPENDICES:**

- Appendix A P/2016/0994 Development Site Location Plan
- Appendix B Plan of proposed diversion
- Appendix C Letter dated 3<sup>rd</sup> April from Mr Newman, Open Spaces Society
- Appendix D Letter of response to Mr Newman from the applicants
- Appendix E Second letter from Mr Newman, Open Spaces Society



Page 109

<p><b>Partneriaeth Garner Southall Partnership</b></p> <p>Architect-Surveyor - Historic Building Consultants Pensaer-Tirfesurydd - Ymgynghorwyr Adeiladau Hanesyddol</p>	<b>Job</b> PLOTS 2 & 3 ABERGWESYN ROAD, BEULAH			
	<b>Subject</b> SITE LOCATION PLAN - FOOTPATH DIVERSION			
	<b>Drn</b> AJS	<b>Date</b> SEP 16	<b>Scale</b> 1:500, 1:2500	<b>Drg.No</b> 4626/FOOTPATH
	<b>Amendments</b>	<b>By</b>	<b>Date</b>	<b>Amendments</b>
Ashby House, Middleton Street, Llandrindod Wells, Powys LD1 5ET		Tel: 01597 822412/824144		
3 Broad Street, Knighton, Powys LD7 1BL		Tel: 01547 520130 Fax: 01547 529199		

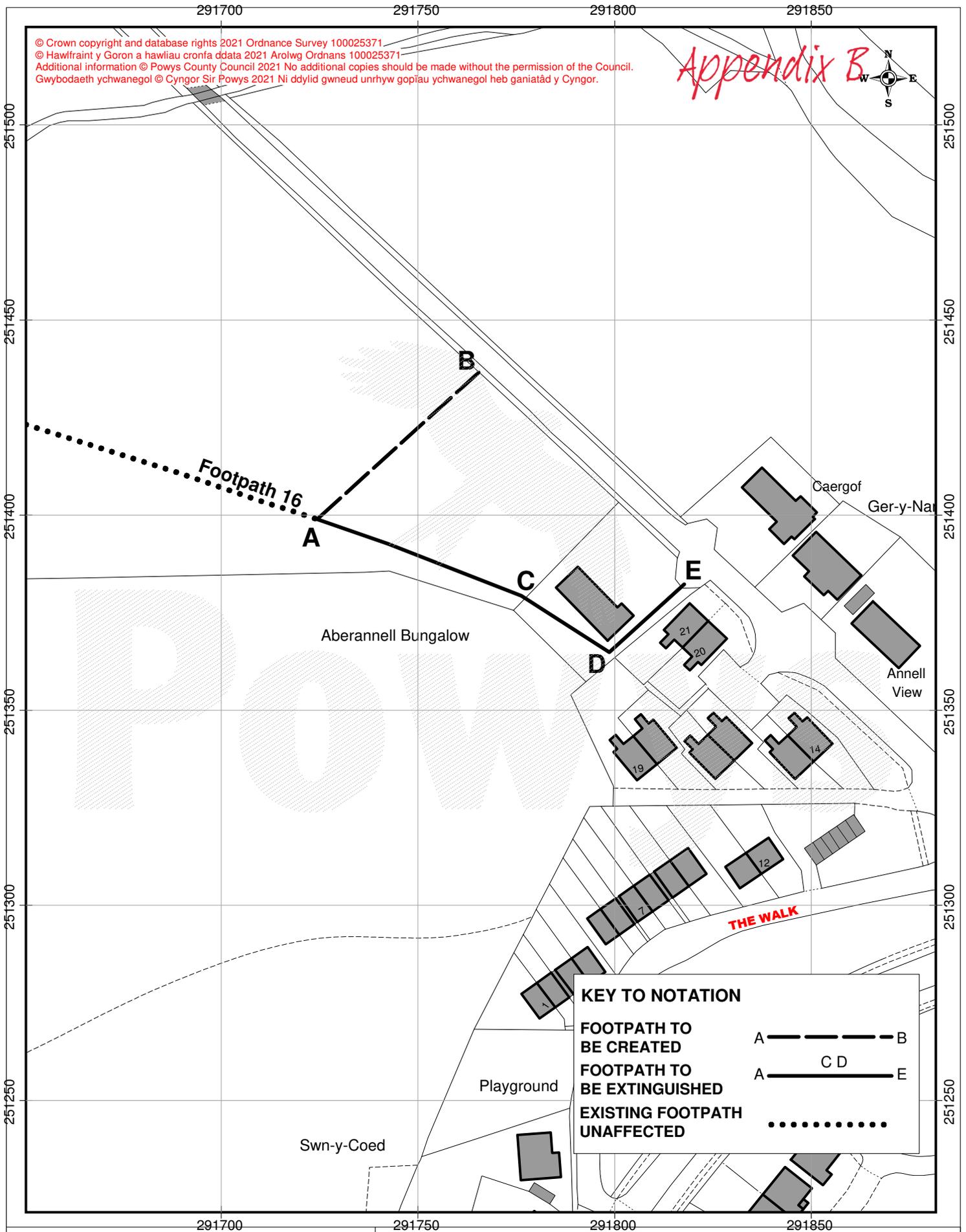
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Appendix B



**KEY TO NOTATION**

<b>FOOTPATH TO BE CREATED</b>	A ——— B
<b>FOOTPATH TO BE EXTINGUISHED</b>	A — C D — E
<b>EXISTING FOOTPATH UNAFFECTED</b>	.....

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**M & J Evans  
Hafod Y Garreg  
Beulah  
Llanwrtyd Wells  
Powys  
LD5 4UA**

**Tel:** [REDACTED]

23rd April 2021

Mr Peter Newman  
Open Spaces Society  
The Old Vicarage  
Dolau  
Llandrindod Wells  
Powys  
LD1 5TH

Dear Mr Newman

**Proposed Public Path Order to Powys County Council at:- Footpath 16, Land adjacent to Aberannell Bungalow, Abergwesyn Road, Beulah. Community of Treflys.**

We are writing to you in response to your objection letter dated 3<sup>rd</sup> April 2021. Firstly, we would like to thank you for taking the time to visit the site. We would very much welcome the opportunity to meet you at the site at your convenience.

Prior to this meeting, can we please ask you to consider the following points:

1. The route you propose will in effect create a two-metre-wide corridor path with fence lines either side making the public follow a path. Currently, the public have access to the open field, which adds to the public enjoyment because we allow the public to walk across the fields, with dogs often off leads. Our proposal would continue to allow them to do this, albeit further up the road.
2. The route you propose would be substantially less convenient to the public, as they would have to lift their dogs over the stile. Currently they use several gates which are not public rights of way, but we have never had a problem with this.
3. The proposed diverted route will admittedly avoid the private garden through which the route currently goes, however it will then run through a building plot which has planning permission and will therefore become another private garden once building commences. Some users of the legal alignment would inevitably feel a sense of uneasiness about intruding into what could be seen as a private space, between the two gardens, regardless of their legal limits. Therefore, by moving the pathway beyond the two housing plots this can be avoided.
4. We are concerned about the responsibility for maintaining a designated 2m corridor pathway through a plot owned by us and in future inhabited by us. Who will be responsible

for clearing weeds, dog excrement and litter? Whereas this will not be as much of an issue in an open field which is naturally grazed.

5. We are keen to facilitate access to the public. In order to do so, we are proposing the installation of a gate, and Powys County Council will erect a waymark. This will enable our local community to have access to the field that they have always enjoyed, without the restriction of having to climb over or lift their dogs over a stile.
6. All other associations and public bodies who have been consulted are supportive of our proposal and have not raised any objections.

We politely request that you reconsider your objection and we ask you for your support of our proposal which we strongly believe is more advantageous and acceptable to the local community.

Yours sincerely

Mike and Julie Evans

Appendix E

This correspondence is from:  
Peter Newman  
The Old Vicarage  
Dolau  
Powys  
LD15TH



TEL 01491 573535  
EMAIL [hq@oss.org.uk](mailto:hq@oss.org.uk)  
WEB [www.oss.org.uk](http://www.oss.org.uk)

[REDACTED]  
Email: [REDACTED]

M & J Evans  
Hafod Y Garreg  
Beulah  
Llanwrtyd Wells  
Powys LD5 4UA

Dear Mr and Mrs Evans

PROPOSED PUBLIC PATH ORDER  
Footpath 16 Beulah

Thank you for your letter of 23rd April.

The County Council requires that stiles will not be allowed on diverted paths, only gates if needed for stock control, so access for dog walkers would not be a problem.

The new route would be entirely separate from the adjacent gardens, being a 2 metre corridor between them. We would recommend that this corridor be given a surface of crushed stone which should suppress weed growth.

The responsibility for maintaining the surface of the path including clearance of any growth coming through it [unless deliberately planted] lies with Powys County Council.

I have taken into account the likelihood that additional houses may be constructed further along the lane beyond point B some time in the future, which would again trigger a further request for footpath diversion should the current diversion A/B take place.

For the reasons given above I am unable to support your diversion request as set out in your original paperwork.

Yours Sincerely,

[REDACTED]

Peter Newman.  
Open Spaces Society Local Correspondent



The Open Spaces Society 25a Bell Street Henley-on-Thames RG9 2BA



Charity no 1144840 Registered in England and Wales, limited company no 7846516

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## CYNGOR SIR POWYS COUNTY COUNCIL

## PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE

1 July 2021

**REPORT BY:** HEAD OF HIGHWAYS, TRANSPORT AND  
RECYCLING

**SUBJECT:** Opposed Stopping Up Order 2021: Abandonment and  
making of a diversion Order under Town and Country  
Planning Act 1990, section 257

---

**REPORT FOR:** DECISION

---

**Public footpath B59, land at Ysgol Gymraeg y Trallwng (Howell Road, Welshpool SY21 7SU (Community of Welshpool.) Proposed abandonment of Stopping Up Order 2021 and making of a new Diversion Order.**

**Background:**

The need for a public path Order for footpath B59 has arisen because the development for the Welsh Medium Primary School, subject of planning permission 20/1251/FUL would lie on the line of part of the footpath. The line of footpath B59 (outlined in purple) in relation to the proposed development is shown on the plan found at appendix A.

The applicant for the proposed public path Order for footpath B59 is Powys County Council Schools Service.

Pre-order consultation for an extinguishment of part of B59 was carried out in December 2020. The Planning, Taxi Licensing and Rights of Way Committee approved the making of Stopping Up Order at its meeting held on 8<sup>th</sup> April 2021. The Stopping Up Order was made in April 2021. A copy of the Order and Order plan can be found at appendix B.

**Objection:**

One objection to the Order was received from Mr Peter Newman of the Open Spaces Society. His email can be found at appendix C. Mr Newman felt that there was no need to close part of the footpath in order for the development to take place and that a possible diversion could be offered. He also stated that the section to be closed is the central section of the path which would leave a cul-de-sac at point A and beyond point C. In addition, it is noted that Mr Newman had indicated he would object to the Order at the time of pre-consultation in December. Unfortunately, his email was overlooked by the agents acting on behalf of the Schools Service.

As an objection has been received and not been withdrawn, the Stopping Up Order cannot be confirmed by the Council. Given that, one option available is to submit the order for determination by the Planning Inspectorate Wales; but there is a risk that the Order may not be confirmed, and the timescales involved would cause a significant delay to the development.

The Council's Schools Service corresponded with Mr Newman to try to find a way forward. After some discussion, a solution was found that involves diverting the path to circumnavigate the southern boundary of the site. The correspondence between the Schools Service and Mr Newman is shown at appendix D and a plan of the proposed diversion is found at appendix E.

### **Works required:**

The works to make the new route ready for use will be undertaken by the applicant. The footpath between points A-C-D-B to comprise two metres width constructed in self binding gravel and bounded on the school side by a 2.2m high safeguarding fence.

### **Consultation:**

The Schools Service carried out a pre-Order consultation on the diversion proposal in May 2021, Responses have been received from:

- Local Member (Cllr P Pritchard) who supports the proposal.
- Ramblers Association, who have no objection but requested an explanation as to why it would be necessary to divert the footpath in order to enable development to be carried out. A response was provided by the Schools Service.
- PCC Planning Services, PCC Highways Operations, Clwyd-Powys Archaeological Trust, CADW, NRW, Wales & West Utilities, SP Energy Networks and National Grid-Cadent Gas, none of whom objected to the proposals.

Welshpool Town Council were also consulted, and no objections were received.

### **Options:**

This application has been made under section 257 of the Town and Country Planning Act 1990. The legal criteria for the making of a diversion Order under this legislation is that it is necessary to do so, in order to enable development to be carried out in accordance with planning permission that has been granted.

Planning permission 20/1251/FUL has been granted for the refurbishment of the existing school building, extension and associated landscaping that will lie on the line of footpath B59. As such, and as the development is not 'substantially complete', it is considered that the legal criteria for the making of a diversion Order are met.

If a diversion Order is made, opposed and submitted to the Planning Inspectorate, the Inspector could consider wider issues, including the suitability of the proposed new route, in deciding whether the Order should be confirmed or not. However, they will not re-open the matter of the planning merits of the development itself.

The Committee could:

1. Decide not to make a diversion Order in respect of this application; in that event, the applicant would not be able to implement the development subject of the planning permission that has been granted, as to do so would obstruct the line of footpath B59.
2. Approve the making of a diversion Order. Given that there are no outstanding objections, there is a low risk that the Order may then be formally opposed.

If a diversion Order is made and opposed, it could be formally abandoned. Alternatively, the Order could be submitted to the Planning Inspectorate for determination.

As the proposal meets the legal criteria for the making of a diversion Order, it is proposed that a diversion Order be made. If it is opposed, then unless significant new information comes to light, it is proposed that the Order should be submitted to the Planning Inspectorate for determination. It would then be for the Schools Service to make any representations in support of the confirmation of the Order.

### **RECOMMENDATIONS:**

1. That the Stopping Up Order made in April 2021 for part of footpath B59 under section 257 of the Town and Country Planning Act 1990, as at appendix B, be formally abandoned; and
2. That a diversion Order be made under section 257 of the Town and Country Planning Act 1990 in replacement to divert part of footpath B59 in the community of Welshpool as shown on the plan at appendix E.

### **Appendices:**

Appendix:	Description:
A	Development plan identifying existing route of footpath B59
B	Stopping Up Order 2021, footpath B59 Welshpool
C	Objection email from Mr Newman, Open Space Society 16 <sup>th</sup> April 2021
D	Emails from PCC Schools Service to Mr Newman, May 2021
E	Plan of diversion route for proposed new Order

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ID	Qty	Latin Name	Common Name	Scheduled Size	Remarks/Spacing
<b>Tree planting</b>					
BP	7	Betula pendula	European White Birch	Frtr.2x. 200-250cm Ht. RB/CG.	
GB	2	Ginkgo biloba	Maidenhair tree	200-250cm Ht. CG50-60H pot. 175cm min clear stem	Stake to base with single timber stake 75mm diam. at 45 degree angle
PS	3	Prunus sibirica	Siberian Apricot	100-125cm Ht. CG10-12H pot.	Use proprietary rubber ties and spacers
PK	10	Prunus serotina Kanan	Cherry Kanan	SS 2x. 10-12cm girth. RB. 350-425cm min H. 175cm min clear stem.	
QNB	4	Quercus robur	English Oak	Frtr.2x. 200-250cm Ht. RB/CG.	
SAS	2	Sorbus aucuparia 'Snowwhite'	Snowwhite Mountain Ash	Frtr.2x. 200-250cm Ht. RB/CG. 175cm min clear stem	
<b>Native Scrub / Woodland Planting</b>					
BP (20%)	77	Betula pendula	European White Birch	60-80cm Ht. 1+2 or 1/2 RB. Spiral guard and cane.	
CA (10%)	57	Corylus avellana	Hazel	60-80cm Ht. 1+2 or 1/2 RB. Spiral guard and cane.	
CM (15%)	57	Crataegus monogyna	Hawthorn	60-80cm Ht. 1+1 or 1/1 RB. Spiral guard and cane.	1 plant/eq. m. Plant in random single species groups of between 5 and 10m. Maintain 600mm weed free circles to each plant station. Spiral / net guard with cane / stakes support.
JA (10%)	36	Ilex aquifolium	Holly	CG 3H pot. Net guard and cane.	
QNB (20%)	73	Quercus robur	English Oak	60-80cm Ht. 1+2 or 1/2 RB. Spiral guard and cane.	
RC (10%)	36	Rosa canina	Dog rose	60-80cm Ht. 1+2 or 1/2 RB. Spiral guard and cane.	
SM (8%)	28	Sambucus nigra	Common elder	60-80cm Ht. 1+1 or 1/1 RB. Spiral guard and cane.	
<b>Ornamental shrub planting</b>					
Eeme	1	Eunymus fortunei 'Emerald Gaiety'	Emerald Gaiety	20-30cm diam. CG3H pot.	7 bbs min. 5 plants/sq m
LPM	312	Lonicera phytolita	Box leaved honeysuckle	30-40cm diam. CG3H pot.	6 bbs min. 4 plants/sq m
LPRB	179	Prunella 'Hershey Red Robin'	Little red robin	30-40cm diam. CG3H pot.	5 bbs min. 4 plants/sq m
PL	150	Prunus laurocerasus 'Otto Luyken'	English Laurel	30-40cm diam. CG3H pot.	5 bbs min. 3 plants/sq m
Pyel	21	Phormium 'Yellow Wave'	Flax Lily 'Yellow Wave'	CG 3H pot.	Individual
RWMD	33	Rosa 'White Rose'	CG rose white Rose	30-40cm diam. CG3H pot.	4 plants/sq m
VD	49	Viburnum Davidi	David viburnum	30-40cm diam. CG3H pot.	5 bbs min. 4 plants/sq m
<b>Amenity Grass</b>					
NL4	Hard wearing lawn mixtures available from Naturescape. Sow at 5g/sq.m				
<b>Wildflower Seeding</b>					
N3	Spring flowering Meadow mix available from Naturescape. Sow at 5g/sq.m				
<b>Swale &amp; Attenuation Basin Seeding</b>					
N7	Wetland Meadow mixture available from Naturescape. Sow at 5g/sq.m				
N8	Waters edge Meadow mixture available from Naturescape. Sow at 5g/sq.m				
<b>Marginal/Boggy planting</b>					
Cut grass plant mix as below to be spaced at 1.2m per sq m within area indicated. Plant in random single species groups of 3 to 7 no. Total area : 300 sq m					
12%	Flag Iris (Iris pseudacorus)				
10%	Marsh Marigold (Caltha palustris)				
12%	Common Sedge (Carex riparia)				
8%	Greater Pond sedge (Carex riparia)				
7%	Meadow Sweet (Filipendula ulmaria)				
7%	Water Avens (Gem rivale)				
7%	Ragged Robin (Lychnis flos-cuculi)				
5%	Creeping Jenny (Lysimachia nummularia)				
5%	Purple Loosestrife (Lythrum salicaria)				
5%	Water Mint (Monarda aquatica)				
5%	Marsh Woadwort (Isotria medeoloides)				
12%	Sweet Flag (Acorus calamus)				
5%	Water Plantain (Alisma plantago-aquatica)				
<b>Pond Edge Mix</b>					
Cut grass plant mix as below to be spaced irregularly at 3 per Lin m within area indicated. Plant in random single species groups of 3 to 7 no. Total area : 50 sq m					
25%	Yellow Flag Iris (Iris pseudacorus)				
25%	Flowering rush (Botanoc umbellata)				
25%	Hard rush (Juncus effusus)				
25%	Soft rush (Juncus effusus)				
<b>Oxygenated plants within standing water</b>					
Banished plants to drop, as received, into deep areas of water. Spaced at 5-10m per sq. m. (Ecologist to specify) Plant in random single species groups of 3 to 7 no. Total area : 62 sq m					
12%	Potamogeton crispus (Curtis pond weed)				
33%	Myriophyllum spicatum (Spike water reed)				
33%	Ceratophyllum demersum (Hornwort)				
<b>Bulbs</b>					
Narcissus obvallaris Tenby Corbuddi. 71+ (Topsies). Plant in single species groups at 20-50bulbs per sq m in large irregular swathes as indicated.					



**Planting Notes**  
These planting notes/outline specification are for planning purposes only.

**1.0 General**  
1.1 All setting out shall be agreed with the Landscape Architect (CA) on site  
1.2 All current relevant British Standards will apply.  
1.3 Planting will not be undertaken during waterlogged or frost bound conditions.

**2.0 Soils**  
2.1 All subsoil within shrub planting areas and as a seeding substrate, shall comply with BS8601:2013. Cultivate to alleviate any compaction prior to topsoiling and to ensure suitability for wildflower / grass seeding.  
2.2 All imported topsoil shall comply with BS3882:2015 and shall be approved by the CA.

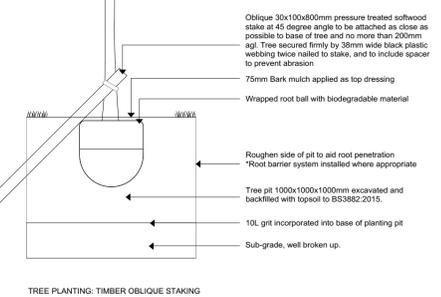
**3.0 Planting**  
3.1 All plants shall conform to BS3936:1992 and planting operations shall be carried out in accordance with the relevant sections of BS 8545:2014 and BS4428:1989.  
3.2 Tree staking shall be as per the plant detail. Trees shall be planted in pits with a minimum topsoil volume of 1.7cu. m.  
Tree pits shall include drainage, irrigation and aeration provision. Compost and slow release fertiliser to be incorporated /mixed into backfill material (topsoil).  
3.3 All shrubs shall be planted in beds with a topsoil depth of 300mm. Include slow release fertiliser at the time of planting.  
3.4 Shrub beds to be planted as indicated on the layout plan with a random, varied mix of shrubs in single species groups/ swathes as indicated or in random single species drifts of between 6 to 11no where not indicated.  
3.5 Shrub planting beds should be set out for approval by the Landscape Architect prior to planting.  
3.6 Wood bark mulch shall be applied to each shrub planting bed and the base of each individual tree in all soft landscaped area. Mulch to be applied to a depth of 75mm.  
3.7 Plant species to be as specified in the plant schedule and approved by CA prior to planting.

**4.0 Grass/Species rich/Wildflora seeding**  
4.1 All amenity grass areas shall be topsoiled to a depth of 150mm.  
4.2 Areas of grass/species rich seeding shall be cultivated to a minimum depth of 150mm prior to grass seeding and all stones in excess of 25mm removed. The surface shall be raked to smooth flowing contours and fine tilth. Lawn areas shall receive pre-seeding fertiliser (Agrosil LR or similar approved) to manufacturers recommendations.  
4.3 Grass seed shall be seed mix NL4 hardwearing lawn mixture at 35g/sq.m from Naturescape.  
4.4 Wildflora mix to broadcast onto cultivated subsoil areas in accordance with seed suppliers recommendations.  
4.5 Seed shall be broadcast at 5g/sq.m. Seed shall be Mix N7 Wetland Meadow, N8 Waters edge Meadow mix, N3 Spring flowering Meadow mix available from Naturescape.  
In year one there shall be 2 establishment cuts. In year two onwards there shall be 2 annual cuts. First cut should be prior to flowering, and second at the early September following setting of seed.

**5.0 Maintenance**  
5.1 All planted areas shall be subject to a maintenance programme, which will include the replacement of failed plants at the time of practical completion and within the next available planting season.  
5.2 The programme of maintenance operations will be detailed in the Landscape Management and Maintenance Plan.

**KEY:**

- Red line boundary.
- Proposed trees.
- Vegetation to be removed
- Existing vegetation
- Proposed amenity grass seeding. Apply seed mix NL4 hardwearing lawn mixture at 35g/sq.m from Naturescape
- Proposed ornamental ground cover shrub planting.
- Proposed bulb planting
- Proposed seeding to base of swale. Apply seed mix N7 Wetland Meadow mixture at 5g/sq.m from Naturescape
- Proposed marginal / boggy planting
- Proposed pond edge mix
- Proposed seeding to swale bank. Apply seed mix N8 Waters edge meadow mix at 5g/sq.m from Naturescape
- Proposed wildflower seeding. Apply seed mix N3 Spring flowering Meadow mix at 5g/sq.m from Naturescape
- Proposed oxygenated plants within standing water



TREE PLANTING: TIMBER OBLIQUE STAKING

**STATUS:** PLANNING

**Client:** Powys County Council

**Project:** Ysgol Gymraeg Y Trallwng

**Title:** Sotworks drawing

Project ID	Organiser	Role	Block	Level	Type	Series	Dwg	Rev.	Status
1758	URB	LA	XX	XX	GA	90	02	00	PLANNING

**Drawn:** PMCDJF **Date:** 21.02.19 **Checked:** JF **Scale:** 1:500 @ A1

The Urbanists - The Creative Quarter - 8A Morgan Arcade - Cardiff - CF10 1AF  
 T: 029 2023 6133 E: info@theurbanists.net W: www.theurbanists.net  
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**PUBLIC PATH STOPPING UP ORDER UNDER THE TOWN AND COUNTRY  
PLANNING ACT 1990 SECTION 257  
POWYS COUNTY COUNCIL**

**THE POWYS COUNTY COUNCIL (EXTINGUISHMENT OF PART OF PUBLIC  
FOOTPATH B59 IN THE COMMUNITY OF WELSHPOOL) PUBLIC PATH  
STOPPING UP ORDER 2021**

This Order is made by Powys County Council ("the Authority") under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to stop up the footpath to which this Order relates in order to enable the development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely: the refurbishment of the existing school building, demolition of existing outbuildings and associated structures and construction of a new school extension in order to provide 150 place Welsh Medium School with associated MUGA, playing field, landscaping, car park and infrastructure works at Ysgol Gymraeg y Trallwng, Howell Road, Welshpool SY21 7SU under planning reference 20/1251/FUL.

BY THIS ORDER:

1. The footpath over the land at Ysgol Gymraeg y Trallwng, Howell Road, Welshpool shown by a bold black line on the attached map and described the Schedule to the order ("the Schedule") shall be stopped up as provided below.
2. The stopping up of the footpath shall have effect on the confirmation of this order.
3. Where immediately before the date on which the footpath is stopped up there is apparatus under, in, over, along or across it belonging to the statutory undertakers for the purpose of carrying on their undertaking the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

THE COMMON SEAL of )  
 POWYS COUNTY COUNCIL )  
 was hereunto affixed this 9<sup>th</sup> )  
 day of April 2021 )  
 in the presence of:- )

  
 Robert Brown Principal Solicitor



19954

## SCHEDULE

### Description of site of existing path or way

<u>Section of Path or Way as indicated on map</u>	<u>Position</u>	<u>Width</u>
A-B-C	<p>A length of public footpath number B59 commencing at a point on Howell Road at Ordnance Survey Grid Reference SJ 2275,0708 (point A as shown on the order plan) and continuing for approximately 55 metres in a generally southerly direction along a track to enter a field enclosure through a gateway to OS Grid Reference SJ 2274 0703 (point B.) The path then turns to follow a generally south easterly direction adjacent to a mature hedgerow for approximately 99 metres across a natural surface. The path meets the A483 Trunk Road at the field boundary at OS Grid Reference SJ 2280, 0696 (point C). The total distance is approximately 154 metres.</p>	Undefined in the statement

322700

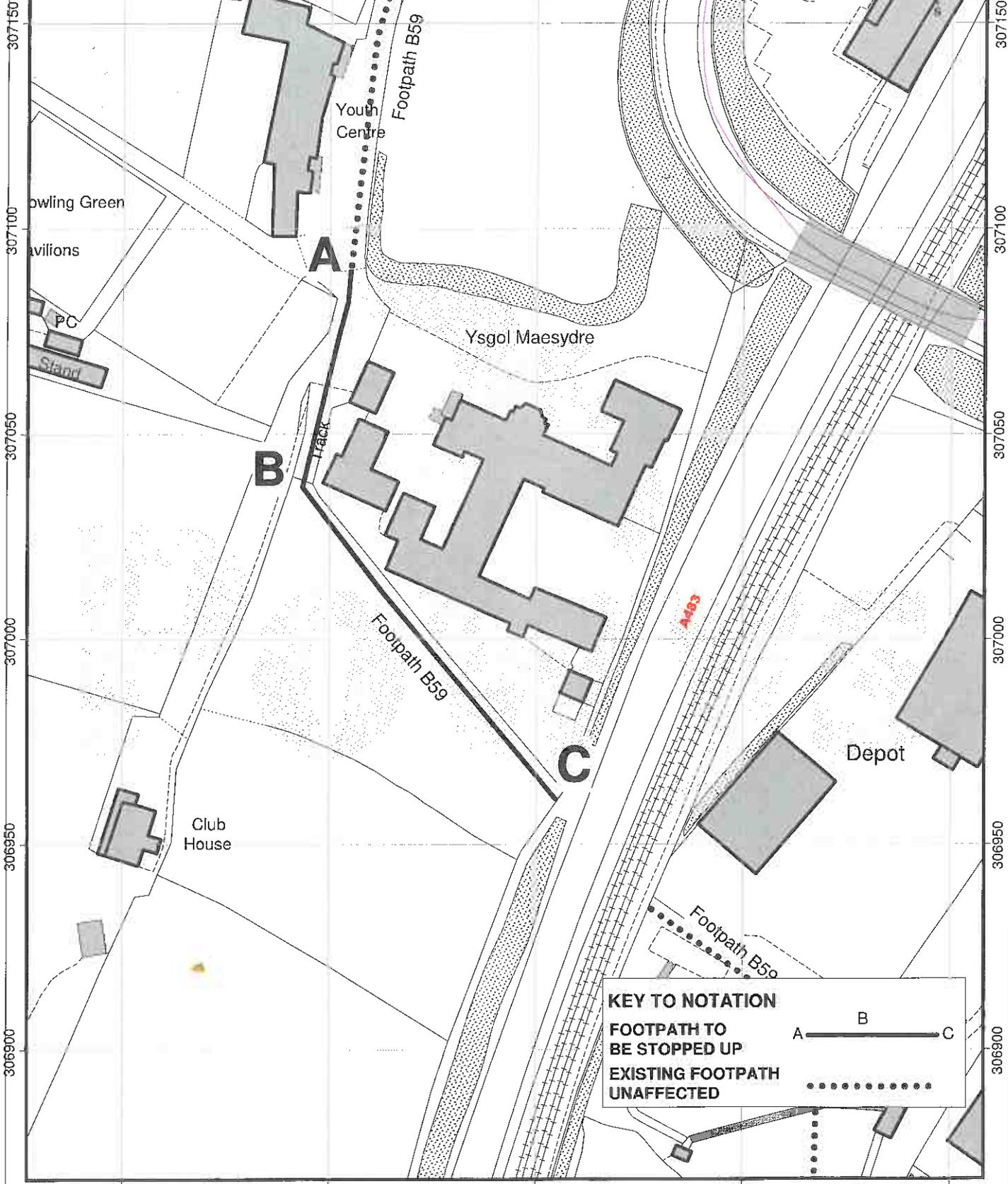
322750

322800

322850

322900

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**KEY TO NOTATION**

FOOTPATH TO BE STOPPED UP      A ——— B ——— C

EXISTING FOOTPATH UNAFFECTED      .....      .....

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Claire Lewis

---

**From:** Peter Newman [REDACTED]  
**Sent:** 16 April 2021 11:29  
**To:** Rights of Way  
**Subject:** Fwd: Fwd: APPLICATIONS FOR A PUBLIC PATH ORDER UNDER SECTION 257  
Proposed Public Path Order at Path No. B59, land to rear of Welshpool Church in  
Wales Primary School (former Maesydre Site), Welshpool, Powys.

**Categories:** Claire Lewis

Proposed Extinguishment of FP B59 Welshpool

Dear Sir,

We hereby object to the Order made on the 9th April 2021 to extinguish the above path,  
the reasons for our objection are as follows:

1, We received a consultation from Asbri Panning dated 18.12.2020. On 23/12/2020 I emailed Asbri planning for  
more information and advising them that we would be unlikely to accept the proposal for extinguishment for  
extinguishment, copies attached

2, There is no need to close this path in order for the development to take place. it should be possible to arrange a  
suitable diverted route.

3, The section to be closed is the central section of the path which would leave a cul de sac and point A and beyond  
point C.

Please confirm receipt of this objection.

Peter Newman  
Open Spaces Society Local Correspondent  
The Old Vicarage  
DOLAU  
POWYS LD15TH

----- Forwarded Message -----

**Subject:**Fwd: APPLICATIONS FOR A PUBLIC PATH ORDER UNDER SECTION 257 Proposed Public Path Order at Path  
No. B59, land to rear of Welshpool Church in Wales Primary School (former Maesydre Site), Welshpool,  
Powys.

**Date:**Tue, 2 Feb 2021 12:51:21 +0000

**From:**Peter Newman [REDACTED]

**To:**Emma Box [REDACTED]

Please could I have a response to my email of 23rd December ?

Peter Newman  
Open Spaces Society Local Correspondent

The Old Vicarage  
DOLAU  
POWYS LD15TH

01597 851685

[footpaths@castlehillbooks.co.uk](mailto:footpaths@castlehillbooks.co.uk)

----- Forwarded Message -----

**Subject:**Re: APPLICATIONS FOR A PUBLIC PATH ORDER UNDER SECTION 257 Proposed Public Path Order at Path No. B59, land to rear of Welshpool Church in Wales Primary School (former Maesydre Site), Welshpool, Powys.

**Date:**Wed, 23 Dec 2020 14:57:20 +0000

**From:**Peter Newman <[REDACTED]>

**To:**Emma Box [REDACTED]

Dear Mr Brown

Thank you for consulting us on this proposal.

Could you kindly supply the following documents

- 1 Copy of the definitive map for this path
- 2 Copy of the Definitive Statement for this path
- 3 Large scale plan showing the line of the path East of the railway line

I think it unlikely that we shall be able to respond to your enquiry within the 28 days you request, particularly with the lockdown situation cause by Covid, however initially I can tell you that we are unlikely to accept your proposal for the extinguishment of this path

Peter Newman  
Open Spaces Society Local Correspondent  
The Old Vicarage  
DOLAU  
POWYS LD15TH

[REDACTED]

[REDACTED]

On 18/12/2020 12:15, Emma Box wrote:

Dear Sir/Madam,

Please see attached Consultation for your attention.

Kind regards

\*Emma Box – Administrator\*

\*\*

\*Asbri Planning Ltd | T: 01792 480535 | W: [\\*\\*http://www.asbriplanning.co.uk\\*](http://www.asbriplanning.co.uk)  
<<http://www.asbriplanning.co.uk/>>

\*Please note we close for the Christmas period on Wednesday 23<sup>rd</sup> December at 5pm and will reopen 9am Monday 4<sup>th</sup> January 2021\*\*\*

-----Original Message-----

From: Peter Newman [REDACTED]  
Sent: 24 May 2021 12:53  
To: Alinda Tyler [REDACTED]  
Subject: Re: Welshpool Footpath B59 Designs

Thank you for your email of the 20th.  
You mentioned that you could extend the route A-C-D, onto point B.  
This would leave open the possibility of reconnecting this path over the A483 by means of a footbridge at a later date.

If A-C-D-B is acceptable I could go along with this.

Peter Newman  
Open Spaces Society Local Correspondent  
The Old Vicarage  
DOLAU  
POWYS LD15TH  
[REDACTED]

On 20/05/2021 17:03, Alinda Tyler wrote:  
Dear Mr Newman,

As per your request, please see below a map showing the council owned land (in green) below the Maesydre school.

In our phone conversation yesterday we discussed your request to point the path from point D (as per the plan) to point B and then up the perimeter of the school to meet Howell Drive. We discussed that we have looked at that option previously, however there are a multitude of reasons and concerns with this option that includes for example safeguarding of the pupils, safeguarding of the public, it will be a 'corridor' type path with a fence on either side with blind spots potentially encouraging anti-social behaviour. Especially having been subject to significant vandalism in the school building last week on several occasions, these are considerations that need to be made. As mentioned on the call, we know and appreciate the importance of public paths and as such we have looked at all options available to us to keep the public path or find a way to connect it, but have found there are limitations in all directions. The best solution we have available is the diversion as per the plan. During the pre-consultation with the stakeholders of the diversion (as per the plan) it was discussed and unanimously agreed that there is little value in diverting the path due to the legacy issue of the bypass severing the footpath and this path not being able to go anywhere. This means this will remain a cul-de-sac path when a diversion is put in place.

We also looked at the option of going alongside the Bowling Centre toward the canal tow path and there is already a public urban footpath there, however that meant it was not an option for a diversion of the public footpath either. However, it does mean there is a way to go for walkers around this area.

Please let me know if you require any further information or would like to discuss.  
Kind regards,  
Alinda

Alinda Tyler  
Rheolwr Prosiect – Rhaglen Ysgolion 21fed Ganrif  
Project Manager – 21st Century Schools Programme  
Cyngor Sir Powys | Powys County Council  
01597 827 309

-----Original Message-----

From: Peter Newman <[REDACTED]>  
[REDACTED]

Sent: 17 May 2021 14:26

To: Alinda Tyler <[REDACTED]>  
[REDACTED]

Subject: Re: Welshpool Footpath B59 Designs

Thank you for sending the diversion plan.

This route as set out will be a cul de sac path, I would be looking for it to finish on another highway.

A possible solution would be for the path to run A-C-D as per your plan and then to point b and east of the school to meet Howell Drive.

Is this a possibility?

Peter Newman  
Open Spaces Society Local Correspondent  
The Old Vicarage  
DOLAU  
POWYS LD15TH  
[REDACTED]

On 29/04/2021 12:12, Alinda Tyler wrote:

Dear Mr Newman,

As requested, please find attached the designs showing the site plan and the path diversion proposed initially. These designs were those submitted for planning and LBC consent.

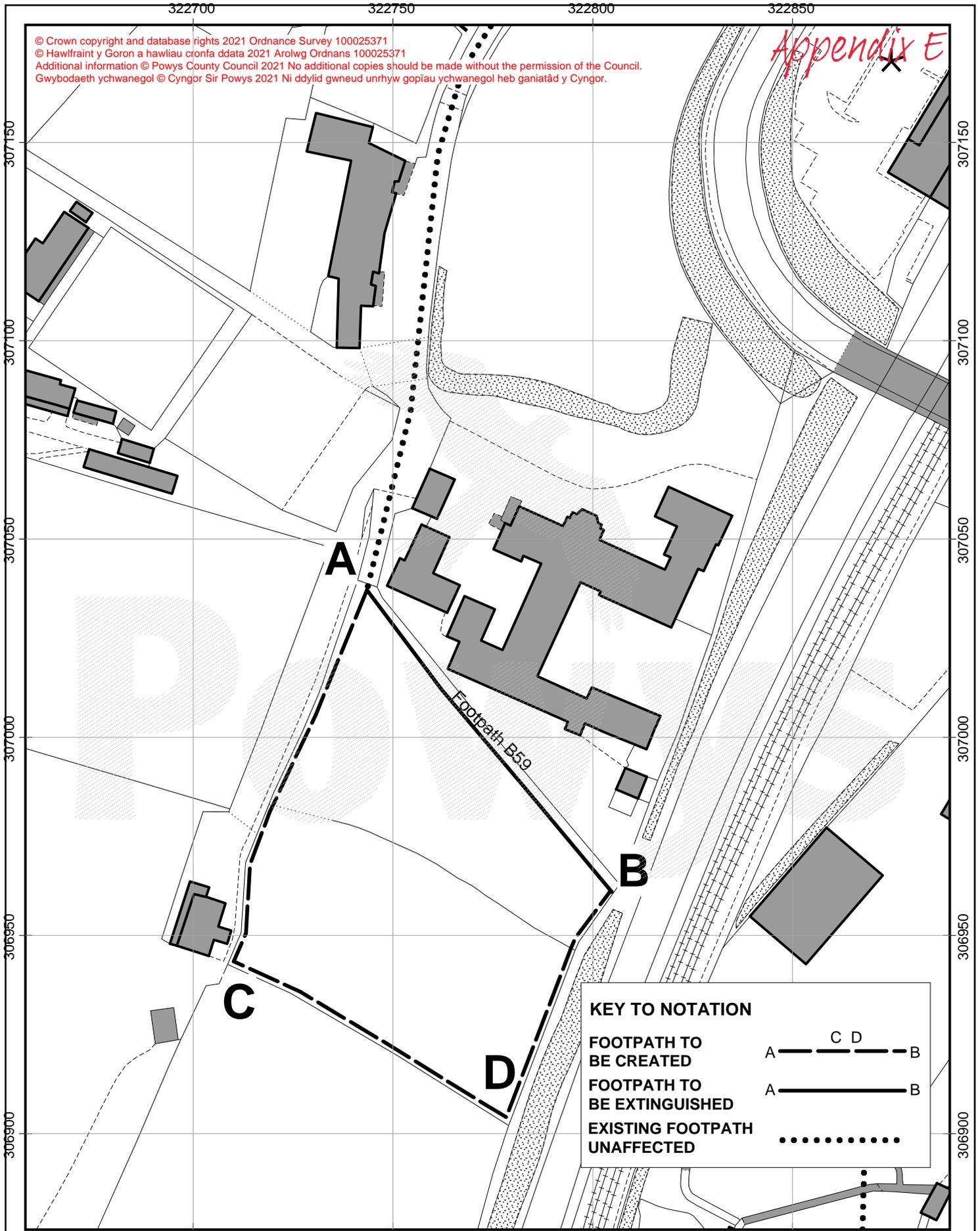
I have also added another plan showing the new building and the current public footpath (dotted purple line).

I hope you will find these helpful. Please do not hesitate to contact me for any further information.  
Kind regards,

Alinda

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Appendix E



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## CYNGOR SIR POWYS COUNTY COUNCIL.

## PLANNING, RIGHTS OF WAY AND TAXI LICENSING COMMITTEE

Date 1<sup>st</sup> July 2021

REPORT AUTHOR: SUE JONES, SENIOR LICENSING OFFICER

REPORT TITLE: INFORMATION REPORT UPDATE ON TAXI LICENSING STANDARDS IN WALES

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**REPORT FOR: Information**

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**1. Purpose**

- 1.1 To update the Committee on Welsh Governments plans for harmonising Taxi and Private Hire standards in Wales and advise them that a draft Taxi Licensing Policy will be presented to committee for approval and consultation later this year.

**2. Background**

- 2.1 In March 2021, the Welsh Government published the Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales (Annex A). This document follows the Welsh Government's white paper 'Improving Public Transport' published in 2018. The aim of the recommendations contained in the document is to provide 'quick fixes' to improve the consistency of licensing standards and increase public safety across Wales. The recommendations form the basis for further development by Welsh Government into national standards.
- 2.2 All new taxi legislation in Wales is being proposed and that will encompass matters not considered as part of this review including vehicle standards for Wales, standard fees and fares and a single tier licensing regime.
- 2.3 There are 5 reasons outlined by Welsh Government to adopt the recommendations, public safety being the first. The public should be able to expect a licensed driver to be competent, honest, safe and trustworthy. There have been numerous reports in recent years involving child exploitation which have made it clear that weak and ineffective arrangements for taxi licensing in England and Wales left the public at risk; these new recommendations hope to rectify this by improving public safety across Wales. This also includes the safety of vehicles, along with improving the standards set for private hire operators.

- 2.4 Other reasons for adopting the recommendations include better consistency of standards across Wales, harmonised enforcement, increased accessibility of vehicles in Wales and better standards of customer service.
- 2.5 It is proposed that the authority will publish a Statement of Licensing Policy that becomes one large document encompassing all the other supplementary policies and conditions that relate to taxi and private hire licensing. This will hopefully simplify matters for applicants and licensees as all the necessary documents will be available in one place.
- 2.6 A template Statement of Policy for Welsh authorities is in the process of being prepared that will contain all the recommendations of the Wales harmonisation document. The harmonisation document focuses on quick fixes and includes:

#### Drivers

- Requirement for drivers to join the Disclosure & Barring Service (DBS) Update Service and have a DBS check every 6 months.
- Overseas criminal record check for drivers.
- Group 2 standard medical for drivers
- Adopting the Welsh Government's Driver Code of Conduct.
- Updating the Driver Conditions in line with the Welsh Government's Recommendations

#### Vehicle

- Requirement for vehicle proprietors to have an annual DBS check.
- Overseas criminal record check.
- Adopting the Welsh Government's policy on CCTV and Video Point of Impact Systems (VIPS)/Dash Cams in taxis and private hire vehicles.

#### Operators

- Requirement for licensed operators to have an annual DBS check.
- DBS checks for ancillary staff taking bookings.
- Improved record keeping including a documented complaint procedure.
- Sharing of complaint information with the licensing authority
- Sharing information regarding dismissal of drivers with the licensing authority

- 2.7 Where there are local policies on matters not covered in the harmonisation document, mostly to do with vehicle standards, then the current Powys standards for these will be inserted into the policy.
- 2.8 It is hoped that the committee will be presented with a draft Policy for consultation later this year. This draft will be in the same format across Wales with most of the content the same. Authorities are aiming to bring this in on a similar timetable also. The taxi trade in Powys will be consulted and will have the opportunity to feedback and comment on the draft Policy before its implementation once it has been approved by this committee.

**3 Advice**

3.1 N/A for information only

**4. Resource Implications**

4.1 N/A for information only

**5. Legal implications**

5.1 N/A for information only

**6. Data Protection**

6.1 no issues

**7. Comment from local member(s)**

7.1 N/A

**8. Impact Assessment**

8.1 N/A for information only

**9. Recommendation**

9.1 N/A for information only

Contact Officer: Sue Jones
----------------------------

Tel:	01597 827389
Email:	susan.jones@powys.gov.uk
Head of Service:	Gwilym Davies
Corporate Director:	Nigel Brinn

CABINET REPORT NEW TEMPLATE VERSION 3



Llywodraeth Cymru  
Welsh Government

GUIDANCE

# Taxi and private hire vehicles: licensing guidance

Guidance for local authorities to ensure operators and vehicle drivers meet licensing requirements.

First published: 22 March 2021

Last updated: 22 March 2021

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://gov.wales/taxi-and-private-hire-vehicles-licensing-guidance-html> for the latest version.

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# Contents

## Foreword

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## Part 1: background and reasons to adopt recommendations

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## Part 2: recommendations

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## Foreword

Taxis and private hire vehicles (PHVs) provide a vital public service connecting people to places when alternative public transport services are not available or viable. Taxis perform a vital service to some of the most vulnerable members of society especially in rural areas where there are no other forms of public transport, taxis also deliver a significant contribution to the night time and tourism economy. The support taxis give to our communities cannot be underestimated and the industry is a vital component in our ambitions for public transport in Wales, as set out in the Wales Transport Strategy.

Despite the importance of this sector to our public transport ambitions, the industry remains governed by laws made when the horse drawn hackneys were a common feature on our streets. Put simply, the law is complicated, outdated and is in need of reform. Taxi and PHV licensing is a devolved matter under the Wales Act 2017. Until Welsh Government introduces new legislation, the current licensing legislation that applies to England and Wales will continue to apply.

The primary responsibility for taxis licensing sits with local authorities and local authorities have over many years developed different licencing regimes. These differing standards and the antiquated legislation have in some areas of Wales caused difficulties in safely managing the trade.

Welsh Government are developing new legislation and will be engaging with key

stakeholders over the next 12 months to ensure this meets the needs of the sector. Our long-term aim is to produce a licensing system with a focus on, public safety, equality, improving the environment and customer experience.

The new legislation will take some time to develop properly. Consequently, Welsh Government has been working with the Welsh Local Government Association and taxis licencing leads from Local Authorities from across Wales to develop some short term recommendations to help to better manage the sector between now and the new legislation being and place.

These recommendations are a step towards achieving a consistent, more effective approach to taxi and PHV licensing in Wales. The main focus of the recommendations is to promote safety of the travelling public. We want to ensure that all Wales's taxi and PHV drivers, operators and vehicles are safe and suitable for licensing.

The recommendations in this guide have identified areas that could improve public safety consistently across Wales. If the national and local governments in Wales are going to be able to provide a consistent, more effective and safer approach to taxi and PHV licensing in Wales, prior to new legislation being enacted, I would request that all local authorities adopt these recommendations without amendment as a priority.

## **Part 1: background and reasons to adopt recommendations**

### **1. Introduction**

Taxis (also known as hackney carriages) and private hire vehicles (PHVs) are a vital form of public transport. They deliver a practical door to door transport solution. They provide an essential service to the following:

- People living in rural communities where other forms of public transport are insufficient
- People using the night-time economy

- Passengers with mobility issues

They also play an important role in facilitating social inclusion.

The current legislation relating to taxis and PHVs is out of date, with the main legislation dating back to 1847 and 1976. The legislation allows flexibility around the content of policies and licence conditions. This has contributed to inconsistent policies, standards and conditions across England and Wales.

There are approximately 5,000 licensed taxis, 5,400 private hire vehicles and 12,000 licensed drivers in Wales.

It is clear that the taxi and PHV industry is progressing and adapting faster than the legislation governing it. The introduction of app-based booking and hailing systems has made it quicker and easier for customers to hire vehicles. In some areas this has led to an increase in the prevalence of 'out of town' vehicles and has highlighted the inconsistencies in licensing standards across Welsh local authorities.

In some areas of Wales there is an over-supply of licensed vehicles. This can make it difficult for the taxi and PHV industry in those areas to make a decent living. In other parts of Wales there can be an under-supply of licensed vehicles. In particular disability groups have expressed that it is often difficult to hire vehicles that suit their needs.

The age of the legislation can make administration and enforcement functions challenging for local authorities. For example, enforcement officers do not automatically have powers to take action against 'out of area' drivers/vehicles operating in their area.

The licensing regime needs to be updated to remedy the current problems; ensure that the taxi and PHV licensing system is fit for modern Wales; and promote public safety.

Taxi and PHV licensing is a devolved matter under the Wales Act 2017. Until such time that Welsh Government introduces new legislation, the current national licensing legislation that relates to England and Wales will continue to

apply.

The aim of the recommendations in Part 2 of this guide is to improve the consistency of licensing standards and increase public safety.

## 2. Background

In December 2018, Welsh Government published the White Paper 'Improving Public transport'. The consultation focused on four proposals:

1. The creation of National Standards to address the variation in taxi and PHV standards across Wales
2. The extension of enforcement powers to allow local authority officers to take enforcement against any taxi/PHV operating in their area
3. The establishment of effective information sharing protocols for the purposes of safeguarding
4. The possible redirection of taxi and PHV licensing functions away from local authorities and towards a Joint Transport Authority (JTA)

The responses to the consultation show strong agreement to proposals one to three. See the [Improving Public Transport consultation outcome](#).

Proposal four was the least popular with local authorities and taxi/PHV trade representatives. Of the 402 responses to this proposal, only 17% answered 'yes' they would agree to licensing functions being redirected to a JTA.

In July 2019, Minister for Economy, Transport and North Wales, Ken Skates AM, made a written statement in response to the White Paper consultation. He accepted there was general support for the proposals 1 to 3, but agreed there was strong feeling that plans did not go far enough to address the challenges faced by the industry and regulators. As a result the Minister stated that the taxi and PHV proposals would be developed further.

## 3. Welsh Government vision

To take forward the policy development, Welsh Government has developed a

Vision Statement with the following aim:

‘Our aim is to update Wales’s taxi and PHV licensing system to make it fit for a modern Wales. We want to create one consistent standard applied across Wales that promotes safety, contributes to a cleaner environment, improves the customer experience, and is accessible by all.’

The vision statement focuses around the following four themes:

1. Safety: national standards will aspire to ensure that operators, vehicle and drivers are safe and suitable for licensing. Regulators will have the necessary powers to undertake effective enforcement when required.
2. Environment: cleaner licensed vehicles will contribute to national targets for a cleaner environment and reduction in greenhouse gases.
3. Equality: the aim is to ensure that all passengers, regardless of their gender or any disability, have access to suitable vehicles. Drivers and operators will provide a service that fits customer needs.
4. Customer experience: the intention is that all customers in Wales will access a good taxi service. Vehicles will be available, accessible, safe, and driven by suitable drivers that provide good customer service.

## 4. Outline of recommendations

In response to the White Paper consultation, it was accepted that ‘quick fixes’ could improve some of the current issues. It is intended that the recommendations could be adopted by local authorities without needing legislative change.

The recommendations within this guide have been developed by representatives of Welsh Government, the Welsh Local Government Association (WLGA) and local authority representatives through the Public Protection Board Wales. This guide is used as non-statutory guidance.

The recommendations detailed in part 2 of this guide are designed to:

- improve public safety
- increase consistency
- improve the customer experience

So far as is possible without changes in legislation, and without unreasonable cost to licensing authorities and the taxi and PHV industry.

These recommendations alone will not solve all the challenges associated with the existing licensing regime, but they will provide some improvements. They will form the basis for further development by Welsh Government into national standards.

The Department for Transport's 'Statutory Taxi and Private Hire Vehicle Standards' are considered in the drafting of this guide, and adoption of the recommendations in part 2 of this guide will support compliance with a number of the recommendations in the standards. These standards apply to Wales, until such time that Welsh Government introduces new legislation.

## **5. Reasons to adopt the recommendations**

### **a) Public Safety**

The main purpose of licensing is to protect the public. It aims to ensure that drivers, operators and vehicles are safe and suitable to transport the public.

#### **Drivers**

Taxis and PHVs are used by all cross sections of society including children, and vulnerable adults. Members of the public across Wales should expect that a licensed driver is competent, honest, safe and trustworthy.

In March 2016, the Home Office published its Modern Crime Reduction Strategy. As part of the Strategy, the UK Government has committed to remove opportunities for criminals to commit child sexual abuse and violence against women and girls, by working with local areas to introduce rigorous taxi and

private hire licensing regimes.

Both the Jay and Casey reports on child sexual exploitation in Rotherham highlighted examples of taxi drivers being linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited in exchange for free taxi rides.

The Casey Report made it clear that weak and ineffective arrangements for taxi licensing had left the public at risk. In response to the reports and in contribution to the Home Office's Modern Crime Reduction Strategy, the Department for Transport has recently published statutory standards for local authorities for the licensing of taxis and private hire vehicles.

The Welsh Government National Action Plan Preventing and Responding to Child Sexual Abuse (June 2019) stated that more could be done across Wales in terms of consistent arrangements for safeguarding training for taxi drivers.

It is important that all possible actions to ensure that licensed drivers are safe and suitable be taken into account. In relation to licensing drivers, it is considered that the adoption of the following recommendations will enhance public safety across Wales:

- enhanced DBS checks and use of DBS Update Service
- checks on applicant's that have lived abroad for more than 6 months
- standardised medical checks
- use of the NR3 refusal/revocation register
- safeguarding training
- applicant and licence holder suitability policy

## Vehicles

To ensure public safety, local authorities necessitate various licensing requirements for taxis and PHVs such as vehicle testing standards, age restrictions and vehicle specifications. These requirements aim to confirm that vehicles are suitable and remain safe for public use.

Across Wales, licensing requirements differ significantly and it is considered too costly at this stage to attempt to harmonise these policies and conditions ahead of any legislative change.

Presently, the main area of vehicle licensing agreed for harmonisation is the type and use of vehicle CCTV systems (both internal and external facing cameras).

Vehicle CCTV systems are a useful tool in the prevention and investigation of crime. It can provide protection to both the driver and passengers.

Taxi drivers frequently transport passengers who are intoxicated, which can pose a risk to their safety. They also often carry large sums of cash which can make them a target of robbery. CCTV may act as a deterrent to such crimes.

Taxi drivers are sometimes falsely accused of crimes. This can result them to being out of work for some time if their license is suspended/revoked pending the investigation. CCTV may assist in disproving false allegations in a timely manner.

Currently there are no local authorities in Wales that require the mandatory use of CCTV, but many allow it on a voluntary basis. The cost of a suitable CCTV system can be expensive, and local authorities are required to develop extensive policies and risk assessments if they mandate the use of CCTV in their licensed vehicles.

Some local authorities in England that have required the mandatory use of CCTV have been able to offer reduced rates through various funding initiatives.

Although the mandatory use of CCTV is something that Welsh Government may consider in future national standards, this stage an agreed specification for proprietors that wish to install a system on a voluntary basis is considered beneficial. The specification will ensure that systems are safe and compliant with current data protection requirements.

Local authorities will need to ensure that they have Privacy Impact Assessments and Data Download Policies in place when approving the use of in-vehicle CCTV systems.

## Private Hire Operators

Private hire operators often collate large amounts of personal data and are in a position of trust. For example, they may be aware of when people are away from their properties on holiday. It is thus important that local authorities establish that operators are 'fit and proper' for licensing.

Operators are also often the first point of call for passengers wishing to complain about the service they have received from a taxi/PHV driver. In some cases relevant information is not always fed back to the licensing authority, who may need to decide on whether a driver remains 'fit and proper' to continue as a licensed driver.

In drafting the recommendations, local authority representatives felt that private hire operator conditions could be improved across Wales, with additional requirements for notification of offences and documented complaints procedures.

### b) Consistency

Local authorities currently create their own taxi and PHV licensing policies and conditions. This means that requirements for licences differ substantially across the 22 authorities in Wales.

The taxi and PHV trade often see this as unfair and claim that in some areas it adds to problems of 'cross-border hire'. There are assertions that some applicants licence with local authorities that have lower licensing requirements and then predominantly undertake private hire work in other areas of higher demand. This practice is lawful but can lead to problems in some areas such as:

- increased traffic congestion,
- an over-supply of licensed vehicles in towns/cities which can reduce a driver's income,
- confusion for the public as the vehicle they hire may be licensed by a different licensing authority,
- unfairness for the taxi /PHV trade in terms of required standards,

- enforcement limitations as local authority officers have restricted powers against 'out of town' vehicles.

Without standardised licensing requirements and fees across Wales, it is recognised that the problems of cross-border hire will remain. However, the recommendations in part 2 of this guide have been created as a first step to improving consistency across Wales.

### **c) Enforcement**

Harmonised driver and operator licence conditions across Wales will help to improve the consistency of enforcement.

In addition it is recommended that a protocol for the adoption of cross-border authorisation of officers is introduced in areas that have problems with cross border hire. A suggested protocol is detailed in the Local Government Association's Taxi and PHV –Councillor's Handbook (England and Wales).

Such protocols facilitate enforcement officers to take more effective action against 'out of town' vehicles working in their area.

### **d) Accessibility**

Welsh Government's plan is that Wales's taxis and PHVs are accessible by all. There are many documented accounts from members of the public that have experienced problems accessing taxi and PHV services in Wales.

One in five people in the UK (13.3 million) are reported to have a disability; of those only 26% of those reporting a disability are under the age of state pension. Mobility impairments are the most prevalent type of disability and account for 49% of impairments.

Wales is higher than the UK average in terms of reported disabilities with 25% of people reporting a disability as opposed to the UK average of 21%.

In 2017 Disability Wales undertook a survey to capture the experiences of

disabled people using taxi and PHVs across Wales. They found that 78% of respondents to the survey identified as disabled, and 64% of respondents stated that they experienced problems when using taxis or PHVs. Problems highlighted in the survey included:

- lack of accessible vehicles;
- refusal to take passengers in wheelchairs or those with assistance dogs;
- overcharging;
- driver inability to secure wheelchairs correctly.

There is further work to be done to make certain that passengers with disabilities do not continue to experience these types of problems.

Part 2 details a procedure for licensed drivers seeking exemptions to their duties under the Equality Act 2010. It is anticipated that this will evoke a consistent approach to the issuing of exemption certificates and make certain that only those with genuine reasons under the legislation can be exempt from their duties.

In addition, a suggested licence condition applicable to proprietors/drivers of wheelchair accessible vehicles aims to ensure that all drivers are able to deploy wheelchair ramps correctly and load and secure wheelchairs safely.

It should be noted that the matters contained within the Equality Act 2010 are a reserved matter, and as such will continue to have affect in Wales after such time that new taxi licensing legislation is introduced.

## **e) Customer service**

Local Authority Officers have expressed that many of the complaints they receive relate to driver's conduct and behaviour. This can be particularly difficult to deal with in terms of enforcement if there is no clear breach of legislation or licence condition. It comes down to deciding whether a driver is 'fit and proper' to continue as a licensed driver.

A driver Code of Conduct has been developed to assist licensed driver's understanding of what level of service and behaviour is expected of them. It

should be communicated to drivers that failure to meet the standard required in the Code could cause concern about their suitability to continue as a licensed driver. The Code can also assist the public in understanding what standard of service they can expect.

A driver Dress Code has also been developed to ensure that drivers' clothing is of a suitable standard and they maintain a professional appearance.

Welsh Government aims to increase the professionalisation of the taxi and private hire industry to ensure that the trade offers excellent customer service and act as ambassadors for Wales.

## 6. Conclusion

Welsh Government has a vision of how the taxi and PHV trade should evolve in Wales. This will involve the introduction of new legislation to transform the outdated licensing regime.

This Guide is issued as non-statutory guidance. The recommendations in Part II of this guide are seen as a starting point for change in order to address some of the existing problems with the licensing regime, improve standards and consistency. In order to achieve this it is strongly recommended that each local authority in Wales adopt these recommendations (where they are not already in place) for the reasons outlined above.

When making changes to Licensing Policies it is recommended that local authorities should consult with local stakeholders and undertake impact assessments where necessary.

When making changes to Licensing Policies it is recommended that local authorities should consult with local stakeholders and undertake impact assessments where necessary.

Adoption of the recommendations in this guide will also support compliance with many of the recommendations of Department for Transport's 'Statutory Taxi and Private Hire Vehicle Standards'.

## Part 2: recommendations

It is recommended that the following policy wording and measures are incorporated into the licensing authority's hackney carriage and PHV licensing policy, and the documents in the appendices are adopted.

Local authorities should follow their usual procedures when reviewing their licensing policy statements.

### 1. Driver standards

#### a) DBS check

In order to satisfy the authority that they are a 'fit and proper' person, all applicants for the role of hackney carriage or private hire vehicle (PHV) driver will undergo an Enhanced Disclosure and Barring Service (DBS) check, which includes a check of the children and adult barred lists. For licensed drivers this check will be repeated every 6 months.

All applicants/licence holders must sign up to the DBS Update Service and maintain their subscription for the duration of their licence. The licence holder must give permission for the Licensing authority to undertake checks of their DBS status.

Disclosure and Barring Service certificates will only be accepted if the disclosure is dated within one calendar month prior to the application. To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's '[Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#)' April 2018.

It should be noted that individuals that appear on either barred list will routinely have their application refused, unless there are exceptional circumstances in which the licensing authority considers that, on the balance of probabilities, the individual is 'fit and proper'.

## **b) Overseas criminal record check**

All applicants for a hackney carriage or PHV driver's licence that have spent 6 or more continuous months outside the United Kingdom since their tenth birthday the Licensing authority will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant was overseas.

The applicant will be required to cover any financial costs of such checks.

For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Licensing authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available from: [GOV.UK Criminal records checks for overseas applicants](#).

In the event that an applicant is not able to obtain a certificate of good conduct, they should not progress with their application and should contact the Licensing authority for further information.

Overseas criminal history checks must have been obtained within the 6 month period preceding the application.

The Licensing authority will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.

Certificates of Good Conduct which are in a language other than English will be required to be translated into English at the applicant's expense by an independent translation service and the translation must be verified.

## **c) Medical checks**

All applicants for a hackney carriage/private hire driver's licence are required to meet the DVLA Group 2 medical standards of fitness to drive. The medical must

be carried out by the applicant's own general practitioner (GP) or another GP at the applicant's registered practice that has full access to their medical records.

In exceptional circumstances, and only with prior agreement from the Licensing authority, a medical assessment may be carried out by another registered GP practice as long as the applicant's full medical history has been viewed and assessed by that GP.

The licensing authority may direct any licence holder to supply satisfactory evidence in the form of a medical certificate, stating the licence holder meets the required Group 2 standards, should their medical fitness be called into question.

Any applicant for the grant or renewal of a licence who is unable to satisfy the licensing authority that they meet the required medical standard shall not have a licence granted to them, or the licence shall not be renewed, or shall be revoked.

The requirement for applicants/licensed drivers to complete a medical examination is as follows:

- Upon application, every 5 years between the ages of 45 and 65
- Every year when the driver is aged 65 years or over
- Or anytime as required by the licensing authority or the medical practitioner.

The medical form is valid for 4 months from the date the examining doctor, optician or optometrist signs it.

All licence holders are required to inform the licensing authority of any illness or condition that affects their ability to drive.

All costs associated with obtaining the relevant medical certificate are to be met by the applicant/licence holder.

Find the medical form: [Medical report for taxi or private hire vehicle drivers licence: application form](#)

## **d) Equality Act medical exemption policy**

The Equality Act 2010 places a number of legal duties on licensed drivers when transporting passengers with disabilities.

In order to improve compliance with the requirements of the Equality Act, the Policy detailed in **Taxi and private hire vehicles: Equality Act medical exemption policy** should be adopted with regards to driver medical exemptions from the obligations concerning the carriage of assistance dogs and passengers in wheelchairs.

## **e) Driver conduct**

It is expected that licensed drivers behave in a professional manner and provide a high quality service at all times.

The **taxi and private hire driver's code of conduct** has been developed to outline the standards expected of licensed drivers and is an integral part of the 'fit and proper' assessment.

The Code also serves to advise potential passengers of the level of service they should expect when hiring a licensed vehicle.

## **f) Driver dress code**

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, plays an important role in portraying a positive image of the area and drivers can be seen as key ambassadors for Wales.

Anything that serves to enhance the professional image of the Hackney Carriage and Private Hire trade, and promotes the concept that drivers of licensed vehicles are professional vocational drivers, is to be welcomed.

To ensure that not only are the above objectives are met but, also that driving is carried out safely, a Dress Code for licensed drivers has been set, which is detailed in **Taxi and private hire vehicles: dress code**.

## **g) Private hire driver conditions**

The conditions of licence applicable to drivers of private hire vehicles are detailed in [Private hire vehicle drivers: licensing conditions](#).

## **h) Safeguarding training**

Hackney carriage and private hire drivers have an important responsibility in the safe transportation of fare paying passengers. Drivers are expected to act in a professional manner at all times and provide excellent customer service.

Licensed drivers can often be the eyes and ears of a community. Training can be important in assisting licensed drivers in recognizing when they carrying passengers at risk of abuse and exploitation.

All new applicants for a hackney carriage/private hire driver's licence must undertake safeguarding training. The training focuses on recognising what makes adults and children vulnerable, violence, sexual exploitation, county lines and human trafficking indicators. It includes examples of suspicious journeys as well as information on maintaining professional boundaries.

The training is in the form of the following video and a test based on the content of the video must be passed prior to obtaining a licence.

Watch the video: [Safeguarding training for Hackney Carriage and Private Hire drivers and passenger assistants](#)

## **2. Vehicle standards**

### **a) DBS check**

All applicants for a hackney carriage and PHV vehicle licence will be required to submit a basic disclosure from the DBS in order to satisfy the authority that they are a 'fit and proper' person. This checks will be repeated for vehicle licence holders annually. The cost of these checks will be covered by the applicant/

licence holder.

Applicants that already hold a hackney carriage or private hire driver licence with this authority are not required to provide the basic disclosure as part of their application for a private hire operator's licence.

To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' April 2018. The guidance is detailed in the Institute of Licensing's '[Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#)'.

Driving offences will not normally be considered as part of the assessment for vehicle licence holders.

Information contained within an enhanced DBS check that would not be disclosed on a basic check will not be considered as part of the assessment for a vehicle licence.

## **b) Overseas criminal record check**

All applicants for a hackney carriage or PHV driver's licence that have spent 6 or more continuous months outside the United Kingdom since their tenth birthday the licensing authority will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant was overseas.

The applicant will be required to cover any financial costs of such checks.

For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Licensing authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available from: [GOV.UK Criminal records checks for overseas applicants](#).

In the event that an applicant is not able to obtain a certificate of good conduct, you should not progress with your application and should contact the Licensing authority for further information.

Overseas criminal history checks must have been obtained within the 6 month period preceding the application.

The licensing authority will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.

Certificates of Good Conduct which are in a language other than English will be required to be translated into English at the applicant's expense by an independent translation service and the translation must be verified.

### **c) Vehicle Closed Circuit Television Cameras (CCTV)**

Security for drivers and passengers is of paramount importance and internal vehicle CCTV cameras can be a valuable deterrent.

The use of an internal vehicle CCTV system must be approved by the Licensing authority, and must meet or exceed the specifications set out in **Taxi and private hire vehicles: CCTV specifications and conditions**.

The system must be capable of both visual and audio recordings (in emergency situations).

Conditions in relation to CCTV systems are included in the hackney carriage and private hire vehicle licence conditions.

It is the responsibility of the licensed driver to make certain that the CCTV system is fully operational at the start of each shift and before accepting a fare paying passengers.

### **d) Video Point of Impact Systems (VPIS) / Dash cams**

The licensing authority allows the use of VPIS systems (external facing dash

cams) in hackney carriage and private hire vehicles. The proprietor of any vehicle fitted with a VPIS system must comply with the conditions set out in [Taxi and private hire vehicles: dash cam policy](#).

## **e) Accessibility**

Designated wheelchair accessible vehicles (WAVs) must be able to facilitate the carriage of disabled persons and accommodate a disabled person in a 'reference' wheelchair\* in the passenger compartment.

\*A reference wheelchair is defined in Schedule 1 of the [Public Service Vehicles Accessibility Regulations 2000](#).

Proprietors have a responsibility to ensure that any licensed driver who drives one of their wheelchair accessible vehicles is made aware of their duties in respect of carrying disabled persons in wheelchairs when driving a licensed wheelchair accessible vehicle.

The following condition of licence should apply to proprietors of WAVs:

The proprietor of a licensed wheelchair accessible vehicle must demonstrate to every driver of the vehicle how to assist a passenger in a wheelchair into and out of the vehicle and correctly secure the wheelchair in the vehicle. This will include showing the driver how to deploy the ramp(s) and how to use and adjust the restraints. The proprietor must keep a record of this demonstration and include the following:

- a) The date of the demonstration
- b) The name and licence number of the driver
- c) A signed and dated acknowledgment by the driver that the demonstrating has taken place and he/she clearly understands how to transport a passenger in a wheelchair into the vehicle

The proprietor must retain this record for as long as the driver is using the vehicle. If the driver rents the vehicle again in future the proprietor must repeat

the demonstration and record.

In the case that the proprietor is also the licensed driver of the vehicle, the proprietor shall record a signed acknowledgement to certify that he/she can perform the vehicle manufacturer's instructions on how to safely transport a wheelchair passenger into and out of the vehicle and how to secure the wheelchair.

### 3. Private Hire Operator Standards

#### a) DBS Check

All applicants for a grant or renewal of a Private Hire Operator's licence must submit a basic disclosure (dated within one month of the application) which can be obtained from Disclosure & Barring Service in order to satisfy the authority that they are a 'fit and proper' person. In the case of applications from a company or organisation, all director of the company/organisation must provide a basic disclosure. The cost of these checks will be covered by the applicant/licence holder.

Applicants that already hold a hackney carriage or PHV driver's licence with this authority are not required to provide the basic disclosure as part of their application for a private hire operator's licence.

To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' April 2018. The guidance is detailed in the Institute of Licensing's '**Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades**' .

Driving offences will not normally be considered as part of the assessment for private hire operator licence holders. Information contained within an enhanced DBS check that would not be disclosed on a basic check will not be considered as part of the assessment for a private hire operator's licence.

## **b) Private Hire Operator conditions**

The conditions of licence applicable to private hire vehicle operators are detailed in [Private hire vehicle operators: licensing conditions](#).

## **4. General policy**

### **a) Licence holder self-reporting**

All Licence holders are required to notify the issuing authority within 48 hours of any arrest and release for any sexual offence, any offence involving dishonesty or violence and any motoring offence. Further notifications to the licensing authority must be made within 48 hours of any charge and any conviction. Failure by a to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### **b) National register for hackney carriage and private hire licence revocations and refusals (NR3)**

The Licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the

authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for being granted, a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it.

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [insert contact details] This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling

of data can be found on the ICO's website: [Make a complaint](#).

### **c) Cross border enforcement**

Where it becomes apparent that either a number of vehicles licensed by this authority are undertaking the majority (i.e. over 50%) of private hire work in another local authority area, or when it is evident that a number of vehicles licensed by another local authority are undertaking the majority of private hire work in this area, the licensing authority will endeavour to develop enforcement protocols with those local authorities.

In these circumstances the following protocol (as described in the Local Government Association's Taxi and PHV Licensing- Councillor's handbook) will be followed:

- All authorities agree what level of expertise/qualification/skills is the minimum for approval of authorisation of each individual.
- All authorities establish, via their own schemes of delegation, what procedural steps need to be taken to validly authorise (i.e. chief officer's report, sub-committee or full committee decision).
- All authorities agree the form and wording of the 'letter of authorisation' and 'photo warrant card' to be issued.
- Each 'requesting council' formally requests authorisation of named individual officers.
- Each 'receiving council' obtains authorisation and provides a 'letter of authorisation' in respect of the other authority's officers.
- Each employing authority provides its own officers with a photo warrant card specifying that for the purposes of [specify Acts of Parliament] that officer [name] is a duly authorised officer of [list all authorising councils].
- Each authority provides all officers with copies of appropriate bylaws, conditions and agreed methodologies/reporting mechanisms for dealing with defective vehicles and other issues from other areas.
- Each authority seeks political and financial approval for pre-planned joint operations both with each other and also police/HMRC Customs & Excise.
- Data sharing protocols, as required, be established between authorities, including standard incident reporting templates/operation logs to be used by

all for consistency and scheme recording.

#### **d) Suitability policy**

In order to assess the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' April 2018.

The guidance is detailed in the Institute of Licensing's '[Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#)'.

#### **e) Department for Transport (DfT) Statutory Taxi and Private Hire vehicle standards**

DfT's Statutory Taxi and Private Hire Vehicle Standards sets out a framework of policies under Section 177 (4) of the Policing and Crime Act 2017 that licensing authorities "must have regard" to when exercising their functions.

In order to safeguard children and vulnerable adults the licensing authority is committed to implementing the recommendations of the DfT's Statutory Taxi and Private Hire Vehicle Standards, wording of this Policy has been amended to take account of the Standards.

## About this document

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